

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1900

H.P. 1341

House of Representatives, January 4, 2006

An Act To Allow the Importation of Wine

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

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator PLOWMAN of Penobscot and
Representatives: BOWLES of Sanford, CAIN of Orono, DUDLEY of Portland, KAELIN of
Winterport, KOFFMAN of Bar Harbor, LINDELL of Frankfort, MILLER of Somerville,
PATRICK of Rumford, PINGREE of North Haven.

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

4 Sec. 1. 28-A MRS §1409 is enacted to read:

6 **§1409. Purchase of wine by mail**

8 **1. Direct shipment of wine to residents.** A person
10 currently licensed in another state or country as an alcoholic
12 beverage producer, supplier, importer, wholesaler, distributor or
14 retailer who obtains a certificate of approval as provided in
section 1351 and a nonresident shipper's license as provided in
this section may ship wine directly to a resident of this State
who is 21 years of age or older for that resident's personal use.

16 **2. Nonresident shipper application.** Before sending a
18 shipment to a resident of this State, a nonresident shipper must
20 hold a certificate of approval as provided in section 1351 and
22 file an application for a license with the bureau on a form
issued by the bureau along with a copy of its current alcoholic
beverage license issued in another state or country and a \$100
registration fee.

24 **3. Delivery to resident 21 years of age or older.** Wine
26 shipped pursuant to this section may be shipped only to a
resident 21 years of age or older and must be for the recipient's
28 personal use only and not for resale. A shipment must be subject
30 to in-person delivery to the resident who has ordered the
shipment or a person residing at the resident's household who is
32 21 years of age or older. All containers used for shipment of
wine must be conspicuously labeled with the words "CONTAINS
ALCOHOL; SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED
FOR DELIVERY."

34 **4. Prohibited shipping areas.** A nonresident shipper may not
36 ship to any address in an area identified by the bureau as a
prohibited shipping area or a local option area.

38 **5. License renewal.** A nonresident shipper may annually
40 renew its license with the bureau by paying a \$100 renewal fee
and providing the bureau with a true copy of its current
alcoholic beverage license issued in another state or country.

42 **6. Payment of state taxes.** A nonresident shipper shall pay
44 annually to the Department of Administrative and Financial
46 Services, Bureau of Revenue Services the sales and excise taxes
due on sales in the preceding calendar year.

48 **7. Annual report.** A nonresident shipper shall report to
the bureau annually by January 1st of each year the total number

2 of bottles of wine, by type, shipped into the State in the
3 preceding calendar year.

4 8. Audit. The bureau may perform an audit of a nonresident
5 shipper's records at any time.

6 9. Violation. Violation of this section is a Class D
7 crime. A violation of this section constitutes a violation of
8 the Maine Unfair Trade Practices Act. The bureau may enforce the
9 requirements of this section by administrative proceedings to
10 suspend or revoke a nonresident shipper's license. The bureau
11 may accept payment of an offer in compromise in lieu of
12 suspension; such payments must be determined by rule adopted by
13 the bureau.

14 10. Adoption of rules. The bureau may adopt rules to carry
15 out the purposes of this section. Rules adopted pursuant to this
16 section are routine technical rules as defined in Title 5,
17 chapter 375, subchapter 2-A.

18 **Sec. 2. 28-A MRSA §2077-B, sub-§1,** as enacted by PL 1997, c.
19 501, §6, is amended to read:

20 **1. Prohibition.** A person may not sell, furnish, deliver or
21 purchase liquor from an out-of-state company by mail order,
22 except wine pursuant to section 1409.

23 SUMMARY

24 This bill permits interstate and foreign suppliers to ship
25 wine directly to Maine consumers.