

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 560

H.P. 415

House of Representatives, February 3, 2005

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LINDELL of Frankfort.
Cosponsored by Representative THOMAS of Ripley, Senator PLOWMAN of Penobscot and
Representatives: BISHOP of Boothbay, KAELIN of Winterport.

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

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

6 **§1403-A. Purchase of wine or malt liquor by mail**

8 **1. Direct shipment of wine or malt liquor to residents.** A
10 person currently licensed in another state as an alcoholic
12 beverage producer, supplier, importer, wholesaler, distributor or
14 retailer who obtains a certificate of approval as provided in
16 section 1351 and a nonresident shipper's license as provided in
18 this section may ship wine or malt liquor directly to a resident
20 of this State who is 21 years of age or older for that resident's
22 personal use.

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

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

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

5. License renewal. A nonresident shipper may annually
 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.

6. Payment of state taxes. A nonresident shipper shall pay
 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.

7. Annual report. A nonresident shipper shall report to
 the bureau annually by January 1st of each year the total number

2 of bottles of wine or malt liquor, by type, shipped into the
State in the preceding calendar year.

4 8. Audit. The bureau may perform an audit of a nonresident
6 shipper's records at any time.

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

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

22 **Sec. 2. 28-A MRSA §2077-B, sub-§1,** as enacted by PL 1997, c.
24 501, §6, is amended to read

26 **1. Prohibition.** A person may not sell, furnish, deliver or
28 purchase liquor from an out-of-state company by mail order,
except wine or malt liquor pursuant to section 1403-A.

30 SUMMARY

32 This bill allows an out-of-state shipper to ship wine or
malt liquor directly to a resident of this State who is 21 years
of age or older for that resident's personal use.