



## 115th MAINE LEGISLATURE

## **FIRST REGULAR SESSION-1991**

Legislative Document

No. 1833

H.P. 1264

House of Representatives, May 9, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LAWRENCE of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD

NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Liquor Laws.

(AFTER DEADLINE)

Printed on recycled paper

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 28-A MRSA §2, sub-§31, as enacted by PL 1987, c. 45, 4 Pt. A, §4, is amended to read: "Spirits" means any liquor produced by б 31. Spirits. distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind. 8 "Spirits" includes fortified wine but does not include products with less than 7% alcohol by volume. 10 12 Sec. 2. 28-A MRSA §2, sub-§36, as repealed and replaced by PL 1987, c. 342, §13, is amended to read: 14 36. Wine. "Wine" means any liquor containing not more than alcohol by volume which that 16 15.5% is produced by the  $\{ \hat{a}_i \}_{i=1}^{n} \in \mathcal{A}$ fermentation of fruit or other agricultural products containing sugar and to which no spirits are added. "Wine" includes, but is 18 not limited to, wine coolers, table wine, still wine, sparkling wine and champagne, provided-that as long as the alcohol content 20 is-not--above does not exceed 15.5% by volume. "Wine" includes 22 products made or strengthened with spirits that have an alcohol content of less than 7%. 24. Sec. 3. 28-A MRSA §352, as amended by PL 1987, c. 342, §21, 26 is further amended to read: 28 §352. Purchase of liquor in state liquor stores and agency liquor stores 30 All sales must be for cash; exception. Except as 1. 3.2 provided in paragraph paragraphs A and B, all-persons a person buying liquor at state liquor stores or agency liquor stores shall pay in cash or by major credit card. 34 36 Α. Agency liquor stores may accept payment by check. 38 B. Agency liquor stores, when purchasing liquor from the commission, may pay within 10 days, if the agent has 40 deposited cash in escrow with the commission to cover those purchases. 42 2. Checks not honored on presentation; consequences. If 44 any check is not honored on presentation or if any agency liquor store fails to pay for liquor in the allotted 10-day period, the commission shall withhold any license not issued, or immediately 46 take back the license if already issued, voiding it until such 48 time as the check or invoice has been paid in full, together with the cost of the check failure or collection procedure. The 50 commission may order that person to make all payments to the commission only by cash, certified check or money order for a

52 period not to exceed one year.

Sec. 4. 28-A MRSA §1652, sub-§4, ¶D, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. Any wholesale licensee selling to an instrumentality, training site or ship chandler shall present proof of that sale to the commission. The commission shall grant to the wholesale licensee a credit of all state excise tax and premium paid in connection with that sale under the following conditions.

(1) The commission shall grant a credit for the excise tax and premium on malt liquor or wine sold by wholesale licensees to any instrumentality of the United States or any Maine National Guard state training site exempted by the commission.

(2) The commission shall grant a credit for the excise tax and premium on malt liquor or wine sold to any ship chandler, provided that the malt liquor and wine are resold to vessels of foreign registry for consumption after that vessel has left port or are resold for consumption on board vessels of United States registry which are destined for a foreign port.

(3) The commission shall grant a credit for the excise tax and premium on malt liquor and table wine sold to licensed airlines for their interstate and international flights.

## STATEMENT OF FACT

34 This bill:

Allows agency stores to deposit cash in an escrow account to pay for liquor purchases. It also sets up a procedure
to follow when checks are returned for insufficient funds;

2. Changes the definition of spirits to exclude those products with less than 7% alcohol by volume; and

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3. Extends credit for excise taxes to licensed airlines.

## L.D.1833

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