

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1296

H.P. 972

House of Representatives, February 28, 2001

An Act to Permit the Purchase of Wine by Mail Order.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FULLER of Manchester.

Cosponsored by Representatives: DUDLEY of Portland, MAYO of Bath, McNEIL of Rockland.

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

2
4 Sec. 1. 28-A MRS §1403-A is enacted to read:

6 §1403-A. Purchase of wine by mail

8 1. Direct shipment of wine to residents. A person
10 currently licensed in another state as an alcoholic beverage
12 producer, supplier, importer, wholesaler, distributor or retailer
14 who obtains a certificate of approval as provided in section 1351
and a nonresident shipper's license as provided in this section
may ship no more than the equivalent of 24 1.5 liter bottles of
wine per month directly to a resident of this State who is 21
years of age or older for that resident's personal use.

16 2. Nonresident shipper application. Before sending a
18 shipment to a resident of this State, a nonresident shipper must
20 hold a certificate of approval as provided in section 1351 and
22 file an application with the bureau on a form issued by the
bureau along with a copy of its current alcoholic beverage
license issued in another state and a \$100 registration fee.

24 3. Delivery to resident 21 years or older. Wine shipped
26 pursuant to this section may be shipped only to a resident 21
28 years of age or older and must be for the recipient's personal
use only and not for resale. A shipment must be subject to
in-person delivery to the resident who has ordered the shipment
or a person residing at the resident's household who is 21 years
of age or older. All containers used for shipment of wine must
30 be conspicuously labeled with the words "CONTAINS ALCOHOL:
SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."
32

34 4. Prohibited shipping areas. A nonresident shipper may not
36 ship to any address in an area identified by the bureau as a
prohibited shipping area or a local option area.

38 5. License renewal. A nonresident shipper may annually
40 renew its license with the bureau by paying a \$100 renewal fee
and providing the bureau with a true copy of its current
alcoholic beverage license issued in another state.

42 6. Payment of state taxes. A nonresident shipper shall pay
44 annually to the Department of Administrative and Financial
Services, Bureau of Revenue Services the sales and excise taxes
due on sales in the preceding calendar year.
46

48 7. Annual report. A nonresident shipper shall report to
50 the bureau annually by January 1st of each year the total number
of bottles of wine, by type, shipped into the State the preceding
calendar year.

2 8. Audits. The bureau may perform audits of a nonresident
shipper's records at any time.

4 9. Violations. Violation of this section is a Class D
6 crime. A violation of this section constitutes a violation of
the Maine Unfair Trade Practices Act under Title 5, chapter 10.
8 The bureau may enforce the requirements of this section by
administrative proceedings to suspend or revoke a nonresident
10 shipper's license. The bureau may accept payment of an offer in
compromise in lieu of suspension; such payments must be
12 determined by rule adopted by the bureau.

14 10. Adoption of rules. The bureau may adopt rules to carry
out the purposes of this section. Rules adopted pursuant to this
16 section are routine technical rules as defined in Title 5,
chapter 375, subchapter II-A.

18
20 **SUMMARY**

22 This bill allows an out-of-state shipper to ship up to 24
bottles of wine per month directly to a resident of this State
who is 21 years of age or older for that resident's personal use.