

Appendix E: Taste-Testing Provisions

Cite	Host	Type of alcohol	Audience	Location	Separate license required?	Local Approval Required?	Prohibit serving minors & visibly intoxicated?*	Liquor amount restrictions
460	Agency Liquor Store <i>May be combined with §1205 & §1207 events</i>	Spirits	Public <i>or</i> Invite-only	The Agency Liquor Store	No <i>(but must request permission from BABLO)</i>	No	Yes	<u>Spirits:</u> <ul style="list-style-type: none"> • ≤ 80 proof: 1½ oz. in ½ oz. servings; <u>and</u> • > 80 proof: ¾ oz. in ¼ oz. servings
1051(6)	Distiller, Licensed spirits sales representative, or State's wholesale liquor provider	Spirits	Retail licensees	Leased room at on-premises retail licensee's premises	No <i>(but must request permission from BABLO)</i>	No	No	None stated
1051(8)	On-premises retail licensee	Liquor	Public <i>or</i> Invite-only	The licensed on-premises retail location	No <i>(but must request permission from BABLO)</i>	No	Yes	<u>Spirits</u> <ul style="list-style-type: none"> • ≤ 80 proof: 1½ oz. in ½ oz. servings; <u>or</u> • > 80 proof: ¾ oz. in ¼ oz. servings <u>Wine:</u> <ul style="list-style-type: none"> • ≤ 14% alcohol: 5 oz.; <u>or</u> • > 14% alcohol: 3 oz. <u>Malt liquor:</u> <ul style="list-style-type: none"> • ≤ 6% alcohol: 12 oz.; • >6 to <12 % alcohol: 6 oz.; <u>or</u> • ≥ 12% alcohol: 3 oz.
1052-D	Maine manufacturer, Wholesaler, Certificate of approval holder, Spirits supplier or broker, or Foreign manufacturer of spirits. <i>(Maine manufacturer or certificate of approval holder also may "sponsor" taste testing by unlicensed manufacturers)</i>	Malt liquor, wine or spirits	Public	Not stated <i>(but not permitted at a spot currently licensed for on-premises consumption)</i>	Yes	Yes	Yes	Maximum 12 samples per day with a maximum sample size of: <ul style="list-style-type: none"> • <u>Spirits</u>: ½ oz. per sample • <u>Wine</u>: 1½ oz. per sample • <u>Malt liquor</u>: 4 oz. per sample <i>**but no limits if substantial food or sit-down meals offered**</i>

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Cite	Host	Type of alcohol	Audience	Location	Separate license required?	Local Approval Required?	Prohibit serving minors & visibly intoxicated?*	Liquor amount restrictions
1205	Off-premises retail licensee <i>May be combined with §460 & §1207 events</i>	Wine	Public <i>or</i> Invite-only	The licensed off-premises retail location	No <i>(but must request permission from BABLO)</i>	No	Yes	<u>Wine</u> : • ≤ 14% alcohol: 5 oz.; and • > 14% alcohol: 3 oz.
1207	Off-premises retail licensee <i>May be combined with §460 & §1205 events</i>	Malt liquor	Public <i>or</i> Invite-only	The licensed off-premises retail location	No <i>(but must request permission from BABLO)</i>	No	Yes	<u>Malt liquor</u> : • ≤ 6% alcohol: 12 oz.; • >6 to <12 % alcohol: 6 oz.; and • ≥ 12% alcohol: 3 oz.
1368	Licensed Maine small brewery, Licensed Maine small winery, or Licensed Maine small distillery.	Malt liquor, wine or spirits	Public	Farmers' market	No <i>(but must request permission from BABLO)</i>	Yes	Yes	Maximum 6 samples per day with a maximum sample size of: • <u>Spirits</u> : ½ oz. per sample • <u>Wine</u> : 1½ oz. per sample • <u>Malt liquor</u> : 4 oz. per sample <i>**restrictions are per manufacturer**</i>
1402	Wholesale licensee	Wine or malt liquor	Retail licensees	The wholesale licensee's premises <i>or</i> Leased room at on-premises retail licensee's premises	No <i>(but must request permission from BABLO)</i>	No	No	None stated

*** Minors:**

- 28-A M.R.S. §705(4) prohibits all licensees, agents or employees of licenses from permitting minors “to consume or possess liquor . . . *on the premises*”; this section thus independently prohibits providing any liquor to minors during taste-testing events if the events are *held on that licensee’s licensed premises*.
- 28-A M.R.S. §2081(1)(A) prohibits giving liquor to a minor, but that provision “does not apply to licensees or agents of licensees in the scope of their employment.” §2081(4).

*** Visibly intoxicated:**

- 28-A M.R.S. §705(3-A) prohibits all licensees and their agents from permitting “liquor to be consumed *on the premises where sold* to a person who is visibly intoxicated.” The italicized phrase appears to limit applicability of this prohibition in a way that would render it ineffective in the context of a free, taste-testing event.
- 28-A M.R.S. §2081(1)(C) prohibits giving liquor to a visibly intoxicated person, but that provision “does not apply to licensees or agents of licensees in the scope of their employment.” §2081(4).

Appendix E: Product-Sampling Provisions

Cite	Provider	Type of alcohol	Recipient	Location	Explicitly prohibit serving minors or visibly intoxicated?*	Amount Restrictions
1055	Class A restaurant or Class A restaurant/lounge	Malt liquor, wine or spirits	Customer	The licensed restaurant	Yes	Maximum 6 samples per day with a maximum sample size of: • <u>Spirits</u> : ½ oz. per sample • <u>Wine</u> : 1 oz. per sample • <u>Malt liquor</u> : 3 oz. per sample
1355-A(2)	Maine brewery or small brewery, Maine winery or small winery, or Maine distillery or small distillery	Malt liquor, wine or spirits	Employees, Wholesalers or Public	Premises where produced	No	None stated
1402-A	Maine brewery or small brewery, Maine winery or small winery, or Licensed wholesaler	Malt liquor or wine	Retail licensees	Not clearly stated (appears to be at the recipient retail licensee’s premises)	Partly (minors: recipient of a partial-bottle sample must be ≥ 21 years, no similar rule if a full bottle) No (visibly intoxicated)	Max. full-bottle samples per year: • <u>Wine</u> : 18 liters total • <u>Malt liquor</u> : 18 gallons total <i>*no restriction on partial-bottle samples*</i>
1504	Licensed sales representative of spirits manufacturer or supplier	Spirits	Retail licensees	Not clearly stated, except §1504(6) states poured samples <i>may</i> be proved on an agency liquor store’s premises	Partly (minors: recipient of a partial-bottle sample must be ≥ 21 years, no similar rule if a full bottle) No (visibly intoxicated)	Max. full-bottle samples per year: • <u>Spirits</u> : 6 liters total (with a maximum size of 1 liter per bottle) <i>*no restriction on partial-bottle samples*</i>
1553	Licensed postsecondary educational institution with course in hospitality, culinary arts or food sciences	Liquor	Faculty, staff or students in relevant course	Postsecondary educational institution’s premises	Yes (minors) No (visibly intoxicated; but must follow school’s alcohol-safety rules)	None stated

*** Minors:**

- 28-A M.R.S. §705(4) prohibits all licensees, agents or employees of licenses from permitting minors “to consume or possess liquor . . . *on the premises*”; this section thus independently prohibits providing any liquor samples to minors *on that licensee’s licensed premises*.
- 28-A M.R.S. §2081(1)(A) prohibits giving liquor to a minor, but that provision “does not apply to licensees or agents of licensees in the scope of their employment.” §2081(4).

*** Visibly intoxicated:**

- 28-A M.R.S. §705(3-A) prohibits all licensees and their agents from permitting “liquor to be consumed *on the premises where sold* to a person who is visibly intoxicated.” The italicized phrase appears to limit applicability of this prohibition in a way that would render it ineffective in the context of free distribution of liquor samples.
- 28-A M.R.S. §2081(1)(C) prohibits giving liquor to a visibly intoxicated person, but that provision “does not apply to licensees or agents of licensees in the scope of their employment.” §2081(4).