

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 851

S. P. 288

In Senate, March 1, 1979

On Motion of Senator Katz of Kennebec, referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

Presented by Senator Danton of York.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Malt and Table Wine Licenses for Ship Chandlers.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, ship chandlers are currently engaged in transactions involving the sale of malt liquor and table wine; and

Whereas, these ship chandlers currently are licensed in an improperly designated category; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28 MRSA § 53, sub-§13, as enacted by PL 1975, c. 741, § 1, is amended by adding at the end 2 new paragraphs to read:

Food servicing organizations shall include ship chandlers, provided the malt beverages and table wines are resold to vessels of foreign registry for consumption after those vessels have left port.

Food servicing organizations shall not be subject to section 2, subsection 14.

Sec. 2. 28 MRSA § 452, 7th ¶, 2nd and 3rd sentences, are amended to read:

A refund shall be granted for the excise tax imposed by this State on malt beverages or table wines sold to any vessel of foreign registry **ship chandlers, provided the malt beverages and table wines are resold to vessels of foreign registry for consumption after that vessel has left port.** Any wholesaler selling to such an instrumentality, training site or vessel **ship chandlers for resale to vessels of foreign registry** shall present proof of such sale to the commission and shall thereupon receive from the Treasurer of State a refund of all state excise taxes paid in connection with such sale.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

An investigation indicated that for many years ship chandlers engaged in the sale of malt beverages and table wine without a license.

A temporary solution was worked out by licensing these chandlers as retail store outlets. This is not a proper designation and the business appears to be more in line with the food servicing organization license enacted for international flights out of Bangor.