

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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**Legislative Document**

**No. 1025**

S.P. 389

In Senate, March 17, 2009

### **An Act To Allow Choice of Wine by Maine Consumers**

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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 SIMPSON of Androscoggin.  
Cosponsored by Representative TRINWARD of Waterville and  
Senators: MARRACHÉ of Kennebec, PLOWMAN of Penobscot, RAYE of Washington,  
RECTOR of Knox, SULLIVAN of York, Representatives: CLEARY of Houlton, RUSSELL of  
Portland, SMITH of Monmouth.

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

2 Sec. 1. 28-A MRSA §1352 is enacted to read:

3 §1352. Wine connoisseur permit

4 1. Permit to ship wine. Notwithstanding sections 2073, 2077 and 2077-B, a person  
5 21 years of age or older may apply to the bureau for a wine connoisseur permit on forms  
6 provided by the bureau. A holder of a wine connoisseur permit may order only from a  
7 specialty wine permit holder under section 1353. The wine connoisseur permit holder  
8 may order up to a total of 12 9-liter cases of wine per year to be shipped to the permit  
9 holder's residence for the permit holder's personal use and not for resale. A wine  
10 connoisseur permit may not be issued to a licensed establishment. For each shipment, a  
11 holder of a wine connoisseur permit shall comply with the provisions of this subsection.

12 A. A wine shipment under this section must be delivered by common carrier. The  
13 common carrier must obtain a signature of a person 21 years of age or older upon  
14 delivery of the wine to the wine connoisseur permit holder's residence.

15 B. A wine connoisseur permit holder shall retain a receipt for each transaction under  
16 this section for 2 years and provide the receipt to the bureau upon request.

17 2. Permit fee. The fee paid to the bureau for a wine connoisseur permit is \$75 per  
18 12-month period, which includes all excise and alcohol premium taxes.

19 3. Compliance with beverage container deposit law. The bureau may adopt rules  
20 to ensure that wine bottles delivered to the holder of a wine connoisseur permit comply  
21 with the beverage container deposit law pursuant to Title 32, chapter 28.

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

28 5. Rules. The bureau may adopt rules to implement this section. Rules adopted  
29 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
30 subchapter 2-A.

31 Sec. 2. 28-A MRSA §1353 is enacted to read:

32 §1353. Specialty wine permit

33 1. Specialty wine permit. The bureau may grant a specialty wine permit to a person  
34 who ferments, ages and bottles that person's own wine only if the wine has not been a  
35 registered label with the bureau for the previous 12 consecutive months.

36 2. Delivery requirements. A specialty wine permit holder may sell only to a wine  
37 connoisseur permit holder. When shipping to a holder of a wine connoisseur permit, a

1 holder of a specialty wine permit is required to verify that the wine connoisseur permit  
2 holder's address and the delivery address are the same.

3 **3. Shipment limit.** A holder of a specialty wine permit may not ship into the State  
4 more than 50 9-liter cases of wine during the term of the permit.

5 **4. Permit fee; term.** The fee paid to the bureau for a specialty wine permit is \$100  
6 per 12-month period.

7 **5. Label required.** A shipment of wine that is shipped to a wine connoisseur permit  
8 holder must be clearly labeled: "CONTAINS ALCOHOL - SIGNATURE OF PERSON  
9 21 YEARS OF AGE OR OLDER IS REQUIRED."

10 **6. Prohibited shipping areas.** A specialty wine permit holder may not ship or  
11 deliver wine to any address in an area identified by the bureau as a prohibited shipping  
12 area or a local option area.

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

19 **8. Rules.** The bureau may adopt rules for the issuance of specialty wine permits and  
20 to ensure that specialty wine permittees sell and deliver their wine only to wine  
21 connoisseur permit holders. The rules must include annual reporting guidelines. Rules  
22 adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
23 chapter 375, subchapter 2-A.

24 **Sec. 3. 28-A MRSA §1355, sub-§3, ¶E** is enacted to read:

25 E. A holder of a farm winery license may sell and deliver the product to a person or  
26 entity outside of the State as long as the farm winery complies with all applicable  
27 laws and regulations in the jurisdiction where the person or entity receives delivery of  
28 the product.

29 **Sec. 4. 28-A MRSA §2077-B, sub-§1,** as enacted by PL 1997, c. 501, §6, is  
30 repealed and the following enacted in its place:

31 **1. Prohibition.** Except for purchase by licensees, all purchases of liquor must be  
32 made in person. An off-premise retail licensee, small brewery or farm winery may ship,  
33 transport or deliver or cause to be shipped, transported or delivered, liquor to a  
34 nonlicensee only after the nonlicensee has appeared in person before the off-premise  
35 retail licensee, small brewery or farm winery and the off-premise retail licensee, small  
36 brewery or farm winery has established that the nonlicensee is eligible under the law to  
37 purchase liquor.

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## SUMMARY

2 This bill establishes a wine connoisseur permit. This permit provides that a person  
3 may order a total of 12 9-liter cases of wine per year shipped from a specialty wine  
4 permit holder by way of a common carrier. The fee for a wine connoisseur permit is \$75  
5 per year. This bill also grants routine technical rule-making authority to the Department  
6 of Public Safety's division of liquor licensing and compliance to ensure that bottles of  
7 wine received under a wine connoisseur permit comply with the bottle deposit law.

8 The bill also establishes a specialty wine permit. The permit provides that a person  
9 who ferments, ages and bottles that person's own wine may ship up to 50 9-liter cases of  
10 wine annually to wine connoisseur permit holders. The annual fee for a specialty wine  
11 permit is \$100. The bill also grants routine technical rule-making authority to the  
12 division to ensure that specialty wine permit holders sell and deliver the wine only to  
13 qualified wine connoisseur permit holders and directs the division to include annual  
14 reporting guidelines in the rules.

15 The bill allows a farm winery license holder to sell wine outside of the State as long  
16 as the farm winery complies with the laws of the jurisdiction where the wine is delivered.

17 The bill requires that, except for purchase by licensees, all purchases of liquor must  
18 be made in person.