

MAINE STATE LEGISLATURE

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L.D. 560

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DATE: 4-11-06

(Filing No. H-1005)

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the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION**

16 HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 415,
L.D. 560, Bill, "An Act To Permit Interstate Wine and Malt Liquor
Sales and Delivery to Homes"

18 Amend the amendment by striking out everything after the
20 substitute title and before the summary and inserting in its
place the following:

22 'Further amend the bill by striking out everything after the
24 enacting clause and before the summary and inserting in its place
the following:

26 'Sec. 1. 28-A MRSA §§1352 and 1353 are enacted to read:

28 **§1352. Wine connoisseur permit**

30 **1. Permit to ship wine.** Notwithstanding sections 2073,
32 2077 and 2077-B, a person 21 years of age or older may apply to
the bureau for a wine connoisseur permit on forms provided by the
34 bureau. A holder of a wine connoisseur permit may order only
from a specialty wine permittee up to a total of 6 9-liter cases
36 of wine per year to be shipped to the permit holder's residence
for the permit holder's personal use and not for resale. A wine
38 connoisseur permit may not be issued to an establishment licensed
to sell alcoholic beverages for on-premises or off-premises
40 consumption. For each shipment, a holder of a wine connoisseur
permit shall comply with the following.

HOUSE AMENDMENT

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2 A. The holder of the wine connoisseur permit shall confirm
4 with the specialty wine permittee that the shipment will be
6 conspicuously labeled to indicate that the contents of the
 package include wine and may be delivered only to the
 intended recipient.

8 B. A package of wine that is shipped into the State to a
10 wine connoisseur must clearly identify the contents with a
12 distinctive label: "CONTAINS ALCOHOL; SPECIAL ORDER
 DELIVERY - SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER WITH
 WINE CONNOISSEUR PERMIT IS REQUIRED".

14 C. The wine shipment must be delivered by common carrier,
16 as defined in Title 12, section 6001, subsection 8. The
18 common carrier is authorized to make delivery of the wine to
 the holder of the wine connoisseur permit after the permit
 holder presents the common carrier with the wine connoisseur
 permit and proof of the permit holder's identity.

20 D. Within 30 days of receiving a shipment, the holder of a
22 wine connoisseur permit shall submit to the bureau a copy of
24 the receipt for that shipment and submit all applicable
 taxes along with a tax form provided by the bureau.

26 E. The wine connoisseur permit holder shall retain a
28 receipt for each transaction under this section for 2 years
 and provide the receipt to the bureau upon request.

30 2. Permit fee. The fee for a wine connoisseur permit is
32 \$50 per year.

34 3. Compliance with beverage container deposit law. The
36 bureau is authorized to adopt rules so that wine bottles
38 delivered to the holder of a wine connoisseur permit comply with
 the beverage container deposit law pursuant to Title 32, chapter
 28. Rules adopted in accordance with this subsection are routine
 technical rules as defined in Title 5, chapter 375, subchapter
 2-A.

40 4. Prohibited shipping areas. A specialty wine permittee
42 may not ship or deliver to any address in an area identified as a
44 prohibited shipping area or a local option area.

46 5. Violation. A person violates this section if, after
48 receiving notice from the bureau to cease and desist, the person
 continues the activities in violation of this section. A person
 who violates this section commits a civil violation for which a
 fine of not more than \$500 may be adjudged. A person who
50 violates this section after having previously violated this

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2 section commits a civil violation for which a fine of not more than \$2,500 may be adjudged.

4 **§1353. Specialty wine permit**

6 1. Specialty wine permit. The bureau may grant a specialty wine permit to a person who ferments, ages and bottles that person's own wine, as long as the wine has not been a registered label with the bureau for the previous 12 months. A person who holds a specialty wine permit may not hold a certificate of approval or be represented by a certificate of approval holder or have that person's wine sold through a certificate of approval holder. A person who does not ferment, age and bottle that person's own wine is not eligible for a specialty wine permit.

16 2. Shipment limit. The holder of a specialty wine permit may not ship more than 50 cases during the term of the permit.

18 3. Permit fee. The fee for a specialty wine permit is \$25 per year.

22 4. Rules. The bureau is authorized to adopt rules for the issuance of specialty wine permits and to ensure that specialty wine permittees sell and deliver their wine only to qualified wine connoisseur permittees. The rules must include annual reporting guidelines. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 5. Violation. A person violates this section if, after receiving notice from the bureau to cease and desist, the person continues the activities in violation of this section. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be adjudged. A person who violates this section after having previously violated this section commits a civil violation for which a fine of not more than \$2,500 may be adjudged.

40 **Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

42 **PUBLIC SAFETY, DEPARTMENT OF**

44 **Liquor Enforcement 0293**

46 Initiative: Appropriates funds for one additional Clerk Typist
48 III position and necessary operating expenses to process
50 additional wine-related permits.

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GENERAL FUND	2005-06	2006-07
2 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3 Personal Services	\$0	\$28,354
4 All Other	\$0	\$1,012
6 GENERAL FUND TOTAL	\$0	\$29,366' '

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10 **SUMMARY**

12 This amendment establishes a wine connoisseur permit. This
14 permit provides that a person may have up to 6 cases of wine per
16 year shipped from a specialty wine permittee by way of a common
18 carrier. The fee for a wine connoisseur permit is \$50 per year.
20 The holder of a wine connoisseur permit is required to pay all
22 applicable taxes and must retain records of wine shipments for 2
years. This amendment also grants routine technical rule-making
authority to the Department of Public Safety, Division of Liquor
Licensing and Compliance to ensure that bottles of wine received
using a wine connoisseur permit comply with the bottle deposit
law.

24 The amendment also establishes a specialty wine permit. The
26 permit provides that a person who ferments, ages and bottles that
28 person's own wine may ship up to 50 cases of wine to qualified
30 wine connoisseur permittees during a 12-month period. The annual
32 fee for a specialty wine permit is \$25. The amendment also
grants routine technical rule-making authority to the bureau to
ensure that specialty wine permittees sell and deliver the wine
only to qualified wine connoisseur permittees and to include
annual reporting guidelines in the rules.

34 **FISCAL NOTE REQUIRED**
36 **(See attached)**

38
40 SPONSORED BY: 
42 (Representative LINDELL)

44 TOWN: Frankfort



122nd MAINE LEGISLATURE

LD 560

LR 0357(05)

An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes

Fiscal Note for House Amendment "A" to Committee Amendment "B"

Sponsor: Rep. Lindell

Fiscal Note Required: Yes

Fiscal Note

Current biennium revenue increase - General Fund

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$29,366	\$33,460	\$35,080
Appropriations/Allocations				
General Fund	\$0	\$29,366	\$33,460	\$35,080

Fiscal Detail and Notes

Authorizing a \$25 specialty wine permit fee to be paid by wineries will increase General Fund revenues collected by the Department of Public Safety. The amounts will depend on the number of wineries that apply for specialty wine permits. The number of permits is not estimated in this fiscal note but any revenue generated from this permit will reduce the net General Fund cost of this amendment. The Department of Public Safety will need a Clerk Typist III position at a cost of \$29,366 in fiscal year 2006-07 to handle the additional administrative work that will be created by the authorization of the two permits.