



# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1462

S.P. 563

In Senate, December 17, 2015

### **An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 17, 2015. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

1 **Be it enacted by the People of the State of Maine as follows:**

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

4 I. ~~A~~ Except as otherwise provided in this paragraph, a licensee may be issued one  
5 retail license under chapter 43 per licensed location for the sale of liquor to be  
6 consumed on the premises at the retail premises.

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

9 (2) The retail license authorizes the sale of products of the brewery, small  
10 brewery, winery, small winery, distillery or small distillery for both on-premises  
11 and off-premises consumption, in addition to other liquor permitted to be sold  
12 under the retail license; to be consumed on the premises.

13 ~~All records related to activities under a manufacturer license issued under~~  
14 ~~this section must be kept separate from records related to the retail license~~ The  
15 licensee shall maintain records that demonstrate the payment of the excise tax  
16 and sales tax for all products sold or served by the licensee pursuant to this  
17 subsection.

18 (4) A distillery or small distillery must meet the requirements of subsection 5,  
19 paragraph E.

20 (5) The retail license authorizes the licensee to engage in all the activities  
21 authorized under this subsection without the licensee's premises or inventory  
22 being physically separated for on-premises and off-premises sales.

23 (6) The retail license authorizes the holder of a brewery, small brewery, winery,  
24 small winery, distillery or small distillery license that is under common  
25 ownership with another brewery, small brewery, winery, small winery, distillery  
26 or small distillery to transfer products between one licensed premises of the  
27 license holder and another licensed premises belonging to that license holder and  
28 to sell or serve the products as permitted under this section. The holder of the  
29 license shall maintain records of the transfer authorized pursuant to this  
30 subparagraph.

31 **SUMMARY**

32 Current law allows a manufacturer of spirits, wine or malt liquor that obtains a retail  
33 license to sell the manufacturer's products as well as other liquor on the premises of that  
34 manufacturer.

35 This bill allows a manufacturer with a retail license to also sell its products for  
36 consumption off the premises of that manufacturer without the licensed premises being  
37 physically separated for on-premises and off-premises sales and without physically  
38 separating the inventory, as long as adequate records are maintained. This bill also  
39 allows breweries, small breweries, wineries, small wineries, distilleries or small

1 distilleries under common ownership to transfer products from one premises to another  
2 and sell or serve those transferred products.