

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1363

H. P. 1001

House of Representatives, March 5, 1971

Referred to Committee on Liquor Control. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hodgdon of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Further Regulate the Sale of Malt Liquor between
Manufacturers and Wholesalers.**

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

Sec. 1. R. S., T. 28, § 604, amended. Section 604 of Title 28 of the Revised Statutes, as amended, is further amended by inserting after the first paragraph a new paragraph, to read as follows:

No manufacturer or foreign wholesaler to whom a certificate of approval has been granted shall sell or cause to be transported into this State any malt liquor to any person to whom a Maine wholesale license has not been granted by the commission. The commission shall revoke the certificate of approval of any manufacturer or foreign wholesaler if such manufacturer or foreign wholesaler shall make it a condition in selling malt liquor to any Maine wholesale licensee that such Maine wholesale licensee shall not sell malt liquor manufactured or sold by other manufacturers or foreign wholesalers.

Sec. 2. R. S., T. 28, § 652, amended. The 3rd paragraph of section 652 of Title 28 of the Revised Statutes, as amended, is further amended by adding at the end a new sentence, to read as follows:

The commission shall revoke the license of any Maine wholesale licensee who shall make it a condition in selling malt liquor to another Maine wholesale licensee that such Maine wholesale licensee shall not sell other brand names of malt liquor.

Sec. 3. R. S., T. 28, § 653, additional. Title 28 of the Revised Statutes is amended by adding a new section 653 to read as follows:

§ 653. Report of changes in wholesalers to commission

All manufacturers or foreign wholesalers to whom certificates of approval have been granted shall furnish the commission with a list of the Maine wholesale licensees who distribute their products in this State. Holders of certificates of approval shall notify in writing the commission and the wholesale licensee affected at least 90 days previous to any change to be made by them, either in their wholesale licensees or the territory of their wholesale licensee in this State.

All holders of licenses for the sale and distribution of malt liquor at wholesale shall furnish the commission with a statement as to the holders of certificates of approval for whom they distribute malt liquor in this State and a statement as to the boundaries of their territories. Wholesale licensees shall notify in writing the commission and the holder of the certificate of approval affected at least 90 days previous to any change in either the territory or the distribution of their products.

A holder of a certificate of approval of a wholesale licensee may request a hearing before the commission and for cause, the commission may shorten or lengthen the waiting period before approving a change in either the wholesale licensee or the wholesale licensee's territory. If both the holder of a certificate of approval and the wholesale licensee affected waive to 90-day waiting period by notifying the commission in writing, then the commission may, at its discretion, immediately approve a change in either the wholesale licensee or the wholesale licensee's territory.

The commission shall adopt such rules and regulations as it shall deem necessary to provide for proper control over and disposition of malt liquor in the hands of any wholesale licensee on the effective date of the termination of the wholesale licensee's agreement with a holder of a certificate of approval.

STATEMENT OF FACT

This bill would protect both wholesaler and manufacturer against unfair or capricious practices and further give the Maine Liquor Commission greater control over trade practices in this industry.