

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DMY
R O F S

L.D. 1197

Date: 5/29/15

(Filing No. S-152)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 424, L.D. 1197, Bill, "An Act To Allow Certificate of Approval Holders under the Liquor Licensing Laws To Donate Alcohol to Nonprofit Organizations"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 28-A MRSA §2, sub-§15, ¶I, as amended by PL 2011, c. 629, §2, is further amended to read:

I. "Incorporated civic organization" means any ~~charitable or civic~~ organization incorporated as a corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or charitable purpose, including but not limited to relief of poverty, advancement of education and the arts, promotion of social health, safety and welfare, fostering community and economic development, protection against animal cruelty, combating community deterioration, lessening the burdens of government and providing assistance to the underprivileged and distressed.

Sec. 2. 28-A MRSA §708-B, as repealed and replaced by PL 2011, c. 629, §11, is repealed.

Sec. 3. 28-A MRSA §708-C is enacted to read:

§708-C. Donations to public broadcasting stations, incorporated civic organizations and national organizations

1. Donations for an auction or award. A person licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler may donate a certificate to purchase its product or donate its product to a public broadcasting station, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or award in conjunction with efforts to support the purposes of the incorporated civic organization, similarly purposed organization or public broadcasting station. Spirits

1 donated in accordance with this subsection must have first been sold to the State or the
 2 State's contracted wholesaler for listing, pricing and distribution in accordance with this
 3 Title. A person authorized to make a donation in accordance with this subsection shall
 4 maintain a record of each donation, including the value of the donation and the date on
 5 which it was made. A recipient of a donation under this subsection must be 21 years of
 6 age or older.

7 2. Donations for consumption at on-premises events. A person licensed by the
 8 bureau under section 1355-A, a certificate of approval holder or a wholesaler may donate
 9 its product or provide malt liquor, wine or fortified wine at a reduced price to a person
 10 licensed by the bureau to serve alcoholic beverages for on-premises consumption at an
 11 event designed to benefit an incorporated civic organization or a similarly purposed
 12 national organization designated by the United States Internal Revenue Service under the
 13 United States Internal Revenue Code of 1986, Section 501(c)(3). Spirits donated in
 14 accordance with this subsection must have first been sold to the State or the State's
 15 contracted wholesaler for listing, pricing and distribution in accordance with this Title. A
 16 person authorized to make a donation or offer its product at a reduced price under this
 17 subsection shall maintain a record of the products donated or offered, including the value
 18 of each, the reduced price when applicable and the date on which the product was
 19 provided. All applicable excise taxes on donated malt liquor, wine and fortified wine
 20 must be remitted as required by this Title. A licensee provided product in accordance
 21 with this subsection:

22 A. Shall maintain a record of each product received and the date on which it was
 23 received;

24 B. Shall maintain a record of the name of the incorporated civic organization or
 25 similarly purposed national organization the event was designed to benefit and for
 26 which the product is provided;

27 C. Shall ensure that the product provided is served only at the event designed to
 28 benefit the incorporated civic organization or similarly purposed national
 29 organization;

30 D. Shall ensure that excess product that was donated for the event is returned to the
 31 donor within a reasonable period after the event; and

32 E. Shall ensure that containers holding donated product are returned to the donor for
 33 recycling as appropriate and not presented for redemption under Title 32, chapter 28.

34 **Sec. 4. 28-A MRSA §709, sub-§2, ¶¶J and K, as enacted by PL 2011, c. 629,**
 35 **§15, are amended to read:**

36 J. Providing samples authorized under section 1355-A, 1402, 1402-A or 1504; or

37 K. Donations authorized under section ~~708-B~~; 708-C; or

38 **Sec. 5. 28-A MRSA §709, sub-§2, ¶L is enacted to read:**

39 L. Product supplied by licensees authorized under section 1052-D for the purposes of
 40 providing taste-testing samples under a taste-testing event license.

41 **Sec. 6. 28-A MRSA §1071, sub-§6, as amended by PL 2011, c. 629, §19, is**
 42 **further amended to read:**

