

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-12-99

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 854, L.D. 1211, Bill, "An Act to Permit Wine to be Ordered through the Mail"

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

Sec. 1. 28-A MRSA §2077-A, as amended by PL 1997, c. 373, §§157 and 158 and repealed by c. 501, §5, is repealed.

Sec. 2. 28-A MRSA §2077-B, as enacted by PL 1997, c. 501, §6, is repealed.

Sec. 3. 28-A MRSA §2077-C is enacted to read:

§2077-C. Interstate reciprocal shipping of malt liquor and wine

1. Permit required. Notwithstanding section 2077, a person may apply to the bureau and be issued a permit to receive, for personal use and not for resale, a shipment of malt liquor or wine from another state. To receive a permit, an applicant must satisfy the following.

A. The applicant may not be under 21 years of age.

B. The total amount of malt liquor to be received may not exceed 2.4 gallons per month per applicant, and the total amount of wine to be received may not exceed 2.4 gallons per month per applicant.

C. The applicant may not be a licensee or a licensed establishment.

HOUSE AMENDMENT

2 D. The applicant must provide to the bureau an exact
4 description of the malt liquor or wine intended to be
6 shipped, including the price and from whom the shipment will
8 be made, and remit a payment equal to the amount of taxes
that would be required if the products were purchased from a
person licensed by the State to distribute or sell wine and
malt liquor.

10 The applicant must obtain from the bureau a \$5 permit for every
12 shipment of malt liquor that is received and a \$5 permit for
every shipment of wine that is received.

14 2. Shipment. Notwithstanding section 2077, a person who
16 lives in a state that affords Maine residents an equal reciprocal
shipping privilege may ship, for personal use and not for resale,
18 malt liquor or wine to a person who has received a permit
pursuant to subsection 1. For each shipment the following
requirements must be satisfied.

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

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

28 C. Brokers within the State may not solicit consumers to
engage in interstate reciprocal malt liquor and wine
30 shipments under this section.

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

34 E. The product must be delivered by a common carrier. The
36 carrier is authorized to make delivery of the shipment to
the person named in the permit, pursuant to subsection 1,
38 after the receiver presents the carrier with the permit and
proof of identification.

40 F. Shipments must be made in accordance with rules adopted
42 by the bureau.

44 Rules adopted pursuant to this paragraph are routine
technical rules pursuant to Title 5, chapter 375, subchapter
46 II-A.

48 3. Violation. Any violation of this section is a Class E
crime.

2 It is not the intent of this section to impair distribution
3 of malt liquor and wine through distributors or importing
4 distributors, but only to permit shipments of malt liquor and
5 wine for personal use.'

6
7
8 **FISCAL NOTE**

9
10 This amendment establishes permit fees and certain required
11 payments for each shipment of malt liquor and wine from another
12 state with a reciprocal shipping privilege. The additional
13 General Fund revenue from these sources is expected to be
14 insignificant. Based on past experience, no other states were
15 willing to set up reciprocal shipping privilege arrangements.

16 The Bureau of Liquor Enforcement within the Department of
17 Public Safety will incur some minor additional costs to adopt
18 certain rules pertaining to the interstate reciprocal shipping of
19 malt liquor and wine and to enforce certain requirements
20 regarding allowable shipments of malt liquors and wine. These
21 costs can be absorbed within the bureau's existing budgeted
22 resources.

23
24
25 **SUMMARY**

26
27 This amendment replaces the bill. It repeals the law that
28 deals with the prohibition of interstate shipping of liquor and
29 reinstates the law that relates to interstate reciprocal shipping
30 of malt liquor and wine. The amendment also adds an additional
31 requirement to ensure that the State receives payment in an
32 amount that would otherwise be received as taxes and makes a
33 violation a Class E crime. The amendment also adds a fiscal note.
34

35
36 SPONSORED BY: Deborah McNeil
37 (Representative McNEIL)

38
39 TOWN: Rockland
40
41
42