

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 2014

S.P. 836

In Senate, June 22, 2023

An Act Regarding Spirits Price Regulation

Reported by Senator HICKMAN of Kennebec for the Joint Standing Committee on Veterans and Legal Affairs pursuant to Public Law 2021, chapter 622, section 6.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

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

2 **Sec. 1. 28-A MRSA §83-C, sub-§2**, as amended by PL 2021, c. 658, §54, is further
3 amended to read:

4 **2. Price regulation.** ~~Make recommendations to the commission regarding the retail~~
5 ~~prices of spirits sold in the State and establish~~ Establish the wholesale and retail prices of
6 spirits sold in this State. The bureau shall adopt rules regarding the wholesale pricing of
7 spirits and the retail pricing of spirits sold ~~to~~ by agency liquor stores. The wholesale spirits
8 provider is granted the privilege to distribute spirits under this Title and is immune from
9 antitrust action so long as the wholesale spirits provider is in compliance with the bureau's
10 rules and all other applicable laws and regulations; Rules adopted pursuant to this
11 subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
12 In adopting rules establishing prices under this subsection, the bureau shall:

13 A. Seek to ensure the bureau receives sufficient, but not excessive, revenues to meet
14 the requirements of this Title;

15 B. Seek to ensure equitable prices for similar products across product price and bottle
16 size;

17 C. Seek to ensure equitable price markups based on product price or bottle size; and

18 D. Seek to avoid disproportionate impacts on spirits suppliers and agency liquor stores
19 due to product price or bottle size;

20 **SUMMARY**

21 This bill is reported out by the Joint Standing Committee on Veterans and Legal Affairs
22 pursuant to Public Law 2021, chapter 622.

23 The bill removes the provision in current law directing the Department of
24 Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery
25 Operations to make recommendations to the State Liquor and Lottery Commission
26 regarding the retail prices of spirits sold in the State and instead requires the bureau to
27 establish the wholesale and retail prices of spirits sold in this State through major
28 substantive rulemaking. The rulemaking must:

29 1. Seek to ensure the bureau receives sufficient, but not excessive, revenues to meet
30 the requirements of the Maine Revised Statutes, Title 28-A;

31 2. Seek to ensure equitable prices for similar products across product price and bottle
32 size;

33 3. Seek to ensure equitable price markups based on product price or bottle size; and

34 4. Seek to avoid disproportionate impacts on spirits suppliers and agency liquor stores
35 due to product price or bottle size.

36 The committee has not taken a position on the substance of this bill. By reporting this
37 bill out, the committee is not suggesting and does not intend to suggest that it agrees or
38 disagrees with any aspect of this bill. The committee is reporting the bill out for the sole
39 purpose of having a bill printed that can be referred to the committee for an appropriate
40 public hearing and subsequent processing in the normal course. The committee is taking

1 this action to ensure clarity and transparency in the legislative review of the proposals
2 contained in the bill.