

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 856

S. P. 286

In Senate, March 1, 1979

On Motion of Senator Katz of Kennebec, referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

Presented by Senator Danton of York.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for Metric Measurements.

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

Sec. 1. 28 MRSA § 2, sub-§ 14, as repealed and replaced by PL 1977, c. 211, § 3 is amended to read:

14. Retail sale. "Retail sale" shall mean any single sale of liquor for on or off the premises consumption of less than 20 gallons, **or its metric equivalent**, whether in the original package or as a mixed drink for immediate consumption.

Sec. 2. 28 MRSA § 451, first sentence, as last amended by PL 1969, c. 360, § 14, is further amended to read:

All spirits and wines, except table wines, shall be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than 75% based on the less carload cost f. o. b., State Liquor Commission warehouse, and in addition thereto there shall be levied and imposed an excise tax of 75¢ per gallon, **or its metric equivalent**, on wines containing more than 14% alcohol by volume; except that spirits and wines sold at wholesale under section 204 may be sold at wholesale prices established pursuant to the provisions thereof.

Sec. 3. 28 MRSA § 452, first ¶, is amended to read:

There shall be levied and imposed an excise tax on all malt liquor manufactured in this State of 5 1/3¢ per gallon, **or its metric equivalent**, to be paid by the manufacturer in addition to the fee provided by law. A wholesale licensee who imports malt liquor shall pay an excise tax of 25¢ per gallon, **or its metric equivalent**, and at a like rate for any multiple or fraction thereof.

Sec. 4. 28 MRSA § 452, 2nd ¶, as enacted by PL 1969, c. 360, § 15, is amended to read:

There shall be levied and imposed an excise tax of 30¢ per gallon, **or its metric equivalent**, or fraction or multiple thereof, on all table wine containing 14% or less alcohol by volume imported into this State; except the excise tax shall be 20¢ per gallon, **or its metric equivalent**, or fraction or multiple thereof on all still wine containing 14% or less alcohol by volume which is manufactured or bottled in this State; and an excise tax of \$1 per gallon, **or its metric equivalent**, or multiple or fraction thereof on all sparkling wines manufactured in or imported into this State. Such taxes shall be paid by the Maine manufacturer or the importing wholesaler.

Sec. 5. 28 MRSA § 501, sub-§ 4, 2nd ¶, is amended to read:

Wineries using in part the agricultural products of other states or foreign countries shall pay, in addition to such license fee of \$50, an excise tax of 4¢ per gallon, **or its metric equivalent**, on liquid raw materials and 2¢ per pound on solid or semisolid raw materials; the same being under the supervision of the commission, which shall make the necessary rules and regulations for their collection.

Sec. 6. 28 MRSA § 1052, 3rd sentence, is amended to read:

It shall be lawful for an individual to transport into this State and to transport from place to place within the State such spirituous or vinous liquor for his personal use in a quantity not to exceed 4 quarts **or its metric equivalent**.

Sec. 7. 28 MRSA § 1053, sub-§ 1, first sentence, as last amended by PL 1969, c. 360, § 29, is further amended to read:

No person shall knowingly transport from place to place in this State any intoxicating liquor with intent to sell the same in this State in violation of law, or with intent that the same shall be so sold by any person, or to aid any person in such sale, and no person shall transport or cause to be transported any spirituous or vinous liquor, containing more than 14% alcohol by volume, in this State in a greater quantity than 4 quarts, **or its metric equivalent**, unless such liquor was purchased from a state store or the commission.

Sec. 8. 28 MRSA § 1053, sub-§ 2, first sentence, as last amended by PL 1969, c. 360, § 30, is further amended to read:

No person, other than a wholesale licensee of the commission under and subject to this Title, shall transport or cause to be transported malt liquor or table wine into

this State in a greater quantity than one case for malt liquor and 4 quarts, **or its metric equivalent**, for table wine, unless said beverages were legally purchased in the State.

Sec. 9. 28 MRSA § 1053, sub-§ 2, 3rd sentence, is amended to read:

No person, other than a licensee of the commission, shall transport malt liquor in a quantity greater than one case, and table wine in quantities greater than 4 quarts, **or its metric equivalent**, from place to place in this State unless the same is purchased from a retail store licensee of the commission.

STATEMENT OF FACT

Federal law requires that the marketing of all vinous liquor products be done in metric size containers effective January 1, 1979. The same will hold true for all spirituous liquor products, effective January 1, 1980. This bill would provide for the transition to the required system.