

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 570

S.P. 240

In Senate, March 6, 1989

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative WALKER of Norway and Representative JACKSON of Harrison.

STATE OF MAINE

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

An Act Authorizing Sale of Liquor Outside of Exclusive Territory.



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

3 **28-A MRSA §1453, sub-§2, as enacted by PL 1987, c. 45, Pt.**
5 **A, §4, is amended to read:**

7 **2. Certificate of approval holder to file list.** Each
9 certificate of approval holder shall file with his the
11 application for certificate of approval a list giving the name
13 and address of each bottler and wholesale licensee authorized to
15 distribute products of that certificate of approval holder and
designating the exclusive territory assigned to each wholesale
licensee within the State. ~~Unless authorized by the bureau,~~
~~wholesale licensees may not sell these products to licensees~~
~~outside of the exclusive territory allocated and designated.~~

17 **A.** Sales of wine to retail licensees at the wholesale
19 licensee's warehouse shall be considered a sale within the
wholesale licensee's exclusive territory.

21 **STATEMENT OF FACT**

23
25 The purpose of this bill is to allow wholesale licensees to
27 sell liquor outside of the exclusive territory allocated and
designated by their agreement with a certificate of approval
holder. This agreement is a franchise agreement between the
29 distributor and the manufacturer. Current law requires the State
Liquor Commission's licensing bureau to authorize these
31 out-of-territory sales. The bill removes this requirement. The
agreement between the wholesale licensee and the certificate of
33 approval holder may, however, proscribe extra-territorial sales.
The bill does not restrict or dictate the terms of the agreement
on extra-territorial sales.