

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1914

H.P. 1420

House of Representatives, January 12, 2022

**An Act To Allow Wine Retailers with 2 or More Licensed Facilities
To Freely Transfer Wine between Approved Facilities**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on January 10, 2022. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CROCKETT of Portland.
Cosponsored by Representatives: McCREIGHT of Harpswell, RIELLY of Westbrook, WOOD of Portland, Senator: SANBORN of Cumberland.

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

2 **Sec. 1. 28-A MRSA §1201, sub-§3-A**, as amended by PL 2013, c. 476, Pt. A, §26,
3 is further amended to read:

4 **3-A. Sale of liquor for off-premises consumption to retailer prohibited.** A person
5 licensed under this section, or an agent or employee of the person, may not knowingly sell
6 liquor to another retailer licensed under this section for resale except as provided in section
7 606 or 1201-B.

8 **Sec. 2. 28-A MRSA §1201-B** is enacted to read:

9 **§1201-B. Transfer wine between retail locations**

10 **1. Authority to transfer wine between retail locations.** Notwithstanding section
11 1201, subsection 3-A and any other provision of this Title to the contrary, a retailer licensed
12 to sell wine for off-premises consumption may sell or transfer wine by the case or by the
13 bottle to another retailer licensed to sell wine for off-premises consumption under the
14 following conditions:

15 A. The same person or persons must hold a majority ownership interest in both
16 retailers; and

17 B. The retailers must be located within the territory that has been allocated under
18 section 1401, subsection 8 to a single wholesale licensee for the purposes of making
19 wholesale sales of the specific wine product being sold or transferred.

20 **2. Notice; approval.** A retailer licensed to sell wine for off-premises consumption shall
21 seek approval from the bureau, on a form designated by the bureau, in advance of making
22 an initial sale or transfer of wine to another retailer licensed to sell wine for off-premises
23 consumption under subsection 1.

24 **3. Penalty.** In addition to any penalty that may be imposed under chapter 33, the
25 bureau may prohibit a retailer licensed to sell wine for off-premises consumption that
26 violates any provision of this section or of any rule adopted by the bureau to implement
27 this section from engaging in the activities authorized by subsection 1.

28 **SUMMARY**

29 This bill authorizes a licensed off-premises retailer of wine to transfer wine by the case
30 or by the bottle to another licensed off-premises retailer of wine located within the same
31 wholesaler's territory as long as the same person or persons hold a majority interest in both
32 off-premises retail licenses.