

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1269

H.P. 946 House of Representatives, April 14, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative REEVES of Pittston.
Cosponsored by Representatives ROLDE of York, PERRY of
Mexico and Senator DILLENBACK of Cumberland.

STATE OF MAINE

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

AN ACT Concerning the Sale of Dessert Wine.

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

Sec. 1. 28 MRSA §451, first ¶, as amended by PL
1985, c. 785, Pt. A, §104, is further amended to
read:

All spirits and-wines, ~~except-table-wines,~~ shall
be sold by the commission at a price to be determined
by the commission which will produce a state liquor
tax of not less than 75% based on the less carload
cost f.o.b., State Liquor Commission warehouse, ~~and~~
~~in-addition-thereto-there-shall-be-levied-and-imposed~~
~~an-exercise-tax-of-75¢-per-gallon, or-its-metric-equiv-~~
~~alent, on-wines-containing-more-than-14%-alcohol-by~~
volume; except that spirits and-wines sold at whole-

1 sale under section 204 may be sold at wholesale
2 prices established pursuant to the provisions there-
3 of. Prices for sale of spirits and wines bought by
4 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
14 to the established price without markup. All net rev-
15 enue 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 Fi-
19 nance, may reduce the price of discontinued items of
20 liquor. The reduced price shall not be less than the
21 actual cost of the discontinued liquor items and no
22 item shall be discontinued by the commission for a
23 period of at least 6 months after such item has been
24 listed and on sale in state stores. Notwithstanding
25 the other provisions of this section, the commission,
26 with the approval of the Commissioner of Finance, may
27 reduce the price of liquor in one store, and licens-
28 ees permitted to purchase liquor at a discount under
29 section 204 may purchase liquor for resale from that
30 store at the same price they are permitted to pur-
31 chase liquor for resale from any state store which
32 does not offer a retail discount.

33 Sec. 2. 28 MRSA §451, 3rd ¶, as enacted by PL
34 1965, c. 316, is amended to read:

35 Taxes on spirituous or-vineous liquors imposed by
36 the State shall not apply to spirituous or-vineous li-
37 quors sold by wholesalers, manufacturers, bottlers
38 and rectifiers holding licenses from the commission
39 to any instrumentality of the United States, or to
40 any vessel of foreign registry, or to industrial es-
41 tablishments for use as an ingredient in the manufac-
42 ture of food products, or for use as an ingredient in
43 the manufacture of commodities which by reason of
44 their nature cannot be used for beverage purposes.
45 The commission is specifically authorized to make

1 such rules and regulations as they deem necessary for
2 carrying out the provisions of this paragraph.

3 Sec. 3. 28 MRSA §451-A is enacted to read:

4 §451-A. Consumer's tax and excise tax on fortified
5 wine

6 1. Fortified wine sold by commission. All forti-
7 fied wine sold by the commission shall be sold at a
8 price to be determined by the commission which will
9 produce a state liquor tax of not less than \$7 per
10 gallon.

11 2. Fortified wine bought by licensees from other
12 than the commission. There shall be levied and im-
13 posed an excise tax of \$7 per gallon on all fortified
14 wine manufactured in or imported into this State. The
15 excise tax shall be paid by the Maine manufacturer or
16 importing wholesaler.

17 Sec. 4. 28 MRSA §452, 2nd ¶, as amended by PL
18 1979, c. 130, §4, is further amended to read:

19 There shall be levied and imposed an excise tax
20 of 30¢ per gallon, or its metric equivalent, or frac-
21 tion or multiple thereof, on all table wine contain-
22 ing 14% or less alcohol by volume imported into this
23 State; except the excise tax shall be 20¢ per gallon,
24 or its metric equivalent, or fraction or multiple
25 thereof, on all still wine containing 14% or less al-
26cohol by volume which is manufactured or bottled in
27 this State; and an excise tax of \$1 per gallon, or
28 its metric equivalent, or multiple or fraction there-
29 of, on all sparkling wines manufactured in or im-
30 ported into this State. Such taxes shall be paid by
31 the Maine manufacturer or the importing wholesaler.

32 Sec. 5. 28 MRSA §452, 3rd ¶, as enacted by PL
33 1983, c. 756, §1, is amended to read:

34 Notwithstanding the provisions of this section,
35 until July 1, 1989, the excise tax imposed on table
36 wine containing 14.5% or less alcohol by volume pro-
37 duced by a licensed Maine farm winery, shall be 5¢
38 per gallon, or its metric equivalent, on the first
39 10,000 gallons of table wine produced in one year;

1 10¢ per gallon, or its metric equivalent, on all wine
2 produced in excess of 10,000 gallons, but not in ex-
3 cess of 25,000 gallons; and 20¢ per gallon, or its
4 metric equivalent, on all wine produced in excess of
5 25,000 gallons.

6 Sec. 6. 28 MRSA §452, 6th ¶, as amended by PL
7 1977, c. 696, §208, is further amended to read:

8 The commission is authorized to give such proper
9 credits and to make such proper tax adjustments as it
10 may from time to time deem the wholesale licensee to
11 be entitled to upon the filing of affidavits in such
12 form as it may prescribe and shall refund all excise
13 tax paid by the wholesale licensee on all malt liquor
14 or ~~table~~ wine caused to be destroyed by a supplier as
15 long as the quantity and size are verified by the Bu-
16 reau of Alcoholic Beverages and the destruction is
17 witnessed by an inspector of the bureau.

18 Sec. 7. 28 MRSA §452, last ¶, as amended by PL
19 1985, c. 148, is further amended to read:

20 A credit shall be granted for the excise tax im-
21 posed by this State on malt beverages or ~~table~~ wines
22 sold by wholesalers to any instrumentality of the
23 United States or any Maine National Guard state
24 training site accredited with exemption by the com-
25 mission. A credit shall be granted for the excise tax
26 imposed by this State on malt beverages or ~~table~~
27 wines sold to any ship chandlers, provided the malt
28 beverages and ~~table~~ wines are resold to vessels of
29 foreign registry for consumption after that vessel
30 has left port or are resold for consumption on board
31 vessels of United States registry which are destined
32 for a foreign port. Any wholesaler selling to such an
33 instrumentality, training site or ship chandlers
34 shall present proof of that sale to the commission
35 and shall thereupon receive from the commission a
36 credit of all state excise taxes paid in connection
37 with that sale.

38 Sec. 8. 28 MRSA §474, sub-§2, as enacted by PL
39 1981, c. 454, §8, is amended to read:

40 2. Malt liquor and wines. In addition to any
41 other tax or charge imposed under state or federal

1 law, a premium shall be imposed on all malt liquor
2 and table wine manufactured, bottled or imported into
3 this State. The premium shall be in the amount speci-
4 fied in subsection 3. Premiums shall be paid to the
5 commission by Maine manufacturers and importing
6 wholesalers. The commission shall open a premium ac-
7 count with all Maine manufacturers and wholesale li-
8 censees. The collection of premiums under this sub-
9 section shall be governed in the same manner as pro-
10 vided for the collection of excise taxes under sec-
11 tion 652. The duties, prohibitions and liabilities
12 under this subsection of licensees and holders of
13 certificates of approval shall be the same as those
14 under sections 603, 604 and 652. The commission shall
15 give credits and make adjustments under this subsec-
16 tion on the same terms and conditions as provided in
17 section 452.

18 Sec. 9. 28 MRSA §601, as amended by PL 1969, c.
19 360, §18, is further amended to read:

20 §601. Manufacture of malt liquor or wine; credit;
21 furnishing materials and equipment

22 No officer, director or stockholder of a corpora-
23 tion which is the holder of a manufacturer's certifi-
24 cate of approval ~~shall~~ may in any way be interested,
25 either directly or indirectly, as a director, officer
26 or stockholder in any other corporation which is the
27 holder of a wholesale license for the sale of malt
28 liquor or table wine granted by this State; nor ~~shall~~
29 may a manufacturer or holder of a certificate of ap-
30 proval, either directly or indirectly, loan any mon-
31 ey, credit or equivalent thereof to any wholesaler
32 for equipping, fitting out, maintaining or conduct-
33 ing, either in whole or in part, a business estab-
34 lishment where malt liquor or table wine is sold, ex-
35 cepting only the usual and customary commercial cred-
36 it for malt liquor or table wine sold; excepting that
37 a manufacturer or holder of a certificate of approval
38 may furnish a wholesale licensee materials and equip-
39 ment for the use of the wholesale licensee or his em-
40 ployees such as painting the wholesale licensee's ve-
41 hicles, and furnishing legal advertising signs used
42 by the wholesale licensee in the course of his busi-
43 ness, and furnishing the wholesale licensee uniforms

1 for his employees, excepting only the usual and cus-
2 tomary commercial credit for malt liquor or ~~table~~
3 wine sold and delivered.

4 Sec. 10. 28 MRSA §603, as amended by PL 1977, c.
5 211, §7, is further amended to read:

6 §603. Invoices and reports

7 All manufacturers or foreign wholesalers to whom
8 certificates of approval have been granted shall fur-
9 nish promptly the commission with a copy of every in-
10 voice sent to Maine wholesale licensees, with the
11 licensee's name and purchase number thereon and the
12 original copy of the Maine purchase order. They
13 shall furnish a monthly report on or before the 10th
14 day of each calendar month in such form as may be
15 prescribed by the commission and shall not ship or
16 cause to be transported into this State any malt li-
17 quor or ~~table~~ wine until the commission has certified
18 that the excise tax has been paid or that the Maine
19 wholesale licensee, to whom shipment is to be made,
20 has filed a bond to guarantee payment of the excise
21 tax as provided in section 652.

22 Sec. 11. 28 MRSA §604, as amended by PL 1981, c.
23 698, §§125 to 127, is further amended to read:

24 §604. Certificate of approval

25 No manufacturer or foreign wholesaler of malt li-
26 quor or ~~table~~ wine shall may hold for sale, sell or
27 offer for sale, in intrastate commerce, any malt li-
28 quor or ~~table~~ wine or transport or cause the same to
29 be transported into this State for resale unless such
30 manufacturer or foreign wholesaler has obtained from
31 the commission a certificate of approval. The fee
32 therefor shall be \$600 per year for malt liquor only
33 and \$600 for ~~table~~ wine only, which sum shall accom-
34 pany the application for such certificate.

35 No manufacturer or foreign wholesaler to whom a
36 certificate of approval has been granted shall may
37 sell or cause to be transported into this State any
38 malt liquor or wine to any person to whom a Maine
39 wholesale license has not been granted by the commis-
40 sion. No manufacturer or foreign wholesaler shall may

1 make it a condition in selling malt liquor or wine to
2 any Maine wholesale licensee that such Maine whole-
3 sale licensee shall not sell malt liquor or wine man-
4 ufactured or sold by other manufacturers or foreign
5 wholesalers.

6 The certificate of approval shall be subject to
7 the laws of the State of Maine and the rules and
8 regulations which the commission has or may make. Any
9 violation of such rules and--regulations shall be
10 grounds for suspension or revocation of such certifi-
11 cate at the discretion of the Administrative Court
12 Judge.

13 Notwithstanding the importation restrictions of
14 sections 1051 and 1052, the commission may issue cer-
15 tificates of approval authorizing the direct importa-
16 tion of malt liquors, table wines or spirits from
17 suppliers located in foreign countries or states into
18 special warehouse storage facilities located within
19 this State that are under the direct supervision and
20 control of the certificate holder. The fee therefor
21 shall be \$600 a year for malt liquor only, \$600 a
22 year for table wine only and \$600 a year for spirits
23 only.

24 All liquors stored in special warehouse storage
25 facilities shall not be subject to state liquor taxes
26 until such time as they are withdrawn from the spe-
27 cial warehouse storage facilities.

28 Malt liquors and table wines withdrawn from the
29 special warehouse storage facilities by licensed
30 Maine wholesale distributors shall immediately become
31 subject to the same tax and premiums as malt liquor
32 and table wine imported into this State from out-
33 of-state certificate of approval holders. All malt
34 liquor and table wine products withdrawn for distri-
35 bution within this State shall be accomplished by the
36 procedure established in section 652.

37 Spirits may be withdrawn from special warehouse
38 storage facilities by the State Liquor Commission.

39 Malt liquor, table wines or spirits may be with-
40 drawn from special warehouse storage facilities by
41 authorized out-of-state purchasers and that certifi-

1 cate authorizes the direct transportation of these
2 products to the state border for delivery to such
3 out-of-state purchasers. Products withdrawn by au-
4 thorized out-of-state purchasers for delivery outside
5 of this State shall not be subject to the state ex-
6 cise tax or premium.

7 Sec. 12. 28 MRSA §651, first ¶, as amended by PL
8 1975, c. 741, §20, is further amended to read:

9 Licenses for the sale and distribution of malt
10 liquor or ~~table~~ wine at wholesale under such regula-
11 tions as the commission may prescribe may be issued
12 by the commission upon an application in such form as
13 they may prescribe and upon payment of an annual fee
14 of \$600 for the principal place of business, and \$600
15 for each additional warehouse maintained by such
16 wholesale licensee, except that the commission may
17 issue special permits, upon application in writing,
18 for the temporary storage of malt liquors or ~~table~~
19 wine under such terms and upon such conditions as the
20 commission may prescribe. Any wholesaler, if a per-
21 son, shall have been a resident of this State for 6
22 months or, if a corporation, shall have conducted
23 business in this State for 6 months before a license
24 may be issued.

25 Sec. 13. 28 MRSA §652, as amended by PL 1977, c.
26 211, §§8, 9 and 10, is further amended to read:

27 §652. Interstate purchase or transportation; bond
28 for excise tax

29 No Maine wholesale licensee ~~shall~~ may purchase or
30 cause to be transported into this State any malt li-
31 quor or ~~table~~ wine from any person to whom a certifi-
32 cate of approval has not been granted by the commis-
33 sion.

34 All purchase order forms are to be furnished by
35 the commission and all orders are to be executed in
36 quintuplet for unbonded wholesalers. First, the
37 unbonded wholesaler ordering malt liquor or ~~table~~
38 wine shall mail 3 copies to the commission with a
39 check for the amount of excise taxes required to cov-
40 er the amount of the order. Thereafter, the unbonded
41 wholesaler may mail the original copy of the order to

1 the qualified brewery or winery or wholesaler with
2 whom he wishes to place his order. On receipt of the
3 3 copies and check for excise taxes, the commission,
4 shall promptly receipt 2 copies and return one copy
5 to the wholesaler and send one to the brewery, winery
6 or foreign wholesaler designated to receive the order
7 and no brewery, winery or foreign wholesaler shall
8 ship or release malt liquor or ~~table~~ wine for deliv-
9 ery in Maine until notified by the commission that
10 the excise tax has been paid thereon in accordance
11 with this section and shall ship only to a licensed
12 Maine wholesaler.

13 Bonded Maine wholesale licensees shall use a form
14 supplied by the commission which form shall be in
15 triplicate. The wholesalers shall submit the original
16 copy to the qualified brewery, winery or foreign
17 wholesaler with whom he wishes to place his order.
18 The bonded wholesaler shall then mail to the commis-
19 sion one copy of the form and retain one copy for his
20 files.

21 No Maine wholesale licensee ~~shall~~ may sell any
22 malt liquor or ~~table~~ wine to another Maine wholesaler
23 licensee, which has not been purchased from a brew-
24 ery, winery or foreign wholesaler holding a certifi-
25 cate of approval. The Administrative Court Judge
26 shall revoke the license of any Maine wholesale li-
27 censee who shall make it a condition in selling malt
28 liquor or wine to another Maine wholesale licensee
29 that such Maine wholesale licensee shall not sell
30 other brand names of malt liquor or wine.

31 Maine wholesale licensees shall furnish to the
32 commission, in such form as may be prescribed, a
33 monthly report, on or before the 10th day of each
34 calendar month, of all malt liquor or ~~table~~ wine pur-
35 chased and sold during the preceding month.

36 By filing the bond hereafter required, a Maine
37 wholesale licensee may pay monthly the excise tax im-
38 posed by section 452 on all malt liquor or ~~table~~ wine
39 shipped into this State as shown by invoice of the
40 shipment by the out-of-state wholesaler or holder of
41 certificate of approval. The tax shall be paid by the
42 wholesale licensee on or before the 10th day of the
43 calendar month following that in which shipment oc-

1 curs. Each Maine wholesale licensee shall, at the
2 time of payment of the excise tax on or before the
3 10th day of each month, furnish to the commission in
4 such form as may be prescribed a verified monthly re-
5 port of all malt liquor or ~~table~~ wine purchased or
6 imported based on the date of shipment invoice during
7 the preceding calendar month and all such additional
8 information as may be deemed necessary to compute and
9 assure the accuracy of the excise tax payment accom-
10 panying the report.

11 In order to secure payment of the excise tax,
12 each wholesale licensee shall file with the commis-
13 sion a corporate surety bond, in form and amount ap-
14 proved and determined by the commission, guaranteeing
15 payment of the proper excise tax due the State from
16 him. The commission shall fix the amount and terms of
17 the bond in such manner and subject to such condi-
18 tions as it deems most appropriate. Said The bond
19 shall be equal to the highest monthly excise tax paid
20 by the wholesale licensee during the period of his
21 prior calendar year license plus 10% of the highest
22 month. All such bonds shall be provided and effective
23 only for each calendar licensed year. New licensees
24 desiring to furnish bond under this section shall
25 furnish corporate surety bond in an amount to be de-
26 termined by the commission. Failure to pay the ex-
27 cise tax when due shall be grounds for the suspension
28 of the license of the Maine wholesale licensee.

29 Sec. 14. 28 MRSA §655, first ¶, as enacted by PL
30 1983, c. 83, is amended to read:

31 All holders of certificates of approval and li-
32 censed Maine bottlers must post with the Bureau of
33 Alcoholic Beverages the F.O.B. shipping point prices
34 for which they are selling malt liquor or ~~table~~ wine,
35 or both, to licensed Maine wholesalers and all whole-
36 salers must post the delivered prices for which they
37 are selling malt liquor or ~~table~~ wine, or both, to
38 licensees and all other entities or instrumentalities.
39 All prices posted must include deposits re-
40 quired on returnable items, including kegs.

41 Sec. 15. 28 MRSA §751, first ¶, as amended by PL
42 1969, c. 500, §16, is further amended to read:

1 Licenses for sale and distribution of malt liquor
2 or table wine, or both, in retail stores may be is-
3 sued by the commission upon application and under
4 such regulations as the commission may prescribe. No
5 such license or licenses shall may be issued to any
6 person who is not engaged in a bona fide retail busi-
7 ness other than the sale of malt liquors or table
8 wine at retail and no person licensed to sell malt
9 liquor or table wine under this section shall may
10 sell malt liquor or table wine for consumption on the
11 premises where sold.

12 Sec. 16. 28 MRSA §751, last ¶, as amended by PL
13 1985, c. 238, is further amended to read:

14 All retail store licensees must have and maintain
15 an adequate stock of groceries in no case less than
16 \$1,000 wholesale value or a stock of merchandise rea-
17 sonably compatible with a stock of malt liquor or
18 table wine in no case less than \$1,000 wholesale val-
19 ue, or a combination of both in no case less than
20 \$1,000 wholesale value. No merchandise shall may be
21 considered to be reasonably compatible with a stock
22 of malt liquor or table wine, for the purpose of li-
23 censing a retail store, which consists of gasoline
24 and oil; used or new cars, parts or accessories; or
25 such other items of stock that may be equally incom-
26 patible in nature. Compatible merchandise shall con-
27 sist exclusively of tobacco products, newspapers,
28 greeting cards, paper products and a stock of food-
29 stuffs and other consumable products used on the
30 premises in the preparation of food for consumption
31 on or off the premises. Compatible merchandise shall
32 be displayed in the general sales area of the licens-
33 ee, except that foodstuffs and other consumable
34 products used in the preparation of food are not re-
35 quired to be displayed if they are stored elsewhere
36 on the premises.

37 Sec. 17. 28 MRSA §751-A, as repealed and re-
38 placed by PL 1985, c. 620, §1, is amended to read:

39 §751-A. Payment for sales in retail stores

40 For the purpose of receiving payment at the
41 check-out counters for the sale of malt liquor or
42 table wine in retail stores, the age of the employee

1 receiving the payment shall not be under 17 years of
2 age. An employee who is 17 years of age may receive
3 payment only if an employee who is 18 years of age or
4 older is present in the retail store in a supervisory
5 capacity.

6 Sec. 18. 28 MRSA §755, as amended by PL 1969, c.
7 360, §26, is further amended to read:

8 §755. Advertising or sale of malt liquor or wine by
9 trade name

10 No licensee ~~shall~~ may advertise or holdout for
11 sale any malt liquor or ~~table~~ wine by trade name or
12 other designation which would indicate the manufac-
13 turer or place of manufacture of malt liquor or ~~table~~
14 wine unless he actually has on hand and for sale a
15 sufficient quantity of the particular malt liquor or
16 ~~table~~ wine so advertised to meet requirements to be
17 normally expected as the result of such advertisement
18 or announcement.

19 No licensee ~~shall~~ may furnish or serve any malt
20 liquor from any faucet, spigot or other dispensing
21 apparatus, unless the trade name or brand of the malt
22 liquor served shall appear in full sight of the cus-
23 tomer in legible lettering upon such faucet, spigot
24 or dispensing apparatus.

25 Sec. 19. 28 MRSA §756, first ¶, as repealed and
26 replaced by PL 1969, c. 590, §53, is amended to read:

27 It shall be unlawful for any wholesale or retail
28 licensee of malt liquor or ~~table~~ wine, either direct-
29 ly or indirectly, by any agent or employee, to go
30 from town to town, or from place to place in the same
31 town, selling, bartering or carrying for sale or ex-
32 posing for sale any malt liquor or ~~table~~ wine from
33 any vehicle, except all sales of such malt liquor or
34 ~~table~~ wine where transportation and delivery are re-
35 quired shall be made only upon orders actually re-
36 ceived at the principal place of business or ware-
37 house or distributing center, if licensed, of the
38 seller prior to shipment thereof, and an invoice
39 stating the names of the purchaser and the seller and
40 the kind and quantity of malt liquor or ~~table~~ wine
41 ordered by the sale, together with the date of the

1 sale, shall be carried by the driver or any other em-
2 ployee of the seller; and except that a wholesale li-
3 censee, his agent or employee, may go from town to
4 town or from place to place in the same town selling,
5 or carrying for sale or exposing for sale malt liquor
6 or ~~table~~ wine from its vehicle, provided the licens-
7 ee, his agent or employee has in his possession on
8 ~~said~~ the vehicle a manifest bearing a detailed de-
9 scription of the total amount of malt liquor or ~~table~~
10 wine on the vehicle, and invoices as required as well
11 as invoices drawn up at the time of delivery. Sales
12 or deliveries must only be made to licensees of the
13 Maine State Liquor Commission.

14 Sec. 20. 28 MRSA §771, first ¶, as enacted by PL
15 1985, c. 138, §5, is amended to read:

16 A license for sale and distribution of ~~table~~ wine
17 by florist shops may be issued by the commission upon
18 application and under such rules as the commission
19 may prescribe. No license or licenses may be issued
20 to any person who is not engaged in a bona fide
21 florist shop business and no person licensed to sell
22 ~~table~~ wine under this section may sell ~~table~~ wine for
23 consumption on the premises where sold.

24 Sec. 21. 28 MRSA §771, last ¶, as enacted by PL
25 1985, c. 138, §5, is amended to read:

26 No licensee under this section may sell ~~table~~
27 wine except when incorporated into a floral arrange-
28 ment the retail price of which is at least \$10 with-
29 out the ~~table~~ wine, not including delivery charges.

30 Sec. 22. 28 MRSA §1052, first ¶, as amended by
31 PL 1979, c. 130, §6, is further amended to read:

32 No person, other than the commission, shall may
33 import spirituous ~~er--vinous~~ liquor into this State
34 ~~except-wholesalers-of-table--wine--may--import--table~~
35 ~~wine--containing-not-more-than-14%-alcohol-by-volume.~~
36 Any person unlawfully importing, or causing to be
37 shipped into the State, or unlawfully transporting
38 spirituous ~~er--vinous~~ liquor into the State, shall be
39 punished by a fine of not more than \$500 or by im-
40 prisonment for not more than 11 months, or by both.
41 It shall be lawful for an individual to transport in-

1 to this State and to transport from place to place
2 within the State such spirituous ~~or-vineous~~ liquor for
3 his personal use in a quantity not to exceed 4 quarts
4 or its metric equivalent. The commission, in its dis-
5 cretion and by its written authorization, may permit
6 and authorize the importation of spirituous ~~or-vineous~~
7 liquors into this State and the transportation of the
8 same from place to place within this State to the
9 following:

10 Sec. 23. 28 MRSa §1052, last ¶ is amended to
11 read:

12 The commission shall have the right and power to
13 prescribe such conditions as it deems necessary or
14 advisable as conditions precedent to granting permis-
15 sion and authority to import spirituous ~~and-vineous~~
16 liquors into this State and to transport the same
17 within this State under subsections 1 to 4 and to
18 make rules ~~and-regulations~~ for clarifying and carry-
19 ing out said subsections and preventing violation of
20 the laws relating to liquor.

21 Sec. 24. 28 MRSa §1053, sub-§1, as amended by PL
22 1979, c. 130, §7, is further amended to read:

23 1. Intoxicating liquor. No person shall ~~may~~
24 knowingly transport from place to place in this State
25 any intoxicating liquor with intent to sell the same
26 in this State in violation of law, or with intent
27 that the same shall be so sold by any person, or to
28 aid any person in such sale, and no person shall ~~may~~
29 transport or cause to be transported any spirituous
30 ~~or-vineous liquor, containing more than 14% alcohol by~~
31 ~~volume,~~ in this State in a greater quantity than 4
32 quarts, or its metric equivalent, unless such liquor
33 was purchased from a state store or the commission.
34 The commission in its discretion may grant to an in-
35 dividual, upon his application, a permit to transport
36 liquor purchased for his own personal use. It shall
37 be lawful for common carriers and contract carriers
38 duly authorized as such by the Public Utilities Com-
39 mission to transport liquor to state stores, to state
40 warehouses, to licensees of the State Liquor Commis-
41 sion, to purchasers of liquor at state stores and
42 from manufacturers to state warehouses, state stores
43 and to the state line for transportation outside the

1 State; for licensees of the commission to transport
2 liquor from state stores to their places of business;
3 and for manufacturers to transport within the State
4 to state warehouses and state stores, to persons au-
5 thorized under section 1052 and to the state line for
6 transportation outside the State. Whoever knowingly
7 violates any of the provisions of this subsection
8 shall be punished by a fine of not less than \$100 nor
9 more than \$1,000, and costs, and by imprisonment for
10 not less than 2 months nor more than 6 months, and in
11 default of payment of fine and costs, by imprisonment
12 for not less than 2 months nor more than 6 months,
13 additional.

14 Sec. 25. 28 MRSA §1053, sub-§2, as amended by PL
15 1979, c. 130, §§8 and 9, is further amended to read:

16 2. Malt liquor and wine. No person, other than a
17 wholesale licensee of the commission under and sub-
18 ject to this Title, ~~shall~~ may transport or cause to
19 be transported malt liquor or ~~table~~ wine into this
20 State in a greater quantity than one case for malt
21 liquor and 4 quarts, or its metric equivalent, for
22 ~~table~~ wine, unless ~~said~~ the beverages were legally
23 purchased in the State. All shipments of malt liquor
24 or ~~table~~ wine transported or caused to be transported
25 by wholesale licensees into this State shall be ac-
26 companied by an invoice with the wholesale licensee's
27 name and purchase number thereon. No person, other
28 than a licensee of the commission, ~~shall~~ may trans-
29 port malt liquor in a quantity greater than one case,
30 and ~~table~~ wine in quantities greater than 4 quarts,
31 or its metric equivalent, from place to place in this
32 State unless the same is purchased from a retail
33 store licensee of the commission. It shall be lawful
34 for common carriers and contract carriers, duly au-
35 thorized as such by the Public Utilities Commission,
36 to transport malt liquor or ~~table~~ wine both into and
37 within the State to licensees of the State Liquor
38 Commission and to purchasers of malt liquor or ~~table~~
39 wine from licensees of the commission and to the
40 state line for transportation outside the State. Who-
41 ever is convicted of illegal transportation of malt
42 liquors or ~~table~~ wine into or illegal transportation
43 from place to place within the State shall be pun-
44 ished by a fine of not more than \$500 or by imprison-
45 ment for not more than 11 months, or by both.

1 Sec. 26. 28 MRSA §1054, as amended by PL 1969,
2 c. 360, §31, is further amended to read:

3 §1054. Delivery of liquor

4 No person shall may knowingly transport to or
5 cause to be delivered to any person, other than the
6 commission, unless, upon written permission of the
7 commission, any spirituous ~~or-vineous~~ liquor contain-
8 ~~ing--more--than--14%-alcohol-by-volume~~ except liquors
9 purchased from a state store or the commission. Any
10 officer of any transportation company, express compa-
11 ny, carrier for hire or other person who knowingly
12 transports or delivers liquor contrary to this sec-
13 tion shall be punished by a fine of not more than
14 \$500 or by imprisonment for not more than 11 months,
15 or by both.

16 STATEMENT OF FACT -

17 The purpose of this bill is to allow licensees to
18 sell all types of wine, not just those with an alco-
19 hol content of 14.5% or less by volume. Under current
20 law, only state liquor stores and agency liquor
21 stores may sell fortified wines. This means that the
22 selection of these higher-alcohol wines is never very
23 diverse.

24 This bill allows the State Liquor Commission to
25 still sell fortified wines. Licensees may buy the
26 fortified wines they sell from the commission or a
27 wholesaler.

28 A uniform excise tax is imposed on all fortified
29 wines, whether sold by the commission or by licens-
30 ees.

31 1201040687