

MAINE STATE LEGISLATURE

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R. of S.

L.D. 253

(Filing No. H- 69)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 190, L.D. 253, Bill, "An Act Concerning Maine Wineries and Microbreweries"

Amend the bill in section 2 in that part designated "~~§2077-A.~~" in the first line (page 1, line 50) by striking out the following: "~~mail-ordering~~" and inserting in its place the following: 'shipping'

Further amend the bill in section 2 in that part designated "~~§2077-A.~~" in subsection 2 by inserting after paragraph D the following:

'E. The product must be delivered by a common carrier. The carrier is authorized to make delivery of the shipment to the person named in the permit, as prescribed by subsection 1, paragraph D, after the receiver presents the carrier with the permit and proof of identification.'

'F. Shipments must be made in accordance with rules adopted by the commission.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 28-A MRSA §2077-A, sub-§3 is enacted to read:

3. Penalty. Any person who procures or in any way assists in procuring, furnishing, giving or delivering liquor for or to a minor is in violation of section 2081.'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting after the emergency
clause the following:

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7 FISCAL NOTE

8 The Department of Administrative and Financial Services,
Bureau of Alcoholic Beverages and Lottery Operations will incur
some minor additional costs to issue permits related to shipping
10 malt liquor and wine for personal use. These costs can be
absorbed within the bureau's existing budgeted resources.

12 The fees collected from permit issuance will result in a
14 minor increase of General Fund revenues.

16 This bill will not substantially increase the enforcement
responsibilities of the Department of Public Safety, Bureau of
18 Liquor Enforcement.'

20
21 STATEMENT OF FACT

22 By cross-referencing Maine Revised Statutes, Title 28-A,
24 section 2081, which prescribes that any person who procures
alcohol for a minor is guilty of a Class D crime, this amendment
26 addresses the problem of minors receiving alcohol by shipping.

28 The amendment also corrects the problem of the illegality of
"mail-ordering" alcohol by prescribing regulated "shipping" by
30 common carrier. A common carrier may deliver a shipment only
upon presentation of the permit authorizing receipt and only to
32 the person named in the permit. Shipment also must be in
accordance with any rules adopted by the commission.

Reported by the Committee on Legal Affairs
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