

APPROVED  
MARCH 17, 2020  
BY GOVERNOR

CHAPTER  
615  
PUBLIC LAW

STATE OF MAINE

For LD 2131  
work session

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY

S.P. 738 - L.D. 2089

**An Act To Clarify Certificate of Approval Requirements under the State's  
Liquor Laws**

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

**Sec. 1. 28-A MRSA §2, sub-§8**, as amended by PL 1997, c. 373, §11, is repealed and the following enacted in its place:

**8. Certificate of approval holder.** "Certificate of approval holder" means:

- A. An in-state manufacturer of malt liquor, wine or spirits licensed under section 1355-A;
- B. An out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361; or
- C. An out-of-state spirits supplier that has been issued a certificate of approval by the bureau under section 1381.

**Sec. 2. 28-A MRSA §1351**, as amended by PL 1997, c. 373, §112, is further amended to read:

**§1351. Certificate of approval**

**1. Certificate of approval required.** All ~~in-state manufacturers~~, out-of-state manufacturers ~~and of malt liquor or wine~~, out-of-state wholesalers ~~of malt liquor or wine~~ and out-of-state spirits suppliers must obtain a certificate of approval from the bureau.

**2. Definition.** For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

**Sec. 3. 28-A MRSA §1364, sub-§5** is enacted to read:

**5. Limitation on definition of "certificate of approval holder."** Notwithstanding section 2, subsection 8, as used in this section, "certificate of approval holder" means an

in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

Sec. 4. 28-A MRSA c. 51, sub-c. 5 is enacted to read:

## **SUBCHAPTER 5**

### **SPIRITS**

#### **§1381. Certificate of approval; spirits**

**1. Definition.** For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

**2. Certificate of approval required.** An out-of-state spirits supplier may not transport spirits into the State or cause spirits to be transported into the State unless the out-of-state spirits supplier has obtained a certificate of approval from the bureau in accordance with this section.

**3. Fee for certificate of approval.** The fee for a certificate of approval under this section is \$1,000 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

**4. Conditions on certificate of approval.** A certificate of approval under this section is subject to the laws of the State and the rules of the bureau.

**5. Shipment restrictions.** Except as provided in sections 2073 and 2075, a person that has been issued a certificate of approval under this section may only transport spirits into the State or cause spirits to be transported into the State if the spirits are delivered to a warehouse designated by the commission under section 81.

**6. Phased-in fee.** Notwithstanding subsection 3, until September 1, 2021, the fee for a certificate of approval under this section is \$500 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

This subsection is repealed September 1, 2021.

Sec. 5. 28-A MRSA §1401-A is enacted to read:

#### **§1401-A. Limitation on definition of "certificate of approval holder"**

Notwithstanding section 2, subsection 8, as used in this chapter, unless the context otherwise indicates, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or

out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

**Sec. 6. 28-A MRSA §1451, sub-§1-A** is enacted to read:

**1-A. Certificate of approval holder.** Notwithstanding section 2, subsection 8, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

**Sec. 7. Effective date.** This Act takes effect September 1, 2020.

