

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1960

6
7 S.P. 714

In Senate, January 19, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Reference to the Committee on Legal Affairs is suggested and ordered
printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Pray of Penobscot.

11 Cosponsors: Senator Baldacci of Penobscot and Representative Zirnkilton
of Mount Desert.

12 STATE OF MAINE
13

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

17 AN ACT to Amend the Law Relating to Wine
18 Franchises.
19

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

22 Sec. 1. 28 MRSA §667, as amended by PL 1981, c.
23 572, is further amended to read:

24 §667. No dual distributorship; malt or brewed bever-
25 ages.

26 No certificate of approval holder who designates
27 a sales territory for which any wholesaler ~~shall be~~
28 is primarily responsible ~~shall~~ may enter into any
29 agreement with any other wholesaler for the purpose
30 of establishing an additional agreement for its brand
31 or label in the same territory served by a wholesaler
32 with that particular brand.

1 Each holder of a certificate of approval shall
2 file with his application a list giving the name and
3 address of each bottler and wholesale dealer autho-
4 rized to distribute products of malt or brewed bever-
5 ages distributed by that certificate holder and des-
6 ignating the exclusive territory assigned to each
7 wholesaler within the State. Wholesalers shall not
8 sell these products malt or brewed beverages to li-
9 censees outside of the exclusive territory so allo-
10 cated and designated, unless previously authorized by
11 the bureau.

12 It is unlawful for any wholesaler licensee to
13 purchase alcoholic beverages from other than the pri-
14 mary source of supply within the United States.
15 "Primary source of supply" means the distiller, the
16 bottler, the brewer, the brand owner or the desig-
17 nated agent of any such distiller, brewer or brand
18 owner.

19 Sec. 2. 28 MRS A §667-A is enacted to read:

20 §667-A. No dual distributorship; wines

21 No certificate of approval holder who designates
22 a sales territory for which any wholesaler is primar-
23 ily responsible may enter into any agreement with any
24 other wholesaler for the purpose of establishing an
25 additional agreement for its brand or label in the
26 same territory served by a wholesaler with that par-
27 ticular brand.

28 Each holder of a certificate of approval shall
29 file with his application a list giving the name and
30 address of each bottler and wholesale dealer autho-
31 rized to distribute wine distributed by that certifi-
32 cate holder and designating the exclusive territory
33 assigned to each wholesaler within the State. Whole-
34 salers may sell wine to licensees outside of the ex-
35 clusive territory so allocated and designated, pro-
36 vided that the wholesaler shall not solicit those
37 sales.

38 It is unlawful for any wholesaler licensee to
39 purchase alcoholic beverages from other than the pri-
40 mary source of supply within the United States.

1 "Primary source of supply" means the distiller, the
2 bottler, the brewer, the brand owner or the desig-
3 nated agent of any such distiller, brewer or brand
4 owner.

5 STATEMENT OF FACT

6 The purpose of this bill is to allow any whole-
7 saler of wine to distribute wine outside of his des-
8 ignated territory, provided that the wholesaler does
9 not solicit those wine sales.

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