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VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 563, L.D. 1462, Bill, “An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 28-A MRSA §1355-A, sub-§2, ¶¶D and I, as enacted by PL 2011, c. 629, §22, are amended to read:

D. A licensee under this section may sell from the licensed premises where liquor is produced by the licensee liquor produced by the licensee for consumption off the licensed premises.

(1) Sales made in accordance with this paragraph do not require a licensee under this section to obtain an additional retail license under chapter 45.

(2) Liquor sold in accordance with this paragraph may not be consumed anywhere on the licensed premises.

(3) The area of the licensed premises where a licensee opts to transact sales for off-premises consumption may be accessed from the same entrance used to access an area licensed for on-premises consumption of alcoholic beverages under chapter 43 in accordance with paragraph I.

I. A licensee may be issued one retail license under chapter 43 per licensed location for the sale of liquor to be consumed on the premises at the retail premises.

(1) The retail license must be held exclusively by the holder of the brewery, small brewery, winery, small winery, distillery or small distillery license.

(2) The retail license authorizes the sale of products of the brewery, small brewery, winery, small winery, distillery or small distillery, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

COMMITTEE AMENDMENT

1 (3) All records related to activities under a manufacturer license issued under
2 this section must be kept separate from records related to the retail license.

3 (4) A distillery or small distillery must meet the requirements of subsection 5,
4 ~~paragraph~~ paragraphs D and E.

5 (5) The licensee shall ensure that products purchased for off-premises
6 consumption under paragraph D are not consumed on the licensed premises.

7 **Sec. 2. 28-A MRSA §1355-A, sub-§2, ¶K** is enacted to read:

8 K. A person with multiple facilities licensed for the manufacture of liquor under this
9 section may transfer product produced by the licensee from one licensed facility of
10 that person to another licensed facility of that person for the purposes of selling for
11 off-premises or on-premises consumption as permitted by laws administered by the
12 United States Department of the Treasury, Alcohol and Tobacco Tax and Trade
13 Bureau, including any requirements to maintain records regarding transfers between
14 facilities.'

15 **SUMMARY**

16 This amendment replaces the bill. This amendment clarifies existing law that permits
17 a person that is licensed to manufacture malt liquor, wine or spirits at a facility in the
18 State to sell the product that person produces from the manufacturing facility for off-
19 premises consumption without having to get a separate off-premises retail license. The
20 amendment specifies that the location of the manufacturing facility where off-premises
21 sales of the manufacturer's product occur is not required to be accessed by a separate
22 entrance from the area of the facility that is licensed to serve alcoholic beverages for on-
23 premises consumption.

24 The amendment clarifies that distilleries and small distilleries are subject to the
25 existing law that requires spirits sold at retail to first be listed for sale and distributed by
26 the State. Finally, the amendment adds a provision reflecting federal law that permits a
27 manufacturer who manufactures at multiple licensed locations to transport the
28 manufacturer's own product between those locations.