

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1281

S.P. 412

In Senate, March 11, 2003

An Act to Allow Shipment of Wine By Mail

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 Senator BENNETT of Oxford.
Cosponsored by Representative CLARK of Millinocket and
Representatives: BRUNO of Raymond, CRESSEY of Baldwin, TOBIN of Dexter.

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

2
4 **Sec. 1. 28-A MRSA §2, sub-§8**, as amended by PL 1997, c. 373,
6 §11, is further amended to read:

8 **8. Certificate of approval holder.** "Certificate of
10 approval holder" means a farm winery, an instate manufacturer,
12 out-of-state manufacturer or out-of-state wholesaler licensed by
14 the bureau.

12 **Sec. 2. 28-A MRSA §1403-A** is enacted to read:

14 **§1403-A. Purchase of wine by mail**

16 **1. Direct shipment of wine to residents.** A person
18 currently licensed as an alcoholic beverage producer, supplier,
20 importer, wholesaler, distributor or retailer who obtains a
22 certificate of approval as provided in section 1351 and, if a
24 nonresident, a nonresident shipper's license as provided in this
26 section may ship no more than the equivalent of 24 1.5 liter
28 bottles of wine per month directly to a person who is 21 years of
30 age or older for that person's personal use.

26 **2. Nonresident shipper's license application.** Before
28 sending a shipment pursuant to this section, a nonresident
30 shipper must hold a certificate of approval as provided in
32 section 1351 and file an application for a nonresident shipper's
34 license with the bureau on a form issued by the bureau along with
36 a copy of the nonresident shipper's current alcoholic beverage
38 license issued in another state and a \$100 registration fee.

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

44 **4. Prohibited shipping areas.** A shipper may not ship
46 pursuant to this section to any address in an area identified by
48 the bureau as a prohibited shipping area.

48 **5. Nonresident shipper's license renewal.** A nonresident
50 shipper may renew its license with the bureau annually by paying
a \$100 renewal fee and providing the bureau with a true copy of
its current alcoholic beverage license issued in another state.

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

6
7 **7. Annual report.** A shipper shall report to the bureau
8 annually by March 1st of each year the total number of bottles of
wine, by type, shipped into the State the preceding calendar year.

10
11 **8. Audits.** The bureau may perform audits of the records of
12 a shipper under this section at any time.

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

22
23 **10. Adoption of rules.** The bureau may adopt rules to carry
24 out the purposes of this section. Rules adopted pursuant to this
section are routine technical rules as defined in Title 5,
26 chapter 375, subchapter 2-A.

28 **Sec. 3. 28-A MRSA §2077, sub-§1,** as amended by PL 1993, c.
730, §49, is further amended to read:

30
31 **1. Importation of malt liquor or wine into the State.** No
32 Except as provided by section 1403-A, a person other than a
wholesale licensee, small brewery licensee or farm winery
34 licensee may not transport or cause to be transported malt liquor
or wine into the State in a quantity greater than 3 gallons for
36 malt liquor and 4 quarts for wine, unless it was legally
purchased in the State.

38
39 A. All shipments of malt liquor or wine transported or
40 caused to be transported by wholesale licensees, small
brewery licensees ~~or~~, farm winery licensees or certificate
42 of approval holders into the State must be accompanied by an
invoice, including the wholesale licensee's, small brewery
44 licensee's or farm winery licensee's name and purchase
number. Out-of-state wholesalers that ship wine to a
46 certificate of approval holder as provided in section 2077-C
shall comply with the provisions of this paragraph.

48
49 **Sec. 4. 28-A MRSA §2077-B, sub-§1,** as enacted by PL 1997, c.
50 501, §6, is amended to read:

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1. Prohibition. A Except as provided by section 1403-A, a person may not sell, furnish, deliver or purchase liquor from an out-of-state company by mail order.

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SUMMARY

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This bill allows an in-state or out-of-state alcoholic beverage producer supplier, importer, wholesaler distributor, retailer or farm winery to ship up to 24 1.5 liter bottles of wine per month directly to a person who is 21 years of age or older for that person's personal use.

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