

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1142, L.D. 1667, Bill, "An Act to Regulate Sales of Malt Liquor in Kegs"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'28-A MRSA §714, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§714. Malt liquor sales in kegs

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Keg" means a container capable of holding at least 7.75 gallons of liquid.

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises.

2. Right of sale and purchase. The commission may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises licensee must be tagged in a manner and with a label of a type approved by the Director of the Bureau of Liquor Enforcement identifying the keg.

2 B. The seller of the keg shall require the purchaser to
4 complete a form designed and approved by the Director of the
6 Bureau of Liquor Enforcement and supplied to the seller by
8 the distributor of the keg. The form must include the name,
10 address and date of birth of the purchaser and the
12 identification number of the keg. The form must summarize
14 the requirements of this section, the penalties for
16 violating any provision of this section and the penalties
18 for providing alcohol to a minor. The seller shall retain
20 the form as a record subject to chapter 31.

22 C. The seller of the keg shall require positive
24 identification of the purchaser.

26 D. The seller of the keg may require a deposit of up to \$50
28 from the purchaser of the keg, regardless of the size of the
30 keg. The seller shall refund the deposit to a person who
32 returns a properly tagged keg purchased from that seller.

34 E. The seller shall inform the purchaser that if the keg is
36 returned without the original numbered band intact, the
38 deposit is forfeited.

40 F. The seller may retain any deposit forfeited and use the
42 funds forfeited for local school-based alcohol education
44 programs or for any other purpose.

46 4. Civil violation; possession of unlabeled keg. In
48 addition to any other penalties imposed by law, a person
50 possessing an unlabeled keg purchased in this State after the
52 effective date of this section commits a civil violation for
54 which a forfeiture of \$500 must be adjudged.

56 5. Criminal penalty; removal of tag. A person commits
58 defacing or removal of a malt liquor keg tag if that person
60 defaces or removes from a keg a tag required by this section.
62 Defacing or removal of a malt liquor keg tag is a Class E crime.
64 If a person whose name is on the purchase form required in
66 subsection 3 possesses a malt liquor keg with a defaced tag or a
68 malt liquor keg from which the tag has been removed, that
70 possession is prima facie evidence that the possessor defaced or
72 removed the tag.

FISCAL NOTE

74 The Bureau of Liquor Enforcement within the Department of
76 Public Safety will be able to absorb the additional costs
78 associated with enforcing the labeling, record keeping and
80 deposit requirements for the sale of kegs of malt liquor and
82 developing and printing forms.

2 This bill establishes a new Class E crime and civil
4 violation. The additional work load and administrative costs
6 associated with the minimal number of new cases filed in District
8 Court as a result of these violations will be absorbed within the
budgeted resources of the Judicial Department. The collection of
additional fines may increase General Fund revenue by a minor
amount.

10 Sentences imposed for a Class E offense must be served in a
12 county jail facility. The projected cost to a county for each
person sentenced under the new Class E crime is approximately
\$3,820 and is based upon an average length of stay of 67 days.'

14 **STATEMENT OF FACT**

16 This amendment defines a keg and makes the law applicable
18 only to retail sales of kegs by persons licensed to sell liquor
for off-premises consumption. This amendment also requires the
20 purchaser of a keg to fill out a form supplied to the seller by
the keg distributor. The amendment removes the requirement that
22 \$30 of every deposit forfeited be sent to the State Liquor
Commission for distribution to drug abuse education programs.
24 Finally, the amendment increases the fine for possession of an
unlabeled keg from \$100 to \$500 and makes removal of a tag from a
26 keg or defacing of a tag a Class E crime.

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
(5/30/91) (Filing No. H-490)