

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1799

H.P. 1273

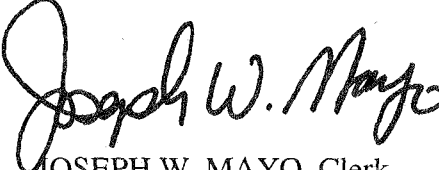
House of Representatives, April 15, 1997

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**An Act to Privatize Liquor Sales.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.  
Cosponsored by Senator AMERO of Cumberland and  
Representative GOODWIN of Pembroke.

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

2  
3       **Sec. 1. 2 MRSA §6, sub-§3**, as amended by PL 1993, c. 410, Pt.  
4 CCC, §1, is further amended to read:

6       **3. Range 89.** The salaries of the following state  
7 officials and employees are within salary range 89:

8           Director, Bureau of General Services;

10          ~~Director, Bureau of Alcoholic Beverages and Lottery~~  
12          ~~Operations;~~

14          State Budget Officer;

16          State Controller;

18          Director of the Bureau of Forestry;

20          Chief of the State Police;

22          Director, State Planning Office;

24          Director, Energy Resources Office;

26          Public Advocate;

28          Commissioner of Defense and Veterans' Services;

30          Director of Human Resources;

32          Director, Bureau of Children with Special Needs; and

34          Director, Bureau of Information Services.

36       **Sec. 2. 2 MRSA §6, sub-§4**, as repealed and replaced by PL  
37 1995, c. 665, Pt. K, §1, is amended to read:

38       **4. Range 88.** The salaries of the following state officials  
39 and employees are within salary range 88:

42           Director, Bureau of Parks and Lands;

44           Director, Bureau of Employee Relations;

46           Director, Bureau of Air Quality;

48           Director, Bureau of Lottery Operations;

50           Director, Bureau of Land and Water Quality;

2 Director, Bureau of Remediation and Waste Management;  
4 Deputy Commissioner, Environmental Protection;  
6 Director, Office of Consumer Credit Regulation; and  
8 Director, Office of Licensing and Registration.

10 **Sec. 3. 5 MRSA §281, last ¶**, as amended by PL 1991, c. 780, Pt.  
12 Y, §20, is further amended to read:

14 The department shall coordinate financial planning and  
16 programming activities of departments and agencies of the State  
18 Government for review and action by the Governor, and prepare and  
20 report to the Governor and to the Legislature financial data and  
22 statistics and administer under the direction of the State Liquor  
Commission the laws relating to legalized alcoholic beverages  
within this State. The department consists of the bureaus and  
organizations referenced in section 947-B, and the State Liquor  
Commission, except the Bureau of Liquor Enforcement and the State  
Lottery Commission.

24 **Sec. 4. 5 MRSA §947-B, sub-§1, ¶D**, as enacted by PL 1991, c.  
26 780, Pt. Y, §37, is amended to read:

28 D. Director, Bureau of Alcoholic Beverages and Lottery  
Operations;

30 **Sec. 5. 5 MRSA §10051, sub-§3**, as amended by PL 1995, c. 140,  
32 §1, is further amended to read:

34 **3. Appellate jurisdiction.** The Administrative Court has  
exclusive jurisdiction to review disciplinary decisions of  
occupational licensing boards and commissions taken pursuant to  
Title 10, section 8003 and licensing decisions of the Bureau of  
Liquor Enforcement taken pursuant to Title 28-A, sections 453-A,  
38 458 and section 653. The Maine Administrative Procedure Act,  
chapter 375, subchapter VII, governs these proceedings as far as  
40 applicable, substituting "Administrative Court" for "Superior  
Court."

42 **Sec. 6. 5 MRSA §12004-E, sub-§3**, as enacted by PL 1987, c.  
44 786, §5, is repealed.

46 **Sec. 7. 8 MRSA §371, sub-§§1 and 4**, as amended by PL 1991, c.  
48 780, Pt. Y, §107, are further amended to read:

50 **1. Bureau.** "Bureau" means the Bureau of Alcoholic  
Beverages and Lottery Operations within the Department of

Administrative and Financial Services to carry out the purposes  
of this chapter.

**4. Director.** "Director" means the Director of Alcoholic  
Beverages and Lottery Operations.

**Sec. 8. 28-A MRSA §2, sub-§1,** as enacted by PL 1987, c. 45,  
Pt. A, §4, is repealed.

**Sec. 9. 28-A MRSA §2, sub-§25-A,** as enacted by PL 1989, c.  
526, §§1 and 28, is amended to read:

**25-A. Retail employee.** "Retail employee" means any person  
employed by a retailer ~~or by the commission~~ to sell liquor in a  
licensed establishment ~~or state liquor store~~. For the purposes  
of violations of this Title and rules of the ~~commission~~ bureau, a  
retail employee ~~shall be~~ is deemed an agent of the retailer ~~or~~  
~~state liquor store~~ that employs that employee.

**Sec. 10. 28-A MRSA §2, sub-§32,** as amended by PL 1993, c. 462,  
§4, is repealed.

**Sec. 11. 28-A MRSA §2, sub-§35,** as amended by PL 1987, c. 342,  
§12, is further amended to read:

**35. Wholesaler.** "Wholesaler" means a person who engages in  
the purchase and resale of ~~malt or brewed beverages or wines, or~~  
~~both,~~ liquor in sealed bottles, containers or original packages,  
as prepared for the market by the manufacturer at the place of  
manufacture, but not for consumption, except when taste testing,  
on the premises of that wholesaler.

**Sec. 12. 28-A MRSA §3, sub-§1-A,** as enacted by PL 1993, c.  
730, §13, is repealed.

**Sec. 13. 28-A MRSA §4, sub-§4,** as amended by PL 1991, c. 591,  
Pt. PP, §1, is further amended to read:

**4. Local option decisions govern.** Except as provided in  
subsection 1, paragraph B ~~and section 352~~, nothing in this  
section may be construed to allow the sale of liquor in  
municipalities in violation of chapter 5.

**Sec. 14. 28-A MRSA §11, sub-§4,** as enacted by PL 1987, c. 45,  
Pt. A, §4, is amended to read:

**4. Inspection of business premises under common roof of  
licensee.** All persons carrying on any business, except any bank  
or savings and loan institution, under the common roof and having  
common entranceways with a licensee shall agree in writing to

2 allow reasonable inspection of their premises by authorized  
enforcement agents of the Department of Public Safety and  
3 ~~authorized representatives of the commission.~~

4  
5 **Sec. 15. 28-A MRSA §12**, as enacted by PL 1987, c. 45, Pt. A,  
6 §4, is amended to read:

8 **§12. Inspection of premises**

10 No A licensee may not refuse ~~the commission, its~~  
~~representatives or~~ representatives of the Bureau of Liquor  
12 Enforcement the right at any time to inspect the entire licensed  
premises or to audit the books and records of the licensee.

14  
15 **Sec. 16. 28-A MRSA §51**, as amended by PL 1989, c. 503, Pt. B,  
16 §117, is further amended to read:

18 **§51. Enforcement**

20 ~~1. Administration by commission. The State Liquor~~  
~~Commission, as established by Title 5, section 12004-E,~~  
22 ~~subsection 3, shall administer the state liquor laws.~~

24 2. **Enforcement by Bureau of Liquor Enforcement.** The Bureau  
of Liquor Enforcement within the Department of Public Safety, as  
26 established by Title 25, section 3901, shall enforce the state  
liquor laws.

28  
29 **Sec. 17. 28-A MRSA §52, first ¶**, as enacted by PL 1987, c. 45,  
30 Pt. A, §4, is amended to read:

32 No A person is not eligible for appointment ~~as a member of~~  
~~the State Liquor Commission,~~ as an employee of the ~~commission,~~  
34 ~~the Bureau of Alcoholic Beverages or the~~ Bureau of Liquor  
Enforcement, in any capacity, including the director, who:

36  
37 **Sec. 18. 28-A MRSA §53**, as enacted by PL 1987, c. 45, Pt. A,  
38 §4, is amended to read:

40 **§53. Conflict of interest**

42 In addition to the limitations of Title 5, section 18, any  
~~member of the commission or~~ any employee of the ~~commission, the~~  
44 ~~bureau or the~~ Bureau of Liquor Enforcement, may not accept  
directly or indirectly any samples, gratuities, favors or  
46 anything of value from a manufacturer, wholesaler, wholesale  
licensee or retail licensee or any representative of a  
48 manufacturer, wholesaler, wholesale licensee or retail licensee  
under circumstances which might that may reasonably be construed

2 as influencing or improperly relating to past, present or future  
performance of his the employee's official duties.

4 **Sec. 19. 28-A MRSA c. 3, sub-c. II,** is amended by repealing the  
headnote and enacting in its place the following:

6 **SUBCHAPTER II**

8 **DUTIES OF BUREAU OF LIQUOR ENFORCEMENT**

10 **Sec. 20. 28-A MRSA §61,** as amended by PL 1991, c. 376, §47,  
12 is repealed.

14 **Sec. 21. 28-A MRSA §62,** as amended by PL 1993, c. 730, §§15  
16 to 20, is repealed.

18 **Sec. 22. 28-A MRSA §62-A, sub-§7,** as enacted by PL 1993, c.  
730, §21, is amended to read:

20 **7. Recommend revocation of licenses.** Recommend to the  
22 Administrative Court that it suspend or revoke, in accordance  
with sections 802, and 803 ~~and 1503~~, any license issued pursuant  
24 to this Title or the rules adopted under this Title.

26 **Sec. 23. 28-A MRSA §63,** as amended by PL 1991, c. 780, Pt. Y,  
§124, is further amended to read:

28 **§63. Duties of the Bureau of Liquor Enforcement**

30 **1. Bureau of Liquor Enforcement; rules.** The ~~commission~~  
32 bureau shall establish rules and procedures for the  
administration of the state liquor laws. The day-to-day  
34 activities of the bureau are under the supervision of the  
commissioner and the director.

36 ~~2. Notice to delist or stop purchases. Before any item~~  
38 ~~listed by the commission is discontinued or delisted or before~~  
40 ~~the commission issues any order to stop purchases of any item~~  
42 ~~listed, the commission shall give the vendor of the items~~  
~~reasonable written notice of its intention to delist or stop~~  
~~purchase of the items;~~

44 **3. Publish laws and rules.** The ~~commission~~ Bureau of Liquor  
Enforcement shall publish a compilation containing this Title,  
46 other laws concerning liquor and all rules adopted under this  
Title every 4 years.

48 **A.** The ~~commission~~ bureau shall supply a copy of the  
50 compilation to every new licensee at no charge.

2 B. The commission bureau shall notify all licensees of  
changes in the law and rules within 90 days of adjournment  
of each regular session of the Legislature.

4  
6 (1) The commission bureau shall supply a copy of the  
new laws and rules at no charge when requested by  
licensees.

8  
10 (2) The commission bureau shall supply a copy of the  
new laws and rules to persons other than licensees for  
a reasonable fee.

12  
14 C. The commission bureau may charge a reasonable fee for  
the compilation to cover the cost of producing the  
compilation to persons other than licensees.

16  
18 **4. Annual report.** The commission bureau shall make an  
annual report to the Governor of its activities and of the amount  
of liquor license fees collected, together with other information  
20 it considers advisable or that the Governor requires.

22 **Sec. 24. 28-A MRSA §64**, as amended by PL 1995, c. 560, Pt. S,  
§1, is repealed.

24 **Sec. 25. 28-A MRSA c. 3, sub-c. III**, as amended, is repealed.

26  
28 **Sec. 26. 28-A MRSA §123, sub-§2**, as amended by PL 1991, c. 95,  
§1, is repealed.

30  
32 **Sec. 27. 28-A MRSA §123, sub-§2-A**, as enacted by PL 1991, c.  
95, §2, is amended to read:

34 **2-A. Sale of liquor for consumption off the premises on**  
**days other than Sunday.** Shall this municipality authorize the  
State-Liquor-Commission bureau to issue licenses for the sale of  
36 malt liquor and wine to be consumed off the premises of licensed  
establishments on days other than Sunday?

38  
40 **Sec. 28. 28-A MRSA §123, sub-§4**, as amended by PL 1991, c. 95,  
§3, is repealed.

42  
44 **Sec. 29. 28-A MRSA §123, sub-§4-A**, as enacted by PL 1991, c.  
95, §4, is amended to read:

46 **4-A. Sale of liquor for consumption off the premises on**  
**Sundays.** Shall this municipality authorize the State--Liquor  
Commission bureau to issue licenses for the sale of malt liquor  
48 and---wine to be consumed off the premises of licensed  
establishments on Sundays?



2           **Sec. 30. 28-A MRSA §124, sub-§3**, as enacted by PL 1987, c. 45,  
Pt. A, §4, is amended to read:

4  
6           **3. Existing licenses.** The holder of any license issued and  
outstanding on the effective date of the local option vote which  
8           that denies issuance of that type of license and specifically  
indicates that the existing privilege is to be voided shall  
10           immediately surrender it to the Bureau of ~~Alcoholic--Beverages~~  
Liquor Enforcement. The bureau shall refund that portion of the  
unused fee paid.

12           **Sec. 31. 28-A MRSA c. 9**, as amended, is repealed.

14           **Sec. 32. 28-A MRSA Pt. 2**, as amended, is repealed.

16           **Sec. 33. 28-A MRSA §601-A**, as enacted by PL 1989, c. 526,  
18           §§2 and 28, is repealed.

20           **Sec. 34. 28-A MRSA §606**, as amended by PL 1995, c. 53, §1, is  
repealed.

22           **Sec. 35. 28-A MRSA §606-A** is enacted to read:

24           **§606-A. Advance purchases**

26           Persons who have been issued a license that is effective at  
28           a future date may order liquor in advance of the effective date  
30           of the license and may advertise the effective date upon approval  
of the bureau.

32           **Sec. 36. 28-A MRSA §653, sub-§1**, as amended by PL 1995, c. 10,  
§1 and c. 140, §§4 and 5, is further amended to read:

34           **1. Hearings.** The municipal officers or, in the case of  
36           unincorporated places, the county commissioners of the county in  
which the unincorporated place is located, shall hold a public  
38           hearing for the consideration of applications for new on-premise  
licenses and applications for transfer of location of existing  
40           on-premise licenses. The municipal officers or county  
commissioners may hold a public hearing for the consideration of  
42           requests for renewal of licenses, except that when an applicant  
has held a license for the prior ~~5-years~~ year and a complaint has  
44           not been filed against the applicant within that time, the  
applicant may request a waiver of the hearing.

46           A. The bureau shall prepare and supply application forms.

48           B. The municipal officers or the county commissioners, as  
50           the case may be, shall provide public notice of any hearing

2 held under this section by causing a notice, at the  
3 applicant's prepaid expense, stating the name and place of  
4 hearing, to appear on at least 3 consecutive days before the  
5 date of hearing in a daily newspaper having general  
6 circulation in the municipality where the premises are  
7 located or one week before the date of the hearing in a  
8 weekly newspaper having general circulation in the  
municipality where the premises are located.

10 C. If the municipal officers or the county commissioners,  
11 as the case may be, fail to take final action on an  
12 application for a new on-premise license, for transfer of  
13 the location of an existing on-premise license or for  
14 renewal of an on-premise license within 60 days of the  
15 filing of an application, the application is deemed approved  
16 and ready for action by the bureau. For purposes of this  
17 paragraph, the date of filing of the application is the date  
18 the application is received by the municipal officers or  
19 county commissioners. This paragraph applies to all  
20 applications pending before municipal officers or county  
21 commissioners as of the effective date of this paragraph as  
22 well as all applications filed on or after the effective  
23 date of this paragraph.

24 D. If an application is approved by the municipal officers  
25 or the county commissioners but the bureau finds, after  
26 inspection of the premises and the records of the applicant,  
27 that the applicant does not qualify for the class of license  
28 applied for, the bureau shall notify the applicant of that  
29 fact in writing. The bureau shall give the applicant 30  
30 days to file an amended application for the appropriate  
31 class of license, accompanied by any additional license fee,  
32 with the municipal officers or county commissioners, as the  
33 case may be. If the applicant fails to file an amended  
34 application within 30 days, the original application must be  
35 denied by the bureau. The bureau shall notify the applicant  
36 in writing of its decision to deny the application including  
37 the reasons for the denial and the rights of appeal of the  
38 applicant.

40 **Sec. 37. 28-A MRS §654, sub-§1**, as enacted by PL 1987, c. 45,  
41 Pt. A, §4, is repealed.

44 **Sec. 38. 28-A MRS §701, sub-§1**, as amended by PL 1987, c.  
45 342, §33, is further amended to read:

46 **1. Location within 300 feet of churches and schools.**  
47 Except as provided in paragraphs A and B, the ~~commission~~ bureau  
48 may not issue a new license for the the sale of liquor to be  
49 consumed on the premises to new premises within 300 feet of a

2 public or private school, school dormitory, church, chapel or  
parish house in existence as such at the time the application for  
the new license is made.

4  
6 B. The emmission bureau may issue licenses to premises  
which that are either in or within 300 feet of a church,  
chapel, parish house or post-secondary school ~~when--the~~  
8 ~~application-has-the-unanimous-approval-of-the-members-of-the~~  
emmission if there is no local objection.

10 **Sec. 39. 28-A MRSA §705, sub-§2,** as amended by PL 1993, c.  
12 266, §10, is further amended to read:

14 **2. Prohibited sales of liquor or imitation liquor to be**  
**consumed off the premises.** A licensee or licensee's employee or  
16 agent may not sell, furnish, give or deliver ~~mañt~~ liquor, or  
imitation liquor ~~er-wine~~ to be consumed off the premises to:

18 E. A minor. Any licensee who accepts an order or receives  
20 payment for liquor or imitation liquor from a minor violates  
this paragraph.

22 **Sec. 40. 28-A MRSA §705, sub-§2-A,** as enacted by PL 1993, c.  
24 266, §11, is amended to read:

26 **2-A. Prohibited sales of liquor to be consumed off the**  
**premises.** A licensee or licensee's employee or agent may not  
28 sell, furnish, give or deliver ~~mañt~~ liquor ~~er-wine~~ to be consumed  
off the premises to a person who is visibly intoxicated.

30 **Sec. 41. 28-A MRSA §708, sub-§3,** as amended by PL 1993, c.  
32 100, §1, is further amended to read:

34 **3. Retail licensees.** A retail licensee may not offer any  
free merchandise, rebate or gift contingent on the purchase of  
36 ~~mañt~~ liquor ~~er-wine~~. A retail licensee may not offer any free  
merchandise, rebate or gift contingent on the purchase of  
38 spirits, except for mail-in rebate coupons redeemed by the  
manufacturer.

40 **Sec. 42. 28-A MRSA §708, sub-§5,** as enacted by PL 1993, c.  
42 615, §4, is repealed.

44 **Sec. 43. 28-A MRSA §712,** as enacted by PL 1987, c. 45, Pt. A,  
§4, is amended to read:

46 **§712. Advertising or sale of liquor by trade name**

48 **1. Advertise or announce for sale by trade name.** No A  
50 licensee may not advertise or offer for sale any ~~mañt~~ liquor ~~er~~

2 wine by trade name or other designation which that would indicate  
the manufacturer or place of manufacture of malt liquor ~~or~~-wine,  
4 unless the licensee actually has on hand and for sale a  
sufficient quantity of the particular malt liquor ~~or~~--wine  
6 advertised to meet requirements to be normally expected as the  
result of the advertisement or announcement.

8 **2. Serve from faucet, spigot, dispensing apparatus by trade**  
**name.** No A licensee may not furnish or serve any malt liquor  
10 from any faucet, spigot or other dispensing apparatus, unless the  
trade name or brand of the malt liquor served appears in full  
12 sight of the customer in legible lettering upon the faucet,  
spigot or dispensing apparatus.

14 **Sec. 44. 28-A MRSA §713**, as amended by PL 1987, c. 342, §47,  
16 is further amended to read:

18 **§713. Selling liquor from truck**

20 **1. Selling liquor from truck prohibited.** Except as  
provided in subsections 2 and 3, no wholesale or retail licensee  
22 may, either directly or indirectly, by any agent or employee,  
travel from town to town, or from place to place in the same  
24 town, selling, bartering or carrying for sale or exposing for  
sale any malt liquor ~~or~~-wine from any vehicle.

26 **2. Delivery of orders received.** The wholesale licensee may  
28 make sales of malt liquor ~~or~~--wine where transportation and  
delivery are required only upon orders actually received at the  
30 principal place of business or warehouse or distributing center,  
if licensed, of the wholesale licensee before shipment of the  
32 malt liquor ~~or~~-wine. The driver or any other employee of the  
wholesale licensee shall carry an invoice stating the names of  
34 the purchaser and the wholesale licensee and the kind and  
quantity of malt liquor ~~or~~-wine ordered by the sale, together  
36 with the date of the sale.

38 A. This subsection does not prohibit a wholesale licensee  
from collecting orders for malt liquor ~~or~~--wine by sales  
40 representatives calling upon retailers, then filing the  
orders at the principal place of business or warehouse or  
42 distributing center.

44 **3. Sale from truck by wholesale licensee.** A wholesale  
licensee, his the licensee's agent or employee, may travel from  
46 town to town or from place to place in the same town selling, or  
carrying for sale or exposing for sale, malt liquor ~~or~~-wine from  
48 its vehicle only if the wholesale licensee, his the licensee's  
agent or employee has in his possession on the vehicle a manifest  
50 bearing a detailed description of the total amount of malt liquor

2 ~~er-wine~~ on the vehicle and invoices, as required, as well as  
invoices drawn up at the time of delivery.

4 **4. Sales or deliveries only to licensees.** Sales or  
deliveries must be made only to licensees of the ~~emmission~~  
6 bureau.

8 **5. Violation.** Whoever violates this section commits a  
Class E crime.

10 **Sec. 45. 28-A MRSA §751, sub-§2, ¶A,** as enacted by PL 1987, c.  
12 45, Pt. A, §4, is amended to read:

14 A. ~~Malt-liquor,--wine~~ Liquor and soft drinks may be listed  
16 on the same wholesale licensee's invoice if each product is  
separately listed.

18 **Sec. 46. 28-A MRSA §754,** as enacted by PL 1987, c. 45, Pt. A,  
20 §4, is amended to read:

22 **§754. Records open for inspection**

24 **1. Records open for inspection.** All records required to be  
kept under this chapter are open for inspection to the  
26 ~~emmission,--its-representatives--or~~ representatives of the Bureau  
of Liquor Enforcement at any time. ~~The--commission,--its~~  
28 ~~representatives--or--representatives~~ Representatives of the Bureau  
of Liquor Enforcement may make copies of records which that may  
be used as evidence of violation of this chapter.

30 **2. Refusal of access.** No A licensee may not refuse to  
32 allow ~~the--commission,--its-representatives--or~~ representatives of  
the Bureau of Liquor Enforcement to audit the books and records  
34 of the licensee.

36 **Sec. 47. 28-A MRSA §§1010-A to 1010-C** are enacted to read:

38 **§1010-A. Class VIII licenses**

40 **1. Types of liquor that may be sold.** A Class VIII licensee  
may sell spirits to be consumed off the premises where sold.

42 **2. Fees.** The fees for a Class VIII license are as follows:

44 A. First year full-time (one year).....\$1,200; and

46 B. Renewal full-time (one year).....\$1,000.

48 **3. Eligible premises.** The following premises are eligible  
50 to obtain a Class VIII license:

2           A. Off-premise retailers with a qualifying stock of  
3           groceries, compatible merchandise or combination of both  
4           with an annual retail sales greater than or equal to  
5           \$400,000 for the prior calendar year as reported to the  
6           Bureau of Taxation.

8           **§1010-B. Class VIII licenses**

10           1. Types of liquor that may be sold. A Class VIII licensee  
11           may sell spirits to be consumed off the premises where sold.

12           2. Fees. The fees for a Class VIII license are as follows:

13           A. First year full-time (one year).....\$600; and

14           B. Renewal full-time (one year).....\$500.

15           3. Eligible premises. The following premises are eligible  
16           to obtain a Class VIII license:

17           A. Off-premise retailers with a qualifying stock of  
18           groceries, compatible merchandise or combination of both  
19           with an annual retail sales less than \$400,000 for the prior  
20           calendar year as reported to the Bureau of Taxation.

21           **§1010-C. Class VIII-A licenses**

22           1. Types of liquor that may be sold. A Class VIII-A  
23           licensee may sell spirits to be consumed off the premises where  
24           sold.

25           2. Fees. The fees for a Class VIII-A license are as  
26           follows:

27           A. First year full-time (one year).....\$1,200; and

28           B. Renewal full-time (one year).....\$1,000.

29           3. Eligible premises. The following premises are eligible  
30           to obtain a Class VIII-A license:

31           A. Ship chandlers without a qualifying stock of groceries,  
32           compatible merchandise or combination of both.

33           Sec. 48. 28-A M RSA §1051, sub-§1, as enacted by PL 1987, c.  
34           45, Pt. A, §4, is amended to read:

35           1. Licenses for sale of liquor to be consumed on premises  
36           where sold. Subject to subsection 2, the ~~commission~~ bureau may

2 issue licenses for the sale of ~~spirits, wine and malt~~ liquor to  
be consumed on the premises where sold to qualified applicants  
upon payment of fees provided.

4  
6 **Sec. 49. 28-A MRSA §1201, sub-§§1 and 2**, as enacted by PL 1987,  
c. 45, Pt. A, §4, are amended to read:

8 **1. Licenses for sale of liquor.** The ~~commission~~ bureau may  
10 issue licenses under this section for the sale and distribution  
of ~~malt liquor or wine~~ to off-premise retail licensees, as  
defined in section 2, subsection 27, paragraph A.

12  
14 **2. Ineligible as licensee.** The ~~commission~~ bureau may not  
16 issue a license for the sale of ~~malt liquor or wine~~ to any person  
who is not engaged in a bona fide retail business other than the  
sale of ~~malt liquor or wine~~ at retail.

18 **Sec. 50. 28-A MRSA §1201, sub-§3-A**, as enacted by PL 1993, c.  
266, §21, is amended to read:

20  
22 **3-A. Sale of liquor for off-premise consumption to retailer**  
**prohibited.** A person licensed under this section, or an agent or  
employee of the person, may not knowingly sell liquor to another  
24 retailer licensed under this section for resale ~~except--as~~  
~~provided in section 606 and the rules adopted pursuant to section~~  
26 ~~62.~~

28 **Sec. 51. 28-A MRSA §1201, sub-§6, ¶B**, as repealed and replaced  
by PL 1987, c. 342, §103, is amended to read:

30  
32 B. A stock of merchandise reasonably compatible with a  
stock of ~~malt liquor or wine~~ of at least \$1,000 wholesale  
value; or

34  
36 **Sec. 52. 28-A MRSA §1204, sub-§§1 and 2**, as enacted by PL 1987,  
c. 342, §106, are amended to read:

38 **1. Issuance of licenses.** The ~~commission~~ bureau may issue  
40 licenses under this section for the sale of ~~malt liquor and table~~  
~~wine~~ to be consumed off the premises to ship chandlers, as  
defined in section 2, subsection 15, paragraph S.

42  
44 **2. Conditions on sales.** Ship chandlers may sell ~~malt liquor~~  
~~and wine~~ only to ships which that are:

46 A. Not licensed as retail licensees; and

48 B. Registered in another state or another country.





2 malt liquor and--wine imported into the State from  
out-of-state certificate of approval holders. The wholesale  
4 licensee shall withdraw the malt liquor and--wine to be  
distributed in the State by the procedure established in  
6 section sections 1404 and 1405.

8 **Sec. 58.** 28-A MRSA §1371, sub-§3, ¶B, as enacted by PL 1987,  
c. 45, Pt. A, §4, is repealed.

10 **Sec. 59.** 28-A MRSA c. 55, is amended by repealing the headnote  
and enacting in its place the following:

12 **CHAPTER 55**

14 **MALT LIQUOR, WINE AND SPIRITS**  
16 **WHOLESALE LICENSEES**

18 **Sec. 60.** 28-A MRSA §1401, sub-§1, as enacted by PL 1987, c.  
20 45, Pt. A, §4, is amended to read:

22 **1. Issuance of licenses.** The ~~commission~~ bureau may issue  
licenses under this section for the sale and distribution of malt  
24 liquor ~~or wine~~ at wholesale.

26 **Sec. 61.** 28-A MRSA §1401, sub-§2, as amended by PL 1987, c.  
342, §109, is further amended to read:

28 **2. Fees; malt liquor or wine wholesale license.** Except as  
provided in subsection 4, the fee for a malt liquor or wine  
30 wholesale license is:

32 A. Six hundred dollars for the principal place of business;  
and

34 B. Six hundred dollars for each additional warehouse  
36 maintained by the wholesale licensee, but not located at the  
principal place of business.

38 **Sec. 62.** 28-A MRSA §1401, sub-§2-A is enacted to read:

40 **2-A. Fees; spirits wholesale license.** Except as provided  
42 in subsection 4, the fee for a spirits wholesale license is:

44 A. One thousand four hundred dollars for the principal  
place of business; and

46 B. Six hundred dollars for each additional warehouse  
48 maintained by the wholesale licensee that is not located at  
the principal place of business.

50

2           **Sec. 63. 28-A MRSA §1401, sub-§5**, as enacted by PL 1987, c.  
45, Pt. A, §4, is amended to read:

4           **5. Qualifications; malt liquor or wine wholesale license.**  
6           The ~~commission~~ bureau may not issue a malt liquor or wine  
wholesale license to an applicant unless:

8           A. If the applicant is a person, the applicant has been a  
resident of the State for at least 6 months; or

10           B. If the applicant is a corporation, the applicant has  
12           conducted business in this State for at least 6 months.

14           **Sec. 64. 28-A MRSA §1401, sub-§5-A** is enacted to read:

16           **5-A. Qualifications; spirits wholesale license.** The bureau  
18           may not issue a spirits wholesale license to an applicant unless:

20           A. If the applicant is a person, the applicant has been a  
resident of the State for at least 5 years; or

22           B. If the applicant is a corporation, the applicant has  
24           conducted business in this State for at least 5 years.

26           **Sec. 65. 28-A MRSA §1401, sub-§§7 and 8**, as enacted by PL 1987,  
c. 45, Pt. A, §4, is amended to read:

28           **7. Warehouses and sales representatives.** A wholesale  
30           licensee shall maintain a warehouse or warehouses within the  
State and employ one or more sales representatives, licensed  
under chapter 59 61, for the purpose of soliciting orders.

32           **8. Franchise or agreement with certificate of approval**  
34           **holder.** A wholesale licensee shall operate under a franchise or  
agreement for the resale of ~~malt liquor or wine~~ within an  
36           allocated territory by a certificate of approval holder.

38           **Sec. 66. 28-A MRSA §1403**, as amended by PL 1987, c. 342,  
§111, is further amended to read:

40           **§1403. Interstate purchase or transportation**

42           **1. No purchases other than from certificate of approval**  
44           **holder.** No A wholesale licensee may not purchase or cause to be  
transported into the State any ~~malt liquor or wine~~ from any  
46           person to whom the ~~commission~~ bureau has not issued a certificate  
of approval.

48           **1-A. Wholesale licensee may purchase from wholesale**  
50           **licensee.** The ~~commission~~ bureau may give written permission to a

2 wholesale licensee to purchase malt liquor or wine from another  
3 wholesale licensee.

4 **2. Sale of liquor not purchased from certificate of**  
5 **approval holder prohibited.** No A wholesale licensee may not sell  
6 to another wholesale licensee any malt liquor or wine which that  
7 has not been purchased from a brewery, winery or foreign  
8 wholesaler holding a certificate of approval.

10 **3. License revoked if it requires wholesale license to not**  
11 **sell other brands.** The Administrative Court Judge shall revoke  
12 the license of any wholesale licensee, who requires, as a  
13 condition of selling malt liquor or wine to another wholesale  
14 licensee, that the purchasing wholesale licensee may not sell  
15 other brand names of malt liquor or wine.

16 **4. Monthly report.** By the 10th day of each calendar month,  
17 each wholesale licensee shall furnish to the commission bureau,  
18 in the form prescribed by the commission bureau, a monthly report  
19 of all malt liquor or wine purchased and sold during the  
20 preceding month.

22 **Sec. 67. 28-A MRSA §1404**, as enacted by PL 1987, c. 45, Pt.  
23 A, §4, is amended to read:

26 **§1404. Unbonded wholesale licensees**

28 **1. Procedure for unbonded wholesale licensees.** Unbonded  
29 wholesale licensees shall order and purchase malt liquor and wine  
30 under the following procedures.

32 A. The commission bureau shall furnish all purchase order  
33 forms.

34 B. The unbonded wholesale licensee shall complete the forms  
35 in quintuplet.

38 C. The unbonded wholesale licensee ordering malt liquor or  
39 wine shall mail 3 copies of the form to the commission  
40 bureau with a check for the amount of excise taxes required  
41 to cover the amount of the order.

42 D. The unbonded wholesale licensee may mail the original  
43 copy of the order to the brewery or winery or wholesaler or  
44 manufacturer with whom he the wholesale licensee wishes to  
45 place the order.

48 E. On receipt of the 3 copies and a check for excise taxes,  
49 the commission bureau shall promptly process the copies and  
50 return one copy to the wholesale licensee and send one to

2 the brewery, winery or foreign wholesaler designated to  
3 receive the order. The ~~commission~~ bureau shall keep the 3rd  
4 copy on file.

5 F. No A brewery, winery ~~or~~, foreign wholesaler or  
6 manufacturer may not ship or release malt liquor ~~or wine~~ for  
7 delivery in Maine until notified by the ~~commission~~ bureau  
8 that the excise tax has been paid in accordance with this  
9 section.

10 **Sec. 68. 28-A MRSA §1405, sub-§§1 and 3**, as enacted by PL 1987,  
11 c. 45, Pt. A, §4, are amended to read:

12 **1. Procedures for bonded wholesale licensees.** Bonded  
13 wholesale licensees shall order and purchase malt liquor ~~and wine~~  
14 under the following procedures.

15 A. The ~~commission~~ bureau shall furnish all purchase order  
16 forms.

17 B. The bonded wholesale licensee shall complete the forms  
18 in triplicate.

19 C. The bonded wholesale licensee shall submit the original  
20 copy to the brewery, winery ~~or~~, foreign wholesaler or  
21 manufacturer with whom he the wholesale licensee wishes to  
22 place the order.

23 D. The bonded wholesale licensee shall then mail to the  
24 ~~commission~~ bureau one copy of the form and retain one copy  
25 for his the wholesale licensee's files.

26 **3. Payment of excise tax and premium.** By filing the bond  
27 required in subsection 2, a wholesale licensee may pay monthly  
28 the excise tax imposed by section 1652 and the premium imposed by  
29 section 1703 on all malt liquor ~~or wine~~ shipped into the State as  
30 shown by invoice of the shipment by the out-of-state wholesaler  
31 or certificate of approval holder.

32 A. The wholesale licensee shall pay the excise tax and  
33 premium by the 10th day of the calendar month following the  
34 month in which shipment occurs.

35 B. At the time of payment of the excise tax and premium,  
36 each Maine wholesale licensee shall file with the ~~commission~~  
37 bureau in the form prescribed by the ~~commission~~ bureau:

38 (1) A verified monthly report of all malt liquor ~~or~~  
39 wine purchased or imported based on the date of

2 shipment invoice during the preceding calendar month;  
and

4 (2) Any additional information the ~~commission~~ bureau  
6 requires to compute and ensure the accuracy of the  
excise tax and premium payment accompanying the report.

8 **Sec. 69. 28-A MRSA §1406, sub-§2, ¶A**, as enacted by PL 1987,  
10 c. 45, Pt. A, §4, is amended to read:

12 A. File with the ~~commission~~ bureau:

14 (1) A list of the certificate of approval holders for  
whom it distributes ~~malt liquor or~~ wine in the State;  
and

16 (2) A statement of the boundaries of its territories.

18 **Sec. 70. 28-A MRSA §1408, sub-§§1 and 2**, as enacted by PL 1987,  
20 c. 45, Pt. A, §4, are amended to read:

22 **1. Posting by certificate of approval holders and**  
24 **bottlers.** Certificate of approval holders and all licensed  
bottlers must post with the bureau the F.O.B. shipping point  
prices for which they are selling ~~malt liquor or~~ wine to  
26 wholesale licensees.

28 **2. Posting by wholesale licensees.** Wholesale licensees  
must post with the bureau the delivered prices for which they are  
30 selling ~~malt liquor or~~ wine to licensees and all other entities  
or instrumentalities.

32 **Sec. 71. 28-A MRSA §1451, sub-§1**, as enacted by PL 1987, c.  
34 45, Pt. A, §4, is amended to read:

36 **1. Agreement.** "Agreement" means a commercial relationship,  
not required to be evidenced in writing, of definite or  
38 indefinite duration, between a certificate of approval holder and  
a wholesale licensee, under which the wholesale licensee is  
40 authorized to distribute one or more of the certificate of  
approval holder's brands of ~~malt liquor,~~ wine or beverages. The  
42 performance or accomplishment of any of the following acts shall  
~~constitute~~ constitutes prima facie evidence of an "agreement"  
44 within the meaning of this definition:

46 A. The shipment, preparation for shipment or acceptance of  
any order by any certificate of approval holder or its  
48 agents for any ~~malt liquor,~~ wine or beverages to a wholesale  
licensee within the State; and

50

2 B. The payment by a wholesale licensee and the acceptance  
of payment by any certificate of approval holder or its  
4 agent or the shipment of an order for malt liquor or  
beverages intended for sale in Maine.

6 **Sec. 72. 28-A MRSA §1451, sub-§5**, as enacted by PL 1987, c.  
45, Pt. A, §4, is amended to read:

8  
10 **5. Wholesale licensee.** Notwithstanding section 2,  
subsection 34, "wholesale licensee" means any person holding a  
12 wholesale malt liquor ~~or~~-wine license within the State, offering  
malt liquor ~~or~~-wine for sale or resale to retailers, without  
14 regard to whether the business of the person is conducted under  
the terms of an agreement with a certificate of approval holder.

16 **Sec. 73. 28-A MRSA §1453, sub-§2, ¶A**, as enacted by PL 1987,  
c. 45, Pt. A, §4, is amended to read:

18  
20 A. Sales of wine liquor to retail licensees at the  
wholesale licensee's warehouse shall ~~be~~ is considered a sale  
22 within the wholesale licensee's exclusive territory.

24 **Sec. 74. 28-A MRSA c. 59**, as amended, is repealed.

26 **Sec. 75. 28-A MRSA §1551, sub-§1, ¶¶A and B**, as enacted by PL  
1987, c. 342, §114, are amended to read:

- 28 A. For malt liquor (one year)..... \$600; and  
30 B. For wine (one year)..... ~~\$600;~~ and

32 **Sec. 76. 28-A MRSA §1551, sub-§1, ¶C** is enacted to read:

- 34 C. For spirits (one year)..... \$600.

36 **Sec. 77. 28-A MRSA §1551, sub-§2, ¶¶C and D**, as enacted by PL  
1987, c. 342, §114, are amended to read:

- 38 C. For the sale of wine (one year)..... \$600; and  
40 D. For the storage of wine (one month).... \$ 50;i

42 **Sec. 78. 28-A MRSA §1551, sub-§2, ¶¶E and F** are enacted to  
44 read:

- 46 E. For the storage of spirits (one year).. \$600; and  
48 F. For the storage of spirits (one month).. \$ 50.

2           **Sec. 79. 28-A MRSA §1651**, as amended by PL 1995, c. 181, §§1  
and 2, is repealed.

4           **Sec. 80. 28-A MRSA §1652**, as amended by PL 1993, c. 462, §7,  
is further amended to read:

6           **§1652. Excise tax on liquor; deficiency account; credits; refunds**

8  
10           **1. Excise tax on malt liquor.** An excise tax is imposed on  
the privilege of manufacturing and selling malt liquor in the  
12 State. The Maine manufacturer or importing wholesale licensee  
shall pay an excise tax of 25¢ per gallon on all malt liquor sold  
in the State.

14           **1-A. Excise tax on low-alcohol spirits products and  
16 fortified wines.** An excise tax is imposed on the privilege of  
manufacturing and selling low-alcohol spirits products and  
18 fortified wines in the State. The Maine manufacturer or  
importing wholesale licensee shall pay an excise tax of \$1 per  
20 gallon on all low-alcohol spirits products and fortified wines  
manufactured in or imported into the State.

22           **1-B. Excise tax on spirits.** A tax is imposed on the  
24 privilege of manufacturing and selling spirits in the State. The  
Maine manufacturer or importing wholesale licensee shall pay a  
26 tax of \$3.50 per gallon on all spirits manufactured in or  
imported into the State.

28           **2. Excise tax on wine.** An excise tax is imposed on the  
30 privilege of manufacturing and selling wine in the State. The  
Maine manufacturer or importing wholesale licensee shall pay an  
32 excise tax of 30¢ per gallon on all wine other than sparkling  
wine manufactured in or imported into the State and \$1 per gallon  
34 on all sparkling wine manufactured in or imported into the State.

36           **2-A. Payment due.** On the 10th day of each month, every  
brewery and winery shall pay the excise taxes and premium due on  
38 malt liquor ~~and wine which that~~ that brewery or winery removed  
from areas required to be bonded by the Federal Government.

40           **3. General Fund.** The ~~commission~~ bureau shall immediately  
42 deposit all money received under this section to be credited to  
the General Fund.

44           **4. Excise tax accounts and adjustments.** The ~~commission~~  
46 bureau shall open an excise tax account with all manufacturers,  
wholesale licensees and certificate of approval holders and make  
48 the following adjustments when appropriate.

2 A. The ~~commission~~ bureau may grant credits and make tax  
adjustments that it determines the wholesale licensee or  
4 certificate of approval holder is entitled to upon the  
filing of affidavits in the form prescribed by the  
~~commission~~ bureau.

6  
8 B. The ~~commission~~ bureau shall refund all excise tax and  
premium paid by the wholesale licensee or certificate of  
10 approval holder on all malt liquor ~~or~~-wine caused to be  
destroyed by a supplier as long as the quantity and size are  
12 verified by the bureau and the destruction is witnessed by  
an authorized representative of the bureau.

14 C. If a wholesale licensee's inventories are destroyed by  
fire, flood or other natural disaster, the ~~commission~~ bureau  
16 may refund the excise tax and premium on the wholesale  
licensee's inventories.

18 D. Any wholesale licensee selling malt liquor ~~or~~-wine to an  
20 instrumentality, a licensee for resale to an airline, a  
training site or a ship chandler shall present proof of that  
22 sale to the ~~commission~~ bureau. The ~~commission~~ bureau shall  
grant to the wholesale licensee a credit of all state excise  
24 tax and premium paid in connection with that sale under the  
following conditions.

26  
28 (1) The ~~commission~~ bureau shall grant a credit for the  
excise tax and premium on malt liquor ~~or~~-wine sold by  
wholesale licensees to any instrumentality of the  
30 United States or any Maine National Guard state  
training site exempted by the ~~commission~~ bureau.

32  
34 (2) The ~~commission~~ bureau 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  
36 wine are resold to vessels of foreign registry for  
consumption after that vessel has left port or are  
38 resold for consumption on board vessels of United  
States registry that are destined for a foreign port.

40  
42 (3) The ~~commission~~ bureau shall grant a credit for the  
excise tax and premium on malt liquor ~~and~~-~~table~~-wine  
44 sold to a licensee registered with the bureau for  
resale to licensed airlines or to unlicensed airlines  
46 for their international flights.

48 **Sec. 81. 28-A MRSA §1703, sub-§1**, as enacted by PL 1987, c.  
45, Pt. A, §4, is repealed.



2           **Sec. 82. 28-A MRSA §1703, sub-§2**, as amended by PL 1993, c.  
462, §8, is further amended to read:

4           **2. Liquor.** In addition to any other tax or charge imposed  
6 under state or federal law, a premium must be imposed on all malt  
liquor and wine, ~~including fortified wines,~~ sold in the State and  
8 ~~on all low alcohol spirits products sold in the State by persons~~  
~~licensed to sell wine for consumption on or off the premises.~~  
The premium must be in the amount specified in subsection 3.

10           A. The ~~commission~~ bureau shall open a premium account with  
12 all manufacturers and importing wholesalers.

14           B. Premiums must be collected in the same manner provided  
16 for the collection of excise taxes under sections 1404 and  
1405.

18           C. Premiums must be paid to the ~~commission~~ bureau by the  
20 Maine manufacturer or importing wholesaler.

22           D. The duties, prohibitions and liabilities under this  
subsection of licensees and certificate of approval holders  
24 are the same as those under sections 1361, 1364, 1404 and  
1405.

26           E. The ~~commission~~ bureau shall grant credits and make  
28 adjustments under this subsection on the same terms and  
conditions as provided in section 1652.

30           **Sec. 83. 28-A MRSA §1703, sub-§3**, as amended by PL 1993, c.  
462, §9, is further amended to read:

32           **3. Amount of premium.** The premium imposed by ~~subsections 1~~  
34 ~~and subsection 2~~ is:

36           A. Ten cents per gallon on all malt beverages sold in the  
State;

38           B. Thirty cents per gallon on all wine, other than  
40 sparkling wine, sold in the State;

42           C. Twenty-four cents per gallon on all sparkling wine and  
all fortified wine sold in the State and all low-alcohol  
44 spirits products sold by a person licensed to sell wine for  
consumption on or off the premises; and

46           D. One dollar and twenty-five cents per proof gallon as the  
48 term proof gallon is defined in the United States Code,  
Title 26, Section 5002, on all spirits sold in the State.

50

2           **Sec. 84. 28-A MRSA §2073, sub-§3**, as amended by PL 1987, c.  
45, Pt. A, §4, is further amended to read:

4           **3. Legal importation into and transportation of liquor**  
6 **within State.** Liquor may be legally imported into and transported  
within the State in the following situations.

8           A. Upon application, the ~~commission~~ bureau may grant to an  
10 individual a permit to transport liquor purchased for ~~his~~  
that individual's own personal use.

12           B. For-hire carriers and contract carriers, authorized by  
14 the Department of Public Safety, may transport liquor to  
~~state-liquor-stores,--to-liquor-warehouses,--to-licensees,--to~~  
~~purchasers--of--liquor--at--state--liquor--stores--and--from~~  
16 ~~manufacturers--to--liquor--warehouses,--state--liquor--stores~~  
wholesale licensees and to the state line for transportation  
18 outside the State.

20           C. Licensees may transport liquor from ~~state-liquor-stores~~  
wholesale licensees to their places of business.

22           D. Manufacturers may transport liquor within the State to  
24 ~~liquor--warehouses--and--state--liquor--stores~~ wholesale  
licensees, to persons authorized under paragraph E and to  
26 the state line for transportation outside the State.

28           E. The ~~commission~~ bureau may permit in writing the  
30 importation of liquor into the State and the transportation  
of liquor from place to place within the State to the  
32 following destinations for the specified purposes:

34           (1) To hospitals and state institutions, for medicinal  
purposes only, liquor made available to them from  
36 stocks of liquor seized by the Federal Government.

38           (2) To industrial establishments in the State for  
industrial uses;

40           (3) To schools, colleges and state institutions for  
laboratory use only;

42           (4) To any licensed pharmacist in the State for use in  
44 the compounding of prescriptions and other medicinal  
use, but not for sale by pharmacists unless compounded  
46 with or mixed with other substances; or

48           (5) To any physician, surgeon, osteopath,  
chiropractor, optometrist, dentist or veterinarian for  
50 medicinal use only.

2 F. The ~~commission~~ bureau may authorize hospitals and state  
4 institutions to purchase liquor, for medicinal purposes  
only, from wholesale licensees ~~and--state--liquor--stores.~~  
Such authorization must be in writing.

6  
8 **Sec. 85. 28-A MRSA §2075**, as amended by PL 1993, c. 730, §§47  
and 48, is repealed.

10 **Sec. 86. 28-A MRSA §2076**, as enacted by PL 1987, c. 45, Pt.  
A, §4, is repealed.

12  
14 **Sec. 87. 28-A MRSA §2077**, as amended by PL 1993, c. 730, §§49  
and 50, is further amended to read:

16 **§2077. Importation and transportation of liquor**

18 **1. Importation of liquor into the State.** No A person other  
20 than a wholesale licensee, small brewery licensee or farm winery  
licensee may not transport or cause to be transported malt liquor  
~~or--wine~~ into the State in a quantity greater than 3 gallons for  
22 malt liquor ~~and~~, 4 quarts for wine and 4 quarts for spirits,  
unless it was legally purchased in the State.

24  
26 A. All shipments of malt liquor ~~or--wine~~ transported or  
caused to be transported by wholesale licensees, small  
28 brewery licensees or farm winery licensees into the State  
must be accompanied by an invoice, including the wholesale  
licensee's, small brewery licensee's or farm winery  
30 licensee's name and purchase number.

32 **2. Transportation of liquor within State.** No A person  
other than a licensee may not transport malt liquor, in a  
34 quantity greater than 3 gallons, or wine, in a quantity greater  
than 4 quarts, or spirits, in a quantity greater than 4 quarts,  
36 within the State unless it was purchased from an off-premise  
retail licensee.

38  
40 **2-A. Evidence.** The possession of more than 6 gallons of  
malt liquor, 8 quarts of spirits or 8 quarts of wine in one or  
42 more containers that are not labeled in accordance with Title 32,  
section 1865, is prima facie evidence of a violation of this  
section.

44  
46 **3. For-hire carriers and contract carriers may import and  
transport within State.** For-hire carriers and contract carriers,  
authorized by the Department of Public Safety, may transport malt  
48 liquor ~~or--wine~~ into and within the State to licensees, to  
purchasers of malt liquor or wine from licensees and to the state  
50 line for transportation outside the State.

2           **4. Penalties.** Any person who illegally transports less  
4 than 10 gallons of ~~wine-or-less-than-10-gallons-of-malt~~ liquor  
6 illegally transports 10 or more gallons of ~~wine-or-10-or-more~~  
8 ~~gallens-ef-malt~~ liquor into or within the State commits a Class E  
crime.

10           **5. Forfeiture of liquor.** Notwithstanding section 2221-A,  
12 if a person fails to appear in court on the date and time  
14 specified in response to a Uniform Summons and Complaint issued  
16 for a violation of this section, either in person or by counsel,  
18 the court shall order the ~~malt~~ liquor ~~ex--wine~~ imported or  
20 transported in excess of that allowed by subsection 1 or 2 to be  
22 forfeited to the State. As part of every adjudication and  
forfeiture imposed under this section, the court shall order the  
malt liquor ~~ex--wine~~ imported or transported in excess of that  
allowed by subsection 1 or 2 to be forfeited to the State. ~~Malt~~  
liquor ~~ex--or--wine~~ Liquor forfeited under this subsection must be  
disposed of as prescribed in section 2229.

24           **Sec. 88. 28-A MRSA §2077-A**, as amended by PL 1993, c. 60,  
§3, is further amended to read:

26           **§2077-A. Interstate reciprocal shipping of spirits and liquor**

28           **1. Receipt.** Notwithstanding section 2077, a person may  
30 apply to the ~~commission~~ bureau and be issued a permit to receive,  
for personal use and not for resale, a shipment of ~~malt~~ liquor ~~ex~~  
32 ~~wine~~ from another state. For receipt of each shipment the  
following requirements must be satisfied.

34           A. The receiver may not be under 21 years of age.

36           B. The total amount of ~~malt~~ liquor received may not exceed  
38 2.4 gallons per month per individual, ~~and the total amount~~  
~~of wine received may not exceed 2.4 gallons per month per~~  
individual.

40           C. The receiver may not be a licensee or licensed  
42 establishment.

44           D. The receiver must obtain a \$5 permit for every shipment  
46 of malt liquor that is received and, a \$10 permit for every  
shipment of wine that is received and a \$10 permit for every  
48 shipment of spirits that is received.

50           **2. Shipment.** Notwithstanding section 2077, a person who  
lives in a state that affords Maine residents an equal reciprocal

2 shipping privilege may ship, for personal use and not for resale,  
3 malt liquor ~~or~~ wine. For each shipment the following  
4 requirements must be satisfied.

6 A. The producer and shipper must be unlicensed in Maine.

8 B. The product must be one that is not normally for sale in  
9 the State to licensees, and the product must be clearly  
10 identified by label.

12 C. Brokers within the State may not solicit consumers to  
13 engage in interstate reciprocal malt liquor ~~and~~ wine  
14 shipments under this section.

16 D. Shippers located outside the State may not advertise  
interstate malt liquor ~~and~~ wine shipments in the State.

18 E. The product must be delivered by a common carrier. The  
19 carrier is authorized to make delivery of the shipment to  
20 the person named in the permit, as prescribed by subsection  
21 1, paragraph D, after the receiver presents the carrier with  
the permit and proof of identification.

24 F. Shipments must be made in accordance with rules adopted  
25 by the ~~commission~~ bureau.

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

31 It is not the intent of this section to impair distribution  
32 of malt liquor ~~and~~ wine through distributors or importing  
33 distributors, but only to permit shipments of malt liquor ~~and~~  
34 wine for personal use.

36 **Sec. 89. 28-A MRSA §2229**, as enacted by PL 1987, c. 45, Pt.  
37 A, §4, is amended to read:

38 **§2229. Disposal of forfeited liquors**

40 1. **Court or judge to order forfeited liquor to be turned**  
41 **over to bureau.** All liquors declared forfeited by a court under  
42 this Title shall, by order of the court rendering the final  
43 judgment, be turned over to the ~~commission~~ bureau.

46 2. **Sale of forfeited liquor by bureau.** Except as provided  
47 in paragraph A, the ~~commission~~ bureau shall sell forfeited liquor  
48 ~~in the state liquor stores throughout the State to wholesale~~  
49 licensees.

50

2 A. If any liquor is determined by the court to be unfit or  
unsatisfactory for consumption or retail sale, the court may  
4 order the liquor to be destroyed by any officer competent to  
serve the process on which it was forfeited. The officer  
shall make the return accordingly to the court.

6  
8 (1) The liquor shall must be destroyed by pouring it  
upon the ground or into a public sewer.

10 **Sec. 90. 28-A MRSA §2230, sub-§2, ¶B,** as enacted by PL 1993,  
c. 730, §51, is amended to read:

12  
14 B. Secure the liquor for a period of 30 days, after which  
time the agency shall transfer the liquor to the bureau.  
16 The bureau shall dispose of any malt liquor ~~or wine and~~  
~~shall transfer any spirits to the commission for sale at~~  
~~state liquor stores.~~

18 **Sec. 91. Assistance to employees.** The State shall provide  
20 assistance within the existing programs to employees who are laid  
off as a result of the closing of state liquor stores and the  
22 contracting of wholesale liquor functions. The assistance may  
include, but is not limited to, retraining, career planning and  
24 assistance in obtaining other employment and may be provided  
before or after an employee leaves state employment.

26 **Sec. 92. Transition provisions; rules of the State Liquor**  
28 **Commission.** The Bureau of Liquor Enforcement shall review all  
rules relating to liquor and liquor sales adopted by the Bureau  
30 of Alcoholic Beverages and Lottery Operations and adopt rules to  
implement this Act. These rules are considered routine technical  
32 rules pursuant to the Maine Revised Statutes, Title 5, chapter  
375, subchapter II-A.

34 **Sec. 93. Closure of state liquor stores.** The Bureau of Alcoholic  
36 Beverages and Lottery Operations shall close all state liquor  
stores as soon as practical after the effective date of this Act,  
38 in order to ensure the same level of availability of spirits.  
All stores must be closed no later than January 1, 1998.

40 **Sec. 94. Wholesale operations of the Bureau of Alcoholic Beverages**  
42 **and Lottery Operations.** The Bureau of Alcoholic Beverages and  
Lottery Operations shall phase out contracts for the wholesale  
44 distribution of spirits and may enter into a temporary extension  
of wholesale arrangements until a sufficient number of wholesale  
46 licensees are licensed to ensure sufficient delivery of spirits  
to retail licensees.

48 **Sec. 95. Law applicable to state liquor stores until sold.** Until all  
50 state liquor stores have been closed, the provisions of

2 law applying to state liquor stores on January 1, 1997 continue  
to apply to the operation of the stores remaining open, and the  
Bureau of Alcoholic Beverages and Lottery Operations and the  
4 Bureau of Liquor Enforcement continue to have authority to act  
under those laws as if those laws were currently in effect.

6  
8 **Sec. 96. Transition for existing agency liquor store.** Any existing  
agency liquor store licensed as of January 1, 1997 that continues  
to meet the requirements for licensure is licensed as a retailer  
10 and is exempt from all license fees for the year ending December  
31, 1997.

12  
14 **Sec. 97. Maine Revised Statutes amended; revision clause.**  
Wherever in the Maine Revised Statutes the words "State Liquor  
Commission" or "commission" appear or reference is made to those  
16 words, they are amended to read and mean "Bureau of Liquor  
Enforcement" or "bureau," and the Revisor of Statutes shall  
18 implement this revision when updating, publishing or republishing  
the statutes.

20  
22  
24 **SUMMARY**

This bill removes the State from the liquor business,  
26 including both retail and wholesale sales. The current system  
for the sale of liquor will be replaced by a system currently  
28 used for the sale and distribution of beer and wine. A flat tax  
of \$3.50 per gallon will be assessed on all spirits, in addition  
30 to premium and sales taxes. The intent of this level of taxation  
on liquor products is to allow enough pricing flexibility under  
32 the new system to recapture sales lost to New Hampshire.

34 The State will close all liquor-related operations as of  
January 1, 1998. All existing restrictions on agency store  
36 locations are repealed. Any retailer may apply for a license.  
The initial license fee for the first year is \$1,200 and \$1,000  
38 annually for renewals for those retailers with annual sales in  
the prior year greater than or equal to \$400,000, \$600 and \$500,  
40 respectively, for retailers with annual sales less than  
\$400,000. Existing agency stores are granted a one-year  
42 exemption from the renewal fee. Wholesalers that have had a  
presence in Maine for 5 years may apply for a wholesale liquor  
44 license for \$1,400 annually for a principal location and \$600 for  
each additional warehouse or distribution center.