

CHAPTER 19

AGENCY LIQUOR STORES

§451. Agency liquor stores

This chapter governs the issuance of an agency liquor store license and the operation of agency liquor stores licensed pursuant to this Part. The bureau may license and regulate a person as an agency liquor store on an annual or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages for off-premises consumption. [PL 2021, c. 658, §67 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 509, §2 (AMD). PL 1997, c. 373, §44 (AMD). PL 2021, c. 658, §67 (AMD).

§452. Rules governing agency liquor stores

The bureau shall adopt rules for the selection, licensing and operation of agency liquor stores. These rules include, but are not limited to, the following: [PL 1997, c. 373, §45 (AMD).]

1. Location. Location of agency stores, subject to section 453; [PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Storage facilities. Storage facilities for liquor; [PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Handling and sale. The handling and sale of liquor; [PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Hours. The hours of operation; [PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Separation from other merchandise. The separation of liquor from other merchandise in the agency liquor stores; [PL 1987, c. 45, Pt. A, §4 (NEW).]

6. Size and nature of facilities. The size and nature of the facilities of agency liquor stores for different quantities of liquor to be sold; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

7. Other. Any other rules necessary to carry out the purposes of this chapter. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §45 (AMD).

§453. Location of agency stores

1. Location requirements. The bureau may license an agency liquor store only when the following requirements are met.

A. The proposed agency liquor store is located in a municipality that has voted in favor of local option provisions that authorize the sale of spirits, wine and malt liquor for off-premises consumption or the proposed agency liquor store is located in an unincorporated place where the county commissioners have authorized the sale of spirits, wine and malt liquor for off-premises consumption. [PL 2021, c. 658, §68 (AMD).]

B. [PL 1993, c. 380, §1 (RP); PL 1993, c. 380, §7 (AFF).]

- C. [PL 2001, c. 711, §2 (RP).]
 - D. [PL 2001, c. 711, §2 (RP).]
- [PL 2021, c. 658, §68 (AMD).]

1-A. Limitation on number of agency liquor stores. The bureau may license up to:

- A. Twelve agency liquor stores in a municipality with a population over 60,000; [PL 2021, c. 172, §1 (AMD).]
- B. Eleven agency liquor stores in a municipality with a population over 45,000 but less than 60,001; [PL 2021, c. 172, §1 (AMD).]
- C. Ten agency liquor stores in a municipality with a population over 30,000 but less than 45,001; [PL 2021, c. 172, §1 (AMD).]
- D. Nine agency liquor stores in a municipality with a population over 20,000 but less than 30,001; [PL 2021, c. 172, §1 (AMD).]
- E. Seven agency liquor stores in a municipality with a population over 15,000 but less than 20,001; [PL 2019, c. 74, §1 (NEW).]
- F. Six agency liquor stores in a municipality with a population over 10,000 but less than 15,001; [PL 2019, c. 74, §1 (NEW).]
- G. Four agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; [PL 2019, c. 74, §1 (NEW).]
- H. Three agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001; and [PL 2019, c. 74, §1 (NEW).]
- I. One agency liquor store in a municipality with a population less than 2,000. [PL 2019, c. 74, §1 (NEW).]

The bureau may issue one additional agency liquor store license beyond those otherwise authorized by this subsection in a municipality with a population of less than 10,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store license.

This subsection may not be construed to reduce the number of agency liquor stores the bureau may license in a municipality as of June 30, 2009.
[PL 2021, c. 172, §1 (AMD).]

2. Replacement of state or agency liquor stores.

[PL 2001, c. 711, §2 (RP).]

2-A. Limitation on number of agency liquor stores.

[PL 2019, c. 74, §2 (RP).]

2-B. Requirement of at least one replacement agency liquor store before closing.

[PL 2013, c. 368, Pt. V, §31 (RP).]

2-C. Licenses. The bureau shall consider whether the applicant can satisfy the following criteria when determining whether to issue an agency liquor store license under this section:

- A. If the applicant has previously held a license to sell malt liquor and wine for off-premises consumption, the applicant was not found by the District Court to have committed a violation of any provision of this Title or rule of the bureau within the last year; [PL 2019, c. 404, §5 (AMD).]
- B. If the applicant is applying for an agency liquor store license in a municipality with a population of 1,000 or more, the applicant will be able to stock at least \$10,000 worth of spirits purchased

from the State or the State's wholesale distributor upon issuance of an agency liquor store license. If the applicant is applying for an agency liquor store license in a municipality with a population of 999 or less, the applicant will be able to stock at least \$5,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license; [PL 2017, c. 167, §4 (AMD).]

C. The applicant can purchase the initial stock of spirits using a bank check or other financial instrument that certifies that funds are available; and [PL 2017, c. 167, §4 (AMD).]

D. The applicant demonstrates that the applicant is likely to be a responsible licensee. [PL 2017, c. 167, §4 (NEW).]

[PL 2019, c. 404, §5 (AMD).]

2-D. Exception.

[PL 2017, c. 167, §5 (RP).]

3. Measurement of distances.

[PL 1993, c. 380, §5 (RP); PL 1993, c. 380, §7 (AFF).]

4. Procedure for selection of agency liquor store location.

[PL 1991, c. 622, Pt. K, §4 (RP).]

5. Aggrieved applicants.

[PL 1991, c. 622, Pt. K, §5 (RP).]

SECTION HISTORY

PL 1987, c. 45, Pt. A, §4 (NEW). PL 1987, c. 342, §22 (AMD). PL 1989, c. 502, Pt. B, §§26-28 (AMD). PL 1991, c. 528, Pt. E, §34 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, Pt. E, §34 (AMD). PL 1991, c. 622, Pt. K, §§3-5 (AMD). PL 1993, c. 380, §§1-5 (AMD). PL 1993, c. 380, §7 (AFF). PL 1997, c. 373, §46 (AMD). PL 2001, c. 711, §2 (AMD). PL 2003, c. 20, Pt. SS, §§1, 2 (AMD). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2009, c. 213, Pt. JJJJ, §§1, 2 (AMD). PL 2013, c. 253, §1 (AMD). PL 2013, c. 269, Pt. A, §§5, 6 (AMD). PL 2013, c. 368, Pt. V, §31 (AMD). PL 2015, c. 128, §1 (AMD). PL 2015, c. 221, §§1, 2 (AMD). PL 2015, c. 494, Pt. A, §31 (AMD). PL 2017, c. 167, §§4, 5 (AMD). PL 2019, c. 74, §§1, 2 (AMD). PL 2019, c. 404, §5 (AMD). PL 2021, c. 172, §1 (AMD). PL 2021, c. 658, §68 (AMD).

§453-A. Issuance of agency liquor store license

The bureau shall issue a license for an agency liquor store within a municipality or unincorporated place by the following procedure. [PL 1997, c. 373, §47 (AMD).]

1. Bidding to replace state liquor stores.

[PL 2001, c. 711, §3 (RP).]

1-A. Bidding to establish or replace agency liquor stores.

[PL 2001, c. 711, §3 (RP).]

2. Public notice. The bureau shall, in accordance with the Maine Administrative Procedure Act, give public notice that an agency liquor store may be established in a particular municipality or unincorporated place. The bureau shall request all parties in the municipality or unincorporated place interested in a license to establish an agency liquor store there to submit applications to the bureau.

[PL 2001, c. 711, §4 (AMD).]

3. Information to applicants. The bureau shall provide all applicants with the necessary information for the establishment of an agency liquor store.

[PL 1997, c. 373, §47 (AMD).]

4. Notice to municipality. Upon receipt of all applications for an agency liquor store license in a municipality and at least 15 days before the final selection of an applicant or applicants by the bureau, the bureau shall notify the municipal officers of that municipality of the proposed location of each applicant.

[PL 1997, c. 373, §47 (AMD).]

5. Licensing decisions. The bureau shall conduct an investigation to determine the feasibility of the location and type of facility for the agency liquor store and shall issue the license to one or more of the applicants, taking into consideration the absence of an existing agency liquor store with less than 3,000 square feet of retail space in a downtown location and any other factors the bureau considers appropriate. The bureau is not required to consider the availability of parking spaces for motor vehicles for the issuance of an agency liquor store license to a store with less than 3,000 square feet of retail space in a downtown location. When considering the issuance of a license, the bureau shall consider the proximity of the proposed agency store to existing agency stores and the potential impact the location of the proposed agency store may have on an existing agency store. The bureau may deny a license if the bureau determines the proposed agency store location is in too close proximity to an existing agency store. For purposes of this subsection, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A.

[PL 2005, c. 596, §1 (AMD).]

5-A. Hearings on applications. The bureau, in accordance with the provisions of the Maine Administrative Procedure Act, shall conduct a hearing to take testimony, consider comment and deliberate on applications. In addition to giving any notice required by the Maine Administrative Procedure Act, the bureau shall give notice of public hearing in writing to any existing agency liquor stores located within 5 miles of the applicant's proposed store location by regular mail at least 15 days prior to the hearing.

[PL 1997, c. 373, §47 (AMD).]

6. Denial of application. The bureau shall notify any applicant denied a license of the reasons for the denial by certified mail to the mailing address given by the applicant in the application for an agency liquor store license.

[PL 1997, c. 373, §47 (AMD).]

7. Aggrieved applicants. Any applicant aggrieved by a decision made by the bureau may appeal the decision by filing an appeal with the District Court and serving a copy of the appeal upon the bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of the mailing of the bureau's decision.

[PL 2001, c. 471, Pt. D, §26 (AMD).]

8. Measurement of distance. All distances described in this section must be determined by the most reasonable direct route of travel.

[PL 1993, c. 380, §6 (NEW).]

9. Exception.

[PL 2017, c. 167, §6 (RP).]

SECTION HISTORY

PL 1991, c. 622, §K6 (NEW). PL 1993, c. 380, §6 (AMD). PL 1993, c. 509, §§3,4 (AMD). PL 1997, c. 373, §47 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 471, §D26 (AMD). PL 2001, c. 711, §§3-5 (AMD). PL 2005, c. 596, §1 (AMD). PL 2011, c. 460, §1 (AMD). PL 2017, c. 167, §6 (AMD).

§453-B. License fees

(REPEALED)

SECTION HISTORY

PL 1991, c. 622, §K6 (NEW). PL 1993, c. 509, §5 (RPR). PL 2001, c. 358, §V2 (RPR). PL 2007, c. 117, §1 (RPR). PL 2021, c. 658, §69 (RP).

§453-C. Reselling agents

1. License to resell spirits purchased from the bureau. An agency liquor store may not resell spirits purchased from the bureau to a retail licensee licensed for on-premises consumption unless the agency liquor store is licensed as a reselling agent under this section. A reselling agent is prohibited from reselling spirits to a retail licensee licensed for on-premises consumption unless the spirits are purchased from the bureau.

[PL 2021, c. 658, §70 (AMD).]

2. License fee. The fee for a state license to resell spirits to a retail licensee licensed for on-premises consumption is \$50 annually.

[PL 2013, c. 269, Pt. C, §7 (AMD); PL 2013, c. 269, Pt. C, §13 (AFF).]

3. Off-site facility license. A licensed reselling agent may obtain a license to maintain an off-site facility for the storage and distribution of spirits as provided in this subsection.

A. The off-site facility may be used for the storage of spirits intended for sale to an on-premises licensee or to fulfill and distribute orders to an on-premises licensee. The sales of spirits to an on-premises licensee may be transacted at the licensed retail agency store or at the licensed off-site facility. [PL 2015, c. 434, §1 (AMD).]

B. The off-site facility must be equipped with a security system providing 24-hour response. [PL 2015, c. 434, §1 (AMD).]

C. A licensed reselling agent may have only one off-site facility, which may not be located further than 5 miles from the licensed retail agency store. [PL 2015, c. 434, §1 (AMD).]

D. The fee for an off-site facility license is \$100 annually. [PL 2015, c. 434, §1 (AMD).]
[PL 2015, c. 434, §1 (AMD).]

4. Reporting of spirits sales to on-premises licensees. Beginning October 15, 2016, a licensed reselling agent shall report on a monthly basis all spirits sales made to establishments licensed to sell spirits for on-premises consumption.

A. A report under this subsection must be made to a trade association contracted by the bureau to collect spirits sales data from reselling agents as described in section 84, subsection 6. [PL 2015, c. 430, §4 (NEW).]

B. The bureau shall ensure that reports under this subsection may be made by electronic transmission through a secure website established by the bureau. A reselling agent that is not reasonably able to use the website may submit a report under this subsection on paper or by using other methods approved by the bureau. [PL 2015, c. 430, §4 (NEW).]

C. The bureau may provide a stipend or reimbursement to reselling agents licensed and actively selling spirits to on-premises licensees as of July 1, 2016 to mitigate the costs of compliance with this subsection. [PL 2015, c. 430, §4 (NEW).]

D. The bureau may adopt rules regarding mitigating the costs incurred by reselling agents in complying with this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 430, §4 (NEW).]

[PL 2015, c. 430, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 711, §6 (NEW). PL 2003, c. 639, §1 (AMD). PL 2005, c. 539, §5 (AMD). PL 2013, c. 269, Pt. C, §§6, 7 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §32 (AMD). PL 2013, c. 476, Pt. B, §2 (AMD). PL 2013, c. 476, Pt. B, §6 (AFF). PL 2015, c. 430, §4 (AMD). PL 2015, c. 434, §1 (AMD). PL 2021, c. 658, §70 (AMD).

§453-D. Change of location

The bureau shall permit the relocation of an agency liquor store within the same municipality as prescribed by this section. [PL 2011, c. 135, §1 (NEW).]

1. Relocation application requirements. The bureau shall permit a change of location of an agency liquor store licensee if:

A. The licensee submits an application in a form prescribed by the bureau; [PL 2017, c. 167, §7 (AMD).]

B. The application includes proof of receipt of municipal approval of the relocation; [PL 2011, c. 135, §1 (NEW).]

C. The licensee has held the license and operated as an agency liquor store for no less than one year at the currently licensed location, unless the relocation is directly related to retroactive zoning or unintentional destruction of the property that prevents rebuilding at the current location; [PL 2017, c. 167, §7 (AMD).]

D. The proposed location of the agency liquor store meets all applicable criteria for licensure for an agency liquor store; and [PL 2017, c. 167, §7 (AMD).]

E. The application includes proof of notification, in the form of a certified mail receipt, that all agency liquor stores in the same municipality as the licensee's proposed relocation site were notified of the proposed relocation before receiving approval under paragraph B. [PL 2017, c. 167, §7 (NEW).]

[PL 2017, c. 167, §7 (AMD).]

2. Hearing on relocation application.

[PL 2017, c. 167, §8 (RP).]

3. Agency liquor store input. The bureau shall establish a process by which an agency liquor store in the same municipality as the licensee's proposed relocation may declare support of or objections to a proposed relocation. The bureau shall consider the declarations when considering approval of the relocation application. The process required by this subsection must be established by rule. The bureau shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this subsection.

[RR 2017, c. 2, §11 (COR).]

SECTION HISTORY

PL 2011, c. 135, §1 (NEW). PL 2017, c. 167, §§7-9 (AMD). RR 2017, c. 2, §11 (COR).

§454. Agency liquor store in former state liquor store location.

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2011, c. 629, §8 (RP).

§455. Purchase of spirits

1. Agency liquor store purchases. Agency liquor stores shall buy their spirits from the bureau under section 606.

[PL 2021, c. 658, §71 (AMD).]

2. Monthly specials. The bureau may establish monthly specials for all agency liquor stores. [PL 2021, c. 658, §71 (AMD).]

SECTION HISTORY

PL 1987, c. 45, Pt. A, §4 (NEW). PL 1991, c. 376, §51 (AMD). PL 1997, c. 373, §48 (AMD). PL 2003, c. 20, Pt. SS, §3 (RPR). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2013, c. 368, Pt. V, §61 (REV). PL 2021, c. 658, §71 (AMD).

§456. Special seasonal agency liquor stores

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 600, §§A17,A18 (AMD). PL 1989, c. 930 (AMD). MRSA T. 28-A §456, sub-§3 (RP).

§456-A. Special seasonal agency liquor stores

(REPEALED)

SECTION HISTORY

PL 1991, c. 367 (NEW). PL 1991, c. 622, §K7 (AMD). PL 1993, c. 509, §6 (RP).

§457. Transfer of agency liquor store license

Upon application of a licensee under this chapter, an agency liquor store license must be transferred to a new owner upon the sale of the licensed establishment and payment of the transfer fee required in section 1010-A, subsection 2 if the new owner is eligible under section 601 and the physical premises of the establishment remain unchanged. [PL 2021, c. 658, §72 (AMD).]

SECTION HISTORY

P&SL 1987, c. 50 (NEW). PL 1987, c. 342, §23 (NEW). PL 1987, c. 623, §6 (AMD). PL 1997, c. 373, §49 (AMD). PL 2007, c. 117, §2 (RPR). PL 2021, c. 658, §72 (AMD).

§458. Renewal of agency liquor store license; selection of alternate licensee

1. Application by store. The holder of an agency liquor store license shall apply annually to the bureau for renewal of that license. An application for renewal must be submitted on a form prepared by the bureau.

[PL 1997, c. 373, §50 (AMD).]

2. Review by bureau. In reviewing applications for renewal submitted under subsection 1, the bureau shall consider the following criteria:

A. The applicant's sales and inventory of spirits; [PL 2021, c. 658, §73 (AMD).]

B. The applicant's sales and inventory of groceries and related items; [PL 1991, c. 782, §1 (NEW).]

C. Any changes in the interior selling location of the premises or renovations to the applicant's licensed premises; [PL 1999, c. 34, §1 (AMD).]

D. Any customer complaints of poor service against the applicant's store; [PL 1991, c. 782, §1 (NEW).]

E. Any violations of liquor laws by the applicant; and [PL 1991, c. 782, §1 (NEW).]

F. Records of any bad checks rendered to the commission or bureau. [PL 1997, c. 373, §50 (AMD).]

[PL 2021, c. 658, §73 (AMD).]

2-A. Review exemptions. Notwithstanding subsection 2, paragraph C, when considering an application for the renewal of an agency liquor store license, the bureau may not consider minor changes to the placement of spirits inventory if the changes are not for the purposes of marketing beyond those provided in law or rule or for increasing access by minors but are to address some other spirits placement issue that is within the scope of the person's license.

[PL 2021, c. 658, §74 (AMD).]

3. Rejection of application; selection of alternate licensee. If the bureau denies an application for renewal of an agency liquor store license, the bureau may select an alternate licensee in accordance with the criteria set forth in sections 453 and 453-A. If the alternate licensee held an agency liquor store license in the past, the bureau may consider any of the applicable criteria set forth in subsection 2 in considering whether to license the alternate agency liquor store.

[PL 2021, c. 658, §75 (AMD).]

4. Purchase of store merchandise by State. If the bureau does not renew the agency liquor store license, the bureau shall purchase from the agency liquor store all resalable spirits held in inventory by the agency liquor store. The purchase price is the cost at which that agency liquor store purchased the spirits from the bureau, minus 10% of that cost.

[PL 1997, c. 373, §50 (AMD); PL 2013, c. 368, Pt. V, §61 (REV).]

5. Aggrieved applicant. Any agency liquor store licensee aggrieved by a decision of the bureau not to renew an agency liquor store license may appeal the decision by filing an appeal with the District Court and serving a copy of the appeal on the bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of notification of the agency liquor store licensee by the bureau that the license will not be renewed.

[PL 2001, c. 471, Pt. D, §27 (AMD).]

SECTION HISTORY

PL 1991, c. 782, §1 (NEW). PL 1997, c. 373, §50 (AMD). PL 1999, c. 34, §§1,2 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 471, §D27 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2021, c. 658, §§73-75 (AMD).

§459. Delivery of spirits by reselling agents

Reselling agents may deliver spirits to establishments that are licensed to sell spirits for on-premises consumption. [PL 2021, c. 658, §76 (AMD).]

SECTION HISTORY

PL 1993, c. 276, §1 (NEW). PL 2021, c. 658, §76 (AMD).

§460. Agency liquor store taste testing of spirits

1. Taste testing on agency liquor store premises. Subject to the conditions in subsections 2 and 2-A, the bureau may authorize an agency liquor store stocking at least 100 different codes of spirits products to conduct taste testing of spirits on that licensee's premises. An agency liquor store may not allow any other consumption of liquor on the agency liquor store's premises, except as permitted under section 1206.

[PL 2021, c. 658, §77 (AMD).]

2. Conditions for conducting taste-testing events. The conditions under this subsection apply to taste-testing events under this section.

A. Spirits may not be served to persons who have not yet attained 21 years of age. [PL 2019, c. 79, §1 (AMD).]

B. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of spirits having an alcohol content of 80 proof or less; and, for spirits containing an alcohol content of

greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings. [PL 2019, c. 79, §1 (AMD).]

C. Spirits must be dispensed using a standard measuring device. [PL 2019, c. 79, §1 (AMD).]

D. [PL 2019, c. 79, §1 (RP).]

E. A person may not be charged a fee for any spirits served as part of a taste-testing event. [PL 2019, c. 79, §1 (AMD).]

F. A person may not be served who is visibly intoxicated. [PL 2009, c. 459, §1 (NEW).]

G. A taste-testing event must be limited to a designated area. [PL 2019, c. 79, §1 (AMD).]

H. A taste-testing event must be conducted within the hours of retail sale established in this Title. [PL 2019, c. 79, §1 (AMD).]

I. [PL 2019, c. 79, §1 (RP).]

J. The agency liquor store may conduct an unlimited number of taste-testing events per month. If the agency liquor store complies with the applicable requirements of sections 1205 and 1207, the agency liquor store may offer wine and malt liquor for tasting at the same time as spirits. [PL 2021, c. 131, §1 (AMD).]

K. A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5. [PL 2019, c. 79, §1 (AMD).]

L. [PL 2019, c. 79, §1 (RP).]

M. [PL 2015, c. 184, §2 (RP).]

M-1. [PL 2023, c. 349, §1 (RP).]

M-2. Spirits served at a taste-testing event must be:

(1) Provided by the agency liquor store;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the agency liquor store; or

(3) Provided by a licensed sales representative participating in the taste-testing event or a spirits supplier, including those licensed under section 1355-A, participating in the taste-testing event and purchased in the State at the retail price. A record of the transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or spirits supplier shall remove all products supplied for the taste-testing event from the licensee's premises. [PL 2023, c. 349, §2 (NEW).]

N. Prior to a taste-testing event, the agency liquor store shall post prominently at the entrance to the store a sign that announces the date and time of the event. [PL 2013, c. 368, Pt. V, §33 (AMD).]

O. An agency liquor store, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the agency liquor store's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph N. [PL 2009, c. 510, §3 (NEW).]

P. Spirits may be poured for the taste-testing event only by the owner or an employee of the agency liquor store, by a sales representative licensed under section 1502 or by the spirits supplier. [PL 2021, c. 658, §78 (NEW).]

[PL 2023, c. 349, §§1, 2 (AMD).]

2-A. Written permission from the bureau. An agency liquor store must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.

A. The agency liquor store shall request authority to conduct a taste-testing event using forms prescribed by the bureau. [PL 2019, c. 79, §1 (NEW).]

B. The agency liquor store may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the agency liquor store requests authority to conduct in a calendar month under this section, section 1205 and section 1207. [PL 2019, c. 79, §1 (NEW).]

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event. [PL 2019, c. 79, §1 (NEW).]

D. [PL 2021, c. 658, §79 (RP).]
[PL 2021, c. 658, §79 (AMD).]

3. Rules. The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2013, c. 476, Pt. A, §17 (AMD).]

SECTION HISTORY

PL 2009, c. 459, §1 (NEW). PL 2009, c. 510, §§1-3 (AMD). PL 2011, c. 103, §1 (AMD). PL 2013, c. 368, Pt. V, §§33, 34 (AMD). PL 2013, c. 476, Pt. A, §17 (AMD). PL 2015, c. 129, §§1, 2 (AMD). PL 2015, c. 184, §§1-3 (AMD). PL 2015, c. 329, Pt. D, §1 (AMD). PL 2015, c. 329, Pt. D, §4 (AFF). PL 2019, c. 79, §1 (AMD). PL 2019, c. 404, §6 (AMD). PL 2021, c. 131, §1 (AMD). PL 2021, c. 658, §§77-79 (AMD). PL 2023, c. 349, §§1, 2 (AMD).

§461. Minimum stock requirement

An agency liquor store shall maintain a minimum number of product codes in accordance with this section. For the purposes of this section, "product code" means a single spirit product purchased from the State or the State's wholesale distributor. [PL 2013, c. 269, Pt. C, §8 (AMD); PL 2013, c. 269, Pt. C, §13 (AFF).]

1. Store in municipality with population of 1,000 or more. An agency liquor store located in a municipality with a population of 1,000 or more shall have in stock, or on hand, a minimum of 100 different product codes.
[PL 2011, c. 140, §1 (NEW).]

2. Store in municipality with population of 999 or less. An agency liquor store located in a municipality with a population of 999 or less shall have in stock, or on hand, a minimum of 50 different product codes.
[PL 2011, c. 140, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 140, §1 (NEW). PL 2013, c. 269, Pt. C, §8 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF).

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