

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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

COMMITTEE AMENDMENT "A" to H.P. 1701, L.D. 2407, Bill, "An Act to Amend the Laws Regulating Farm Wineries"

Amend the bill by inserting after the enacting clause the following:

Sec. 1. 28-A MRSA §2, sub-§11-B is enacted to read:

11-B. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume.

Sec. 2. 28-A MRSA §2, sub-§31, as amended by PL 1993, c. 462, §3, is further amended to read:

31. Spirits. "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind, including--low-alcohol--spirits--products. "Spirits" does not include low-alcohol spirits products or fortified wine.

2 **Sec. 3. 28-A MRSA §81, sub-§§1 and 2**, as enacted by PL 1997, c.
373, §28, are amended to read:

4 **1. Oversight of Bureau of Alcoholic Beverages and Lottery**
5 **Operations.** The commission shall monitor the operation of the
6 alcohol bureau in its administration of the laws relating to the
7 sale of spirits and fortified wine.

8 **2. Advice.** The commission shall advise the director of the
9 alcohol bureau regarding the administration of the functions of
10 the alcohol bureau. The commission may advise the Governor and
11 the Legislature regarding issues relating to the operation of the
12 alcohol bureau and the administration of the laws relating to the
13 sale of spirits and fortified wine.

14 **Sec. 4. 28-A MRSA §83, sub-§§1 to 4**, as enacted by PL 1997, c.
15 373, §28, are amended to read:

16 **1. Bureau of Alcoholic Beverages and Lottery Operations;**
17 **rules.** The alcohol bureau shall manage the sale, distribution
18 and merchandising of spirits and fortified wine through state
19 liquor stores, agency liquor stores and licensees. The alcohol
20 bureau may establish rules and procedures for the administration
21 of the state liquor laws under its jurisdiction. The rules
22 adopted under this section are routine technical rules pursuant
23 to Title 5, chapter 375, subchapter II-A. The day-to-day
24 activities of the alcohol bureau are under the supervision of the
25 Commissioner of Administrative and Financial Services and the
26 director of the alcohol bureau.

27 **2. Purchase.** The alcohol bureau may buy and have in its
28 possession spirits and fortified wine for sale to the public.
29 The alcohol bureau shall buy spirits directly and not through the
30 State Purchasing Agent. All spirits and fortified wine must be
31 free from adulteration and misbranding.

32 **3. Sell at retail.** The alcohol bureau may sell at retail
33 in state liquor stores in original packages, either over the
34 counter or by shipment to points within the State, spirits of all
35 kinds and fortified wine for consumption off the premises of
36 state liquor stores operated under the direction of the alcohol
37 bureau.

38 **4. Enter into contracts.** Subject to any applicable laws
39 relating to public contracts, the alcohol bureau may enter into
40 contracts or agreements and establish contract performance
41 standards for the wholesale purchase of ~~alcoholic~~--beverages
42 spirits and fortified wine.

43 **Sec. 5. 28-A MRSA §84, sub-§1**, as enacted by PL 1997, c. 373,
44 §28, is amended to read:

2 1. **Manage sale of alcoholic beverages.** Manage the sale of
3 ~~alcoholic--beverages~~ spirits and fortified wine through state
4 liquor stores, agency liquor stores and licensees in accordance
5 with applicable laws and rules that provide for the operation of
6 wholesale distribution of spirits and fortified wine;'

8 Further amend the bill by relettering or renumbering any
9 nonconsecutive Part letter or section number to read
10 consecutively.

12
14

SUMMARY

16 This amendment maintains the provision that allows a farm
17 winery to fortify wine and import spirits for the purposes of
18 fortifying wine. It amends the liquor laws to clarify the
19 difference between fortified wine and spirits. This amendment
20 also corrects some errors in current law regarding the definition
of low-alcohol spirits products.