

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

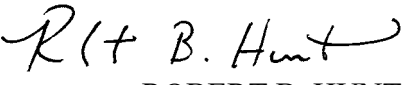
No. 1855

H.P. 1239

House of Representatives, April 30, 2025

An Act to Impose an Excise Tax on Spirits-based Cocktails Containing No More than 12 Percent Alcohol

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


ROBERT B. HUNT
Clerk

Presented by Representative DILL of Old Town.
Cosponsored by Representative: HEPLER of Woolwich.

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

2 **Sec. 1. 28-A MRSA §2, sub-§31-E** is enacted to read:

3 **31-E. Spirits-based cocktail.** "Spirits-based cocktail" means an alcoholic beverage
4 containing spirits that has no more than 12% of alcohol by volume.

5 **Sec. 2. 28-A MRSA §1652**, as amended by PL 2021, c. 658, §264, is further
6 amended by amending the section headnote to read:

7 **§1652. Excise tax on malt liquor, spirits-based cocktails and wine; deficiency account;**
8 **credits; refunds**

9 **Sec. 3. 28-A MRSA §1652, sub-§1-B** is enacted to read:

10 **1-B. Excise tax on spirits-based cocktail.** An excise tax is imposed on the privilege
11 of manufacturing and selling spirits-based cocktails in the State. Except as provided in
12 subsection 2-A, the in-state manufacturer or importing wholesale licensee shall pay an
13 excise tax of 60¢ per gallon on all spirits-based cocktails manufactured in or imported into
14 the State.

15 **Sec. 4. 28-A MRSA §1652, sub-§2-A**, as amended by PL 2021, c. 8, §10, is further
16 amended to read:

17 **2-A. Excise tax due; exemption.** On the 15th day of each month, every brewery and
18 winery shall pay the excise taxes due on malt liquor, wine, spirits-based cocktails and low-
19 alcohol spirits products that that brewery or winery removed from areas required to be
20 bonded by the Federal Government. Malt liquor, wine, spirits-based cocktails or low-
21 alcohol spirits products that a brewery or winery removes from areas required to be bonded
22 by the Federal Government for sale to an out-of-state wholesaler for resale in another state
23 or for sale under section 1357 directly to a consumer located in another state are exempt
24 from excise tax under this section.

25 **Sec. 5. 28-A MRSA §1652, sub-§4**, as amended by PL 2021, c. 658, §264, is
26 further amended to read:

27 **4. Excise tax accounts and adjustments.** The bureau shall open an excise tax account
28 with each wholesale licensee and each certificate of approval holder and make the
29 following adjustments when appropriate. As used in this subsection, "certificate of
30 approval holder" means an in-state manufacturer of malt liquor, wine, spirits-based
31 cocktails or low-alcohol spirits products licensed under section 1355-A or an out-of-state
32 manufacturer of or out-of-state wholesaler of malt liquor, wine, spirits-based cocktails or
33 low-alcohol spirits products that has been issued a certificate of approval under section
34 1361.

35 A. The bureau may grant credits and make tax adjustments that it determines the
36 wholesale licensee or certificate of approval holder is entitled to upon the filing of
37 affidavits in the form prescribed by the bureau.

38 B. The bureau shall refund all excise tax paid by the wholesale licensee or certificate
39 of approval holder on all malt liquor, wine, spirits-based cocktails or low-alcohol spirits
40 products that have been destroyed as long as the quantity and size are verified by the
41 bureau and the destruction is witnessed by an authorized representative of the bureau.

1 C. If a wholesale licensee's inventories are destroyed by fire, flood or other natural
2 disaster, the bureau may refund the excise tax on the wholesale licensee's inventories.

3 D. Any wholesale licensee selling malt liquor, wine, spirits-based cocktails or low-
4 alcohol spirits products to an instrumentality, a licensee for resale to an airline, a
5 training site or a ship chandler shall present proof of that sale to the bureau. The bureau
6 shall grant to the wholesale licensee a credit of all state excise tax paid in connection
7 with that sale under the following conditions.

8 (1) The bureau shall grant a credit for the excise tax on malt liquor, wine, spirits-
9 based cocktails or low-alcohol spirits products sold by wholesale licensees to any
10 instrumentality of the United States or any Maine National Guard state training site
11 exempted by the bureau.

12 (2) The bureau shall grant a credit for the excise tax on malt liquor, wine, spirits-
13 based cocktails or low-alcohol spirits products sold to any ship chandler as long as
14 the malt liquor, wine, spirits-based cocktails and low-alcohol spirits products are
15 resold to vessels of foreign registry for consumption after that vessel has left port
16 or are resold for consumption on board vessels of United States registry that are
17 destined for a foreign port.

18 (3) The bureau shall grant a credit for the excise tax on malt liquor, wine, spirits-
19 based cocktails and low-alcohol spirits products sold to a licensee registered with
20 the bureau for resale to licensed airlines or to unlicensed airlines for their
21 international flights.

22 SUMMARY

23 This bill provides a separate rate of excise tax of 60¢ per gallon for a spirits-based
24 cocktail, which is an alcoholic beverage containing spirits that has no more than 12% of
25 alcohol by volume.