

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 143

S.P. 54

In Senate, January 16, 2007

An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales

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 BROMLEY of Cumberland.

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

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

3 **§1403-A. Purchase of wine or malt liquor by mail**

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

10 **2. Nonresident shipper application.** Before sending a shipment to a resident of
11 this State, a nonresident shipper must hold a certificate of approval as provided in section
12 1351 and file an application for a license with the bureau on a form issued by the bureau
13 along with a true copy of its current alcoholic beverage license issued in another state and
14 a \$100 registration fee.

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

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

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

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

31 **7. Annual report.** A nonresident shipper shall report to the bureau annually by
32 January 1st of each year the total number of bottles of wine or malt liquor, by type,
33 shipped into the State in the preceding calendar year.

34 **8. Audit.** The bureau may perform an audit of a nonresident shipper's records at
35 any time.

36 **9. Violation.** Violation of this section is a Class D crime. A violation of this
37 section constitutes a violation of the Maine Unfair Trade Practices Act. The bureau may
38 enforce the requirements of this section by administrative proceedings to suspend or

1 revoke a nonresident shipper's license. The bureau may accept payment of an offer in
2 compromise in lieu of suspension; such payments must be determined by rule adopted by
3 the bureau.

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

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

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

12 **SUMMARY**

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