MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION								
HUNDRED AND ELEVENTH LEGISLATURE	<u> </u>							
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House of Representatives, Feb	ruary 10, 1983							
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STATE OF MAINE								
IN THE YEAR OF OUR LORD NETEEN HUNDRED AND EIGHTY-THREE								
T Regarding Franchise Practices usiness of Beverage Distributors								
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28 MRSA §651, 2nd paragraph, ac. 116, §2, is further amended	as amended to read:							
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1 Sec. 2. 28 MRSA §653, as enacted by PL 1971, c.
2 430, §3, is amended to read:

§653. Report of changes in wholesalers to commission

All manufacturers or foreign wholesalers to whom certificates of approval have been granted shall furnish the commission with a list of the Maine wholesale licensees who distribute their products in this State. Holders of certificates of approval shall notify in writing the commission and the wholesale licensee affected at least 90 days previous to any change to be made by them, either in their wholesale licensees or the territory of their wholesale licensees in this State.

All holders of licenses for the sale and distribution of malt liquor or wine at wholesale shall furnish the commission with a statement as to the holders of certificates of approval for whom they distribute malt liquor or wine in this State and a statement as to the boundaries of their territories. Wholesale licensees shall notify in writing the commission and the holder of the certificate of approval affected at least 90 days previous to any change in either the territory or the distribution of their products.

A holder of a certificate of approval or a whole-sale licensee may request a hearing before the commission and for cause, the commission may shorten the waiting period before approving a change in either the wholesale licensee or the wholesale licensee's territory. If both the holder of a certificate of approval and the wholesale licensee affected waive the 90-day waiting period by notifying the commission in writing, then the commission may, at its discretion, immediately approve a change in either the wholesale licensee or the wholesale licensee's territory.

The commission shall adopt such rules and regulations as it shall deem necessary to provide for proper control over and disposition of malt liquor or wine in the hands of any wholesale licensee on the effective date of the termination of the wholesale licensee's agreement with a holder of a certificate of approval.

- Sec. 3. 28 MRSA §665, sub-§6, as enacted by PL 1979, c. 270, is repealed.
- 3 Sec. 4. 28 MRSA §667, as amended by PL 1981, c. 4 572, is repealed and the following enacted in its place:

§667. Choice of dealer; registration

- 1. Choice of dealer. Any certificate of approval holder may designate a sales territory for which any wholesaler shall be primarily responsible, but no certificate of approval holder or wholesaler may prevent or attempt to prevent freedom of choice of dealers between wholesalers and licensees.
 - 2. Registration. Each holder of a certificate of approval shall file with the commission a list giving the name and address of each bottler and wholesale dealer authorized to distribute products of that certificate holder, together with a designation, if appropriate, of each wholesaler's primary territority of responsibility. Each wholesaler licensee shall file with the commission a list of licensees serviced by that wholesaler. The commission shall promulgate rules establishing the form, frequency and content of the filings required by this subsection.
 - 3. Primary source of supply. It is unlawful for any wholesaler licensee to purchase alcoholic beverages from anyone other than the primary source of supply within the United States. "Primary source of supply" means the distiller, bottler, brewer, brand owner or designated agent of any such distiller, brewer or brand owner.

32 STATEMENT OF FACT

The purpose of this bill is to allow retail sellers of alcoholic beverages free choice in the selection of their distributors. Present law requires retailers to deal exclusively with wholesalers in whose territory they are located.

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