

MAINE STATE LEGISLATURE

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L.D. 1367

STATE OF MAINE
SENATE (Filing No. S-138)
109TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 436, L.D. 1367, Bill, "AN ACT to Clarify Inconsistencies in the Liquor Laws."

Amend the bill by inserting after section 1 the following:

'Sec. 2. 28 MRSA §2, sub-§18, as last repealed and replaced by PL 1975, c. 741, §1, is amended to read:

18. Wholesaler. "Wholesaler" shall mean and include persons licensed by the commission to engage in the purchase and resale of malt or brewed beverages and wines, or both, in the original containers, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, except testing, on the premises of said wholesaler.

A wholesaler may, with the written permission of the commission, designate a special area or room for the specific purpose of taste testing new vinous or malt liquor products. All such taste testing activity shall not be open to the public and shall be conducted within the special designated area only.'

Further amend the bill by inserting after section 3 the following:

Sec. 4. 28 MRSA §452, last ¶ is amended to read:

A refund credit shall be granted for the excise tax imposed by this State on malt beverages or table wines sold by wholesalers to any instrumentality of the United States or any Maine National Guard state training site accredited with exemption by the commission. A refund credit shall be granted for the excise tax imposed by this State on malt beverages or table wines sold to any vessel of foreign registry. Any wholesaler selling to such an instrumentality, training site or vessel shall present proof of such sale to the commission and shall thereupon receive from the Treasurer of State a refund credit of all state excise taxes paid in connection with such sale.

Sec. 5. 28 MRSA §654, 2nd sentence, as enacted by PL 1979, c. 38, is amended to read:

Licensed Maine wholesalers appointed by them as exclusive distributors for specific brands of alcoholic beverages cannot be terminated as exclusive distributor of those specific brands of alcoholic beverages ~~simultaneously-with~~ upon the voluntary ~~or involuntary~~ termination or transfer of these same brands of alcoholic

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beverages by these breweries, wineries, vintners, brokers and out-of-state wholesalers who obtained the certificate of approval and registered these specific labels and established prices with the Bureau of Alcoholic Beverages.

Further amend the bill by renumbering the sections to read consecutively.

Statement of Facts


The purposes of this bill are as follows:

First, in selecting products to distribute, a wholesale licensee should be able to taste test or sample the items prior to acceptance. Presently, should this be done at the actual business establishment, they would do so in violation of law. Enactment of this amendment would prohibit a wholesaler from holding public wine tasting events, but would allow for taste testing for actual business reasons;

Second, to reduce unnecessary paperwork by allowing the wholesaler to take a credit on his excise tax statement for malt beverages or wines sold to certain instrumentalities of the United States or to vessels of foreign registration; and

Third, the amendment clarifies the language of the law by deleting reference to involuntary terminations and by changing the phrase "simultaneously with" to the word "upon" in the Revised Statutes, Title 28, section 654.

(Shute)

NAME: 
COUNTY: Waldo

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