

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 46  
S.P. 66 - L.D. 254**

**An Act To Clarify Liquor  
Label Approval and  
Registration Requirements**

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

**Sec. 1. 28-A MRSA §2, sub-§13-B** is enacted to read:

**13-B. Keg.** "Keg" means a container capable of holding at least 5 gallons of liquid.

**Sec. 2. 28-A MRSA §6-A** is enacted to read:

**§6-A. Approval and registration of labels**

**1. Federal approval required; exception.** A person may not import to the State, export from the State or sell in the State malt liquor, wine, hard cider or a low-alcohol spirits product unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is imported, exported or sold bears a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. This subsection does not apply to malt liquor, wine, hard cider or a low-alcohol spirits product that is manufactured in the State and is not distributed, shipped, delivered or sold in interstate commerce.

**2. Bureau registration required; exceptions.** Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph E, F or I; or

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee.

**3. Fees.** The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration is \$10.

B. The fee for changing a label registration is \$1.

C. The annual renewal fee is \$1 for each registered label. Renewal of a label registration must coincide with renewal of the relevant license or certificate of approval.

**4. Rulemaking.** The bureau shall adopt rules, consistent with the regulations promulgated by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau pursuant to the Federal Alcohol Administration Act, 27 United States Code, Section 205(e), establishing the requirements for registration of a malt liquor, wine, hard cider or low-alcohol spirits product label and for changing a label registration.

**Sec. 3. 28-A MRSA §714, sub-§1, ¶A,** as amended by PL 2017, c. 167, §14, is repealed.

**Sec. 4. 28-A MRSA §714, sub-§3, ¶¶A and B,** as amended by PL 2003, c. 451, Pt. T, §11, are further amended to read:

A. Every keg of malt liquor offered for sale by an off-premises retail licensee must be tagged in a manner ~~and with a label~~ approved by the commissioner identifying the keg ~~and be labeled in accordance with the requirements of section 6-A.~~ The tag must be supplied for each keg, without fee, by the wholesaler or small brewer of the keg.

B. The retail seller of the keg shall complete a form designed and approved by the commissioner and affix the ~~label tag~~ to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler or small brewer of the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31.

**Sec. 5. 28-A MRSA §1551, sub-§5,** as enacted by PL 1987, c. 342, §114, is amended to read:

**5. Other fees.** The fees for the following are:

A. Filing fee for license application.....\$10; ~~and,~~

B. Filing fees for registering label:

(1) ~~Original~~ registration.....\$10;

(2) ~~Change of label~~.....\$1; and

(3) ~~Annual renewal of label registration~~.....\$1.

See title page for effective date.