

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2200

S.P. 785

In Senate, April 14, 1999

**An Act to Permit Persons Out-of-state to Ship Malt Liquor and Wine to  
Maine Residents.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President LAWRENCE of York.  
Cosponsored by Representative WHEELER of Eliot and  
Senator LIBBY of York.

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

2           Sec. 1. 28-A MRSA §2077-B, as enacted by PL 1997, c. 501, §6,  
4 is repealed.

6           Sec. 2. 28-A MRSA §2077-C is enacted to read:

8           §2077-C. Interstate shipping of malt liquor and wine

10           1. Shipment. Notwithstanding section 2077 and subject to  
12 the provisions of this section, a person outside of this State  
may ship malt liquor or wine to a person in this State if:

14           A. The sender is licensed in its state of domicile as a  
malt liquor or wine manufacturer; and

16           B. The sender applies for and receives an out-of-state  
18 shipper's license pursuant to subsection 2.

20           2. Out-of-state shipper's license. Prior to sending any  
22 malt liquor or wine, the sender shall obtain an out-of-state  
shipper's license by:

24           A. Filing an application with the bureau. The shipper  
shall include a true copy of:

26                   (1) The shipper's current malt liquor or wine  
28 manufacturer's license issued by the shipper's state of  
domicile; and

30                   (2) The basic permit and special tax stamp issued to  
32 the shipper by the federal Bureau of Alcohol, Tobacco  
and Firearms; and

34           B. Paying a registration fee of \$50.

36           3. Shipment restrictions and requirements. A person  
38 licensed pursuant to subsection 2 may ship malt liquor or wine  
40 directly to a person in this State if the following provisions  
are met.

42           A. No more than 2.4 gallons of malt liquor and 2.4 gallons  
44 of wine may be shipped per month to a household in this  
State.

46           B. The out-of-state shipper may ship only to a recipient  
48 who is at least 21 years of age and shall ensure that the  
malt liquor or wine is for personal use and not for resale.  
50 Age verification may be accomplished by obtaining the number  
of a valid driver's license issued by this State.

2           C. The shipment must be conspicuously labeled as follows:  
3           "CONTAINS ALCOHOLIC BEVERAGES. SIGNATURE OF AN ADULT 21  
4           YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY."

6           D. Each shipment must include an invoice containing the  
7           name, address and phone number of the recipient and the  
8           source of the verification of the recipient's age.

10          E. The out-of-state shipper shall ensure that shipments  
11          into this State are made by a duly licensed carrier and that  
12          the carrier obtains the signature of an adult at least 21  
13          years of age to acknowledge receipt.

14          4. Filing and record keeping; jurisdiction. An  
15          out-of-state shipper licensed pursuant to subsection 2 shall:

18          A. File with the bureau on a quarterly basis on forms  
19          supplied by the bureau:

20                   (1) A verified report of all malt liquor or wine  
21                   shipped into this State during the preceding quarter;  
22                   and

24                   (2) The excise tax imposed by section 1652 and the  
25                   premium imposed by section 1703 on all malt liquor and  
26                   wine shipped into this State as shown on the report  
27                   filed pursuant to this paragraph;

30          B. Maintain copies of the reports filed pursuant to  
31          paragraph A for at least 3 years and any accompanying proof  
32          that allows the bureau to determine the accuracy of the  
33          reports;

34          C. Submit to an audit upon a reasonable request of the  
35          bureau; and

38          D. Consent to the personal jurisdiction of the bureau or  
39          any other agency of this State and to the courts of this  
40          State concerning enforcement of this section and any related  
41          laws or rules.

42          5. Renewal of out-of-state shipper's license. An  
43          out-of-state shipper shall annually renew the out-of-state  
44          shipper's license by:

45                   A. Filing a renewal request with the bureau. The shipper  
46                   shall include a true copy of:

2                   (1) The shipper's current malt liquor or wine  
manufacturer's license issued by the shipper's state of  
4                   domicile; and

6                   (2) The basic permit and special tax stamp issued to  
the shipper by the federal Bureau of Alcohol, Tobacco  
8                   and Firearms; and

10                  B. Paying a renewal fee of \$50.

12                  6. Penalty. Any person who causes a shipment of malt  
liquor or wine to be imported into this State in violation of  
14                  this section commits a Class C crime. If that person has been  
licensed pursuant to this section, the license is forfeited.

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### SUMMARY

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20                  This bill allows a person outside of this State to ship to a  
household in Maine up to 2.4 gallons of malt liquor and 2.4  
gallons of wine per month.