

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
H.P. 479 - L.D. 649

**An Act To Establish a Special Food and Beverage Industry Taste-testing
Event License**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the economy of the State is greatly benefitted from the promotion of tourism and the superior hospitality services available in this State; and

Whereas, the Legislature should take advantage of any opportunity to support Maine's economy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-A MRSA §709, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. Those licensed under ~~section~~ sections 1052-B, 1052-C, 1205, 1207 and 1402 offering free ~~wine~~ samples or tastings;

Sec. 2. 28-A MRSA §1052-C is enacted to read:

§1052-C. Special food and beverage industry taste-tasting event license

1. Special food and beverage industry taste-tasting event license. Malt liquor and wine wholesalers licensed under section 1401 and manufacturers licensed under section 1355 may apply jointly for a special food and beverage industry taste-tasting event license to participate in a special food and beverage industry taste-testing event under this section. This license authorizes taste testing of malt liquor, wine, fortified wine and spirits at an event designed to promote the food and beverage or hospitality industry where more than 50% of the participants in the event represent an industry or business that holds a license to manufacture, sell or serve alcoholic beverages.

2. Fee. The license fee for the special food and beverage industry event taste-testing license is \$20 for each wholesaler or manufacturer.

3. Application. The wholesaler and manufacturer licensees must apply jointly for a special food and beverage industry taste-testing event license by filing a written application with the bureau at least 30 days before the special food and beverage industry taste-testing event. The application must include the following:

A. The name and address of each licensee;

B. The title and purpose of the event;

C. The date, time and duration of the event;

D. The location of the event; and

E. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special food and beverage industry taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice.

4. Up to 5 licensed events per year; one event per license. A manufacturer or wholesaler may obtain up to 5 licenses under this section per calendar year. Each license permits an event lasting up to 3 consecutive days.

5. Ruling on application. Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise the applicants that the license may be revoked or suspended under chapter 33.

6. Conditions. The following conditions apply to special food and beverage industry taste-testing events under this section.

A. A sales representative licensed in accordance with section 1502 of a manufacturer that has been issued a license under this section may pour or provide a taste-testing sample of any product the manufacturer is licensed to manufacture under this Title.

B. A certificate of approval holder may pour or provide a taste-testing sample of any malt liquor, wine or fortified wine product the certificate of approval holder is licensed to distribute under this Title.

C. A minor is prohibited from attending the event unless accompanied by a parent or guardian or the alcohol served at the event is confined to a segregated area where minors are prohibited.

D. Taste-testing must be conducted within the hours of retail sale established in this Title.

E. A person who is visibly intoxicated may not be served.

7. Additional provision for wine. A sales representative licensed in accordance with section 1502 may provide wine that is not registered with the bureau but has been registered with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau to a caterer licensed to serve alcoholic beverages at the food and

beverage industry taste-testing event for the purpose of promoting that wine for distribution and sale in the State.

8. Excise taxes; premiums. A licensee under this section must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the special food and beverage industry taste-testing event.

Sec. 3. Waiver. Notwithstanding the Maine Revised Statutes, Title 28-A, section 1052-C, subsection 3, until August 1, 2011, the bureau may issue a special food and beverage industry taste-testing event license regardless of whether or not the application for the event license was submitted 30 days before the event.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor