

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1856

H.P. 1295

House of Representatives, March 16, 1999

An Act Concerning the Distribution of Beer and Wine.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUCK of Yarmouth.
Cosponsored by Representative PERRY of Bangor.

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

2 **Sec. 1. 28-A MRSA §708**, as amended by PL 1997, c. 501, §1, is
4 further amended to read:

6 **§708. Prohibited discounts, rebates and brand sales**

8 **1. Certificate of approval holders.** A certificate of
10 approval holder may not offer to wholesale licensees any special
12 discounts, volume discounts or other reduced prices or discounts,
14 except bona fide price reductions under section 1408 offered to
16 all wholesale licensees. A certificate of approval holder may
18 offer depletion allowances to wholesale licensees if the
20 depletion allowance is posted in accordance with section 1408. A
22 certificate of approval holder may not offer any free
24 merchandise, rebate or gift to the purchaser of an alcoholic
26 beverage.

A certificate of approval holder may not offer to wholesale
licensees any brand or label that would by nature be handled by a
single licensee or a restricted group of licensees. All such
brands approved for sale must be available to all retail
licensees for resale to consumers. When the affected wholesaler
has a brand on allocation, all retail licensees must be allowed,
on a percentage basis, to purchase the allocated brand.

28 **2. Wholesale licensees.** A wholesale licensee may not offer
30 to retail licensees any special discounts, volume discounts,
32 depletion allowances, other reduced prices or discounts, or
34 refunds except bona fide price reductions under section 1408
36 offered to all retail licensees. A wholesale licensee may not
38 offer any free merchandise, rebate, refund or gift to the
40 purchaser of an alcoholic beverage.

42 **3. Retail licensees.** A retail licensee may not offer any
44 free merchandise, rebate or gift to the purchaser of any
46 alcoholic beverage.

48 **5. Combination packages.** Notwithstanding subsection 3,
agency liquor store licensees may offer for sale any package or
combination of packages of spirits that the commission has
approved for sale in state liquor stores.

This section does not prohibit a certificate of approval
holder from including a mail-in offer, a certificate or
merchandise in a package of beer, wine or low-alcohol spirits for
sale by an off-premise retailer. The package containing the
mail-in offer, certificate or merchandise must be packaged by the
certificate of approval holders at the brewery or winery.

2 This section does not prohibit the unconditional
distribution of merchandise to the patrons of an on-premise
4 establishment.

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SUMMARY

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10 This bill requires all beer and wine brands or labels
distributed by a beer and wine wholesaler to be made available to
all retail licensees within that distributor's delivery area. If
12 the brand or label is available to the wholesaler on allocation,
then all retail licensees must be able to purchase the product on
14 a percentage basis.