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LD 2160 – An Act to Modify Provisions of Law Affecting Small Distilleries

Senator Hickman, Representative Supica, and members of the Veterans and Legal Affairs Committee. My name is Shawn Esler, and I am honored to serve as Maine's State Fire Marshal.

I am submitting testimony on behalf of the Department of Public Safety and the Office of the State Fire Marshal in **opposition** to sections of LD 2160, *An Act to Modify Provisions of Law Affecting Small Distilleries*. While we respect and support Maine's small distilleries and recognize the economic and cultural value they bring to our communities, this bill raises significant life-safety, enforcement, and fire-investigation concerns.

Distilleries are inherently higher-hazard occupancies. They involve flammable and combustible liquids, alcohol vapors, heated and pressurized equipment, and often mixed uses that combine manufacturing, storage, and public access. These hazards require inspections that are risk-based and responsive, not constrained by an arbitrary timeline.

LD 2160 would prohibit the State, or any other entity of the State, from requiring inspection of a small distillery more frequently than once every three years. This limitation would significantly impair the ability of fire officials to perform essential public-safety functions, including:

- Following up on known violations or hazardous conditions.
- Conducting construction, renovation, or change-of-use inspections.
- Responding to complaints or credible safety concerns.
- Addressing changes in equipment, production volume, storage quantities, or occupancy.
- Verifying that previously identified deficiencies have been corrected.

Most concerning, this restriction would interfere with fire investigations and necessary post-incident inspections. After a fire, explosion, or other emergency incident, the Fire Marshal's Office must be able to inspect the premises to determine origin and cause, assess contributing hazards, and ensure that unsafe conditions are corrected before operations resume. A statutory prohibition on inspections outside a rigid three-year window could delay or prevent necessary follow-up, undermining both public safety and accountability.

At the same time, LD 2160 significantly expands the operational scope of small distilleries by allowing additional retail sales, direct sales to retailers, mail-order shipping, and the sale of products manufactured by other producers. These changes could increase occupancy, storage, and operational complexity, yet the bill simultaneously reduces oversight.

Public-safety oversight should scale with increased activity and risk, not decrease.

For these reasons, the Office of the State Fire Marshal respectfully urges the Committee to oppose LD 2160 as written. At a minimum, we strongly recommend removing the inspection-frequency restriction and explicitly preserving authority for complaint-based inspections, follow-up inspections, construction inspections, and post-incident fire investigations.

Thank you for your time and for your continued commitment to public safety.



Shawn Esler, State Fire Marshal