

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 727

6  
7 H.P. 579

House of Representatives, February 10, 1983

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Mitchell of Freeport.  
Cosponsor: Senator Clark of Cumberland.

12 STATE OF MAINE  
13

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

17 AN ACT Regarding Franchise Practices in  
18 the Business of Beverage Distributors.  
19

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

22 Sec. 1. 28 MRSA §651, 2nd paragraph, as amended  
23 by PL 1971, c. 116, §2, is further amended to read:

24 Such wholesalers' licenses may be transferable as  
25 to premises in the town originally specified or to  
26 premises in another town. A wholesaler shall main-  
27 tain a warehouse or warehouses within this State and  
28 employ a salesman or salesmen for the purpose of  
29 soliciting orders. A wholesaler shall also operate  
30 under a franchise or agreement for the resale of malt  
31 or brewed beverages and wines, or both, within an  
32 allocated territory by a holder of a certificate of  
33 approval.

1           Sec. 2. 28 MRSA §653, as enacted by PL 1971, c.  
2 430, §3, is amended to read:

3 §653. Report of changes in wholesalers to commission

4           All manufacturers or foreign wholesalers to whom  
5 certificates of approval have been granted shall furn-  
6 ish the commission with a list of the Maine whole-  
7 sale licensees who distribute their products in this  
8 State. Holders of certificates of approval shall  
9 notify in writing the commission and the wholesale  
10 licensee affected at least 90 days previous to any  
11 change to be made by them, ~~either~~ in their wholesale  
12 licensees ~~or the territory of their wholesale licen-~~  
13 ~~see~~ in this State.

14           All holders of licenses for the sale and distri-  
15 bution of malt liquor or wine at wholesale shall furn-  
16 ish the commission with a statement as to the hold-  
17 ers of certificates of approval for whom they dis-  
18 tribute malt liquor or wine in this State ~~and a~~  
19 ~~statement as to the boundaries of their territories.~~  
20 Wholesale licensees shall notify in writing the com-  
21 mission and the holder of the certificate of approval  
22 affected at least 90 days previous to any change in  
23 ~~either the territory or~~ the distribution of their  
24 products.

25           A holder of a certificate of approval or a whole-  
26 sale licensee may request a hearing before the com-  
27 mission and for cause, the commission may shorten the  
28 waiting period before approving a change in ~~either~~  
29 the wholesale licensee ~~or the wholesale licensee's~~  
30 ~~territory~~. If both the holder of a certificate of  
31 approval and the wholesale licensee affected waive  
32 the 90-day waiting period by notifying the commission  
33 in writing, then the commission may, at its discre-  
34 tion, immediately approve a change in ~~either~~ the  
35 wholesale licensee ~~or the wholesale licensee's ter-~~  
36 ~~ritory~~.

37           The commission shall adopt such rules and regula-  
38 tions as it shall deem necessary to provide for  
39 proper control over and disposition of malt liquor or  
40 wine in the hands of any wholesale licensee on the  
41 effective date of the termination of the wholesale  
42 licensee's agreement with a holder of a certificate  
43 of approval.



1           Registration of dealers is maintained, in order  
2 to provide the necessary information for enforcement  
3 of the liquor laws.

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