

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 323

H. P. 284

House of Representatives, January 20, 1981

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Brenerman of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Allow Retailers to Sell Brands of Malt Beverage and Table Wine in
Addition to Those Distributed by Maine Wholesalers.**

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

28 MRSA § 10 is enacted to read:

§ 10. Limited importation by retailers

“Maine wholesale licensee,” “holder of a wholesale license,” or any similar term used in sections 452, 601, 603, 604, 652, 665 to 679, 1052 and 1053 to refer to a licensed wholesaler of malt liquor or table wine shall include any retailer if and to the extent that the retailer purchases for resale to consumers any brand or label of malt liquor or table wine not distributed by any Maine wholesale licensee serving the sale territory in which the retailer is located.

STATEMENT OF FACT

The purpose of this bill is to allow retailers to sell brands of malt beverage and table wine in addition to those distributed by Maine wholesalers.

Under current law, retailers of beer and wine must buy their inventory from local wholesalers. If local wholesalers do not carry a particular brand, Maine retailers may not sell it. A number of lesser-known brands, including many popular regional and foreign labels, are not available in this State because local wholesalers refuse to carry them.

Maine retailers should not be held captive to marketing decisions made by local wholesalers. Very simply, this bill would allow retailers to buy directly from certified out-of-state distributors if local wholesalers do not carry the brand they wish to stock. The legal monopoly that local wholesalers now enjoy would not be distributed as far as their own product lines are concerned. For purposes of the excise tax, retailers and wholesalers would be treated alike under this bill.