

# MAINE STATE LEGISLATURE

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New Draft of: H. P. 1001, L. D. 1363

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1744**

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H. P. 1330

House of Representatives, May 17, 1971

Reported by a Majority of the Committee on Liquor Control and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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

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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. No manufacturer or foreign wholesaler shall make it a condition in selling malt liquor or wine to any Maine wholesale licensee that such Maine wholesale licensee shall not sell malt liquor or wine 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 Administrative Hearing Commissioner shall revoke the license of any Maine wholesale licensee who shall make it a condition in selling malt liquor or wine to another Maine wholesale licensee that such Maine wholesale licensee shall not sell other brand names of malt liquor or wine.**

**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 or wine at wholesale shall furnish the commission with a statement as to the holders of certificates of approval for whom they distribute malt liquor or wine 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 or 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 the 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 or wine 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.

**Sec. 4. Application.** Nothing contained in this Act shall be construed to prohibit or restrict sales between wholesalers.