

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 331

6
7 H.P. 271

House of Representatives, January 31, 1983

8 Reference to the Committee on Legal Affairs, sent up for concurrence
9 and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Tuttle of Sanford.

Cosponsors: Senator Twitchell of Oxford, Representative Paul of Sanford
and Representative Kiesman of Fryeburg.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Require Liquor Price Equity
18 at Certain Border Area Liquor Stores.
19

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

22 28 MRSA §451, as amended by PL 1979, c. 307, is
23 further amended to read:

24 §451. Consumers' tax

25 All spirits and wines, except table wines, shall
26 be sold by the commission at a price to be determined
27 by the commission which will produce a state liquor
28 tax of not less than 75% based on the less carload
29 cost F.O.B., State Liquor Commission warehouse, and
30 in addition thereto there shall be levied and imposed
31 an excise tax of 75¢ per gallon, or its metric
32 equivalent, on wines containing more than 14% alcohol
33 by volume; except that spirits and wines sold at

1 wholesale under section 204 may be sold at wholesale
2 prices established pursuant to the provisions
3 thereof. Prices for sale of spirits and wines bought
4 by the commission from Maine licensees to manufacture
5 liquor under section 501 shall be based on minimum
6 truck load delivery prices F.O.B. warehouse as the
7 same are filed with the Public Utilities Commission.
8 Special orders by the commission for unstocked mer-
9 chandise shall be priced at not less than 75% over
10 actual cost delivered F.O.B. warehouse. In all cases
11 the commission is authorized to round off costs to
12 the next highest 5 cents. Any increased federal taxes
13 levied on or after November 1, 1941 shall be added to
14 the established price without markup. All net revenue
15 derived from such tax shall be deposited to the
16 credit of the General Fund of the State. Notwith-
17 standing the other provisions of this section, the
18 commission, with approval of the Commissioner of
19 Finance and Administration, may reduce the price of
20 discontinued items of liquor. The reduced price
21 shall not be less than the actual cost of the discon-
22 tinued liquor items and no item shall be discontinued
23 by the commission for a period of at least 6 months
24 after such item has been listed and on sale in state
25 stores. Notwithstanding the other provisions of this
26 section, ~~the commission, with the approval of the~~
27 ~~Commissioner of Finance and Administration, may~~
28 ~~reduce the price of liquor in one store, and license-~~
29 ~~es there are established discount liquor stores in~~
30 ~~Kittery, Sanford and Fryeburg at which the commission~~
31 ~~may reduce the price of liquor. Licensees permitted~~
32 ~~to purchase liquor at a discount under section 204~~
33 ~~may purchase liquor for resale from that store at the~~
34 ~~same price they are permitted to purchase liquor for~~
35 ~~resale from any state store which does not offer a~~
36 ~~retail discount.~~

37 Taxes on spirituous or vinous liquors imposed by
38 the State shall not apply to spirituous or vinous
39 liquors sold by wholesalers, manufacturers, bottlers
40 and rectifiers holding licenses from the commission
41 to any instrumentality of the United States, or to
42 any vessel of foreign registry, or to industrial
43 establishments for use as an ingredient in the manu-
44 facture of food products, or for use as an ingredient
45 in the manufacture of commodities which by reason of
46 their nature cannot be used for beverage purposes.

1 The commission is specifically authorized to make
2 such rules and regulations as they deem necessary for
3 carrying out the provisions of this paragraph.

4 Notwithstanding the other provisions of this
5 section, the commission may, from time to time,
6 establish special prices on certain listed liquor
7 items to be made available to the consumer at all
8 state stores. Such special prices shall not be lower
9 than the price established for the same listed item
10 at the ~~one~~ 3 authorized special discount state ~~store~~
11 stores.

12 STATEMENT OF FACT

13 The purpose of this bill is to establish discount
14 liquor stores in Sanford and Fryeburg, as well as in
15 Kittery. Both Sanford and Fryeburg are border towns
16 with New Hampshire, as is Kittery, and both communi-
17 ties enjoy substantial tourist traffic. Also, by
18 placing discount liquor stores in these communities,
19 Maine residents in these areas will be less inclined
20 to travel into New Hampshire to purchase their liq-
21 uor.

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