

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1141

H.P. 847

House of Representatives, March 16, 2011

An Act To Allow Direct Shipment of Beer and Wine by Retail Licensees

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PILON of Saco.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: BENNETT of Kennebunk, VALENTINO of Saco, Senator: HOBBS of
York.

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

2 **Sec. 1. 28-A MRSA §1209** is enacted to read:

3 **§1209. Direct shipment of malt liquor and wine**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Direct retail shipper" means a licensee under this chapter who has obtained a
7 direct retail shipper license under subsection 2.

8 B. "Outside the State" means any state other than this State and any territory or
9 possession of the United States, but does not include a foreign country.

10 **2. Direct retail shipper license.** An off-premise retail licensee under this chapter
11 may obtain a direct retail shipper license by filing with the Liquor Licensing and Tax
12 Division an application in a form determined by the bureau accompanied by an
13 application fee of not more than \$200 and a true copy of the off-premise retail licensee's
14 current off-premise retail license issued under this chapter.

15 **3. Direct retail shipment requirements.** A direct retail shipper may ship malt
16 liquor or wine to a location in the State or outside the State only:

17 A. Upon consummation of the transaction on the licensed premises for the malt
18 liquor or wine to be shipped, including receipt of electronic or credit card payments;

19 B. To a recipient for personal use and not for retail;

20 C. If the malt liquor or wine was purchased by the direct retail shipper from a
21 wholesale licensee; and

22 D. With a label on the outside of each package of malt liquor or wine to be shipped
23 that conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON
24 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."

25 **4. Common carrier.** Shipments made in accordance with this section must be made
26 by a common carrier and be accompanied by a shipping label that clearly indicates the
27 name of the direct retail shipper and the name and address of the recipient. The common
28 carrier shall obtain the signature of a person 21 years of age or older at the address listed
29 on the shipping label prior to delivery of the shipment. The common carrier shall request
30 photographic identification from the person signing for the shipment and verify that the
31 person is 21 years of age or older.

32 **5. Prohibited shipping areas.** A direct retail shipper may not ship to an address in
33 an area identified by the bureau as a prohibited shipping area or a local option area.

34 **6. License renewal.** A direct retail shipper may annually renew its direct retail
35 shipper license with the bureau by paying a \$50 renewal fee and providing the bureau
36 with a true copy of its current off-premise retail license issued under this chapter.

