

# MAINE STATE LEGISLATURE

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CHAPTER 13  
MANUFACTURERS

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SUBCHAPTER I

GENERAL PROVISIONS

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**§ 501. Manufacturers' licenses; sales; transportation; fees**

The commission is authorized and empowered to issue manufacturers' licenses to distill, rectify, brew or bottle alcohol, or spirituous, vinous or fermented liquor to distillers, rectifiers, brewers, bottlers and wineries operating under federal law and federal supervision. The following license fees shall be charged:

- 1. Distillers and brewers.** Distillers and brewers using exclusively the agricultural products of this State as raw material for the production of alcohol or alcoholic liquors . . . \$ 100.
- Distillers and brewers using exclusively the agricultural products of other states as raw material . . . . . \$3,000.
- Distillers and brewers using in part agricultural products of this State and in part those of other states as raw material shall pay such fee as the commission may determine, to be directly proportioned as to the source and quantity of such raw material and based upon the foregoing differential. In case Maine agricultural products are not available for use as raw material by distillers and brewers in any particular year, the commission is authorized to make such adjustment in said fees as they deem just and equitable, resulting in a final computation of not less than \$1,500.

All licensees to whom manufacturers' licenses are assigned for distilling and brewing shall pay with their application a base fee of \$100 and make monthly reports to the commission of the kind, quantity and source of raw material used by them. A final com-

putation of the fee for each license year shall be made by the commission on the basis of said monthly reports and the final fees, as computed by the commission, shall be paid on December 31st of each license year.

2. **Rectifiers.** Rectifiers' fee ..... \$500.

3. **Bottlers.** Bottlers' fee ..... \$500.

4. **Wineries.** Wineries using exclusively the agricultural products of this State as raw material shall pay an annual license fee of ..... \$ 50.

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 on liquid raw materials and 2¢ per pound on solid or semi-solid raw materials; the same being under the supervision of the commission, which shall make the necessary rules and regulations for their collection.

All licenses issued under this section shall authorize the licensees to sell their finished product to the commission, to other licensed Maine manufacturers and to purchasers outside of the State. In the case of breweries, the license shall authorize sale to licensed Maine wholesalers. All manufacturers' licenses shall authorize the transportation within the State for the purposes provided and to the state border for delivery to out of state purchasers. In the case of wine bottlers and wineries, the license shall authorize sale and delivery of wine to holders of sacramental wine permits issued by the commission and persons authorized to purchase wine under section 1052.

No license shall be granted to a manufacturer under this section until the applicant therefor has filed with the commission a bond to the State of Maine subject to the same obligations, conditions and provisions as relate to bonds of hotels, as set forth in section 803, except that the penal sum of bonds filed by applicants for distillers' licenses shall be \$5,000 and applicants for all other classes of manufacturers' licenses shall file a bond in the penal sum of \$2,500.

R.S.1954, c. 61, § 15; 1957, c. 218, § 4.

§ 502. **Illegal manufacture**

Any person not licensed by the commission who manufactures for sale any liquor, and any person who sells any liquor so manufactured by him in this State, shall be punished by a fine of not less than \$100 nor more than \$1,000, and costs, and by im-

prisonment for not less than 2 months nor more than 6 months, and in default of payment of fine and costs, by imprisonment for not less than 60 days nor more than 6 months, additional.

All equipment and materials of every kind used in illegal manufacturing shall be seized by any officers seizing the liquors manufactured, and shall be libeled as is provided for the libeling of liquors and the vessels in which they are contained.

R.S.1954, c. 61, § 19.

## SUBCHAPTER II

### APPLE CIDER

Sec.

- 551. Licenses; fees; endorsement.
- 552. Records.
- 553. Notice of quantity.
- 554. Marking of containers.
- 555. Out-of-state sales.
- 556. Penalties.

#### § 551. Licenses; fees; endorsement

The commission is authorized and empowered to issue licenses under this subchapter for the manufacture of apple cider from apples grown in this State. The annual fee for such license shall be \$100 and such license shall expire on August 31st of the year next ensuing.

All licenses issued by the commission for the sale of spirituous and vinous liquors shall contain an indorsement to the effect that the licensee is authorized to sell apple cider. The commission shall offer apple cider for sale at the various state liquor stores.

R.S.1954, c. 61, § 16.

#### § 552. Records

The licensee or operator of an apple cider processing plant under this subchapter shall keep an accurate record in detail showing the date and number of bushels by weight of apples received at such apple cider processing plants, the number of gallons of apple cider manufactured therefrom, the name of the owner and the place in the State where such apples were grown, together with such other information as may be required by the

commission, and process the same in conformity with the regulations of the commission.

R.S.1954, c. 61, § 16.

**§ 553. Notice of quantity**

On or before September 1st in each year, any person, firm or corporation, hereinafter called "owners," desiring to sell apples to said apple cider processing plants, shall notify the proprietors of said plants in writing of the estimated number of bushels of apples such owner will sell to said proprietors of such cider processing plants, and the locality wherein the apples from which such apple cider is to be manufactured are to be raised. Upon the acceptance by any proprietor of a cider processing plant, of the offer of such owner, such owner shall deliver to the apple cider processing plant the number of bushels of apples. The commission is authorized to issue regulations so that not less than 40% of the established wholesale price shall be given to all such owners. In case the offering for sale of apples in any year is greater than is needed by the apple cider processing plant, the purchase of the apples from the various owners shall be on a pro rata basis. The commission shall notify the proprietors of the cider processing plants of the amount of apple cider that it intends to purchase, and the price per gallon that it will pay, and shall prorate its purchases from the apple cider processors according to the amounts offered for sale to the commission by the various apple cider processors.

R.S.1954, c. 61, § 16.

**§ 554. Marking of containers**

The commission shall cause each and every container taken from an apple cider processing plant for sale to be labeled, marked or branded as to the quantity contained in it, the place of origin and the approximate per cent of alcoholic content by volume.

R.S.1954, c. 61, § 16.

**§ 555. Out-of-state sales**

The commission may authorize licensees and operators of cider processing plants to sell and ship apple cider to purchasers outside of the State of Maine under such rules and regulations as the commission may prescribe.

R.S.1954, c. 61, § 16.



**§ 556. Penalties**

Whoever, other than the commission or the licensees as specified in this subchapter, sells apple cider of more than 1% of alcoholic content by volume shall be punished by a fine of not less than \$50 nor more than \$200 or by imprisonment for not less than 30 days nor more than 90 days, or by both.

R.S.1954, c. 61, § 16.

## SUBCHAPTER III

## MALT LIQUOR

Sec.

- 601. Manufacturer of malt liquor; credit; furnishing materials and equipment.
- 602. Purpose of regulations.
- 603. Invoices and reports.
- 604. Certificate of approval.
- 605. Disposal of fees.

**§ 601. Manufacturer of malt liquor; credit; furnishing materials and equipment**

No officer, director or stockholder of a corporation which is the holder of a manufacturer's certificate of approval shall in any way be interested, either directly or indirectly, as a director, officer or stockholder in any other corporation which is the holder of a wholesale license for the sale of malt liquor granted by this State; nor shall a manufacturer or holder of a certificate of approval, either directly or indirectly, loan any money, credit or equivalent thereof to any wholesaler for equipping, fitting out, maintaining or conducting, either in whole or in part, a business establishment where malt liquor is sold, excepting only the usual and customary commercial credit for malt liquor sold; excepting that a manufacturer or holder of a certificate of approval may furnish a wholesale licensee materials and equipment for the use of the wholesale licensee or his employees such as painting the wholesale licensee's vehicles, and furnishing legal advertising signs used by the wholesale licensee in the course of his business, and furnishing the wholesale licensee uniforms for his employees, excepting only the usual and customary commercial credit for malt liquor sold and delivered.

R.S.1954, c. 61, § 17; 1959, c. 148, § 1.

**§ 602. Purpose of regulations**

The purposes of sections 602 to 605 are to regulate the importation, transportation and sale of malt liquor, and in addition thereto, to regulate and control the collection of excise taxes.

R.S.1954, c. 61, § 18.

**§ 603. Invoices and reports**

All manufacturers or foreign wholesalers to whom certificates of approval have been granted shall furnish promptly the commission with a copy of every invoice sent to Maine wholesale licensees, with the licensee's name and purchase number thereon. They shall furnish a monthly report on or before the 10th day of each calendar month in such form as may be prescribed by the commission and shall not ship or cause to be transported into this State any malt liquor until the commission has certified that the excise tax has been paid or that the Maine wholesale licensee, to whom shipment is to be made, has filed a bond to guarantee payment of the excise tax as provided in section 652.

R.S.1954, c. 61, § 18; 1961, c. 344, § 3; c. 413, § 1.

**§ 604. Certificate of approval**

No manufacturer or foreign wholesaler of malt liquor shall hold for sale, sell or offer for sale, in intrastate commerce, any malt liquor or transport or cause the same to be transported into this State for resale unless such manufacturer or foreign wholesaler has obtained from the commission a certificate of approval. The fee therefor shall be \$300 per year, which sum shall accompany the application for such certificate.

The certificate of approval shall be subject to the laws of the State of Maine and the rules and regulations which the commission has or may make. Any violation of such rules and regulations shall be grounds for suspension or revocation of such certificate at the discretion of the Administrative Hearing Commissioner.

R.S.1954, c. 61, § 18; 1959, c. 378, § 53; 1961, c. 133; c. 344, § 4; 1963, c. 412, § 23.

**§ 605. Disposal of fees**

The fees received under section 604 shall be deposited in the General Fund of the State.

R.S.1954, c. 61, § 18.