

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Allow Direct-to-consumer Wine Sales

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

Sec. 1. 28-A MRS §1403-A is enacted to read:

§ 1403-A. Purchase of wine by mail

1. Direct shipment of wine to residents. A person currently licensed in another state as an alcoholic beverage producer, supplier, importer, wholesaler, distributor or retailer who obtains a certificate of approval as provided in section 1351 and a nonresident shipper's license as provided in this section may ship wine directly to a resident of this State for that resident's personal use if the resident is 21 years of age or older and has registered with the State in accordance with subsection 4.

2. Nonresident shipper application. Before sending a shipment to a resident of this State, a nonresident shipper must hold a certificate of approval as provided in section 1351 and file an application for a license with the bureau on a form issued by the bureau along with a true copy of its current alcoholic beverage license issued in another state and a \$100 registration fee.

3. Delivery to resident 21 years of age or older. Wine shipped pursuant to this section may be shipped only to a resident 21 years of age or older who has registered with the State in accordance with subsection 4 and must be for the recipient's personal use only and not for resale. A shipment must be subject to in-person delivery to the resident who has ordered the shipment or a person residing at the resident's household who is 21 years of age or older. All containers used for shipment of wine under this section must be conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY."

4. Resident registration. A resident, 21 years of age or older, who purchases wine for shipment pursuant to this section must first register with the State on forms developed for this purpose by the bureau.

5. Prohibited shipping areas. A nonresident shipper may not ship to any address in an area identified by the bureau as a prohibited shipping area or a local option area.

6. License renewal. A nonresident shipper may annually renew its license with the bureau by paying a \$100 renewal fee and providing the bureau with a true copy of its current alcoholic beverage license issued in another state.

7. Payment of state taxes. As a condition of receiving a certificate of approval as provided in section 1351, a nonresident shipper must comply with Title 36, Parts 1 and 3, specifically including, without limitation, all requirements relating to registration as a seller and the collecting,

reporting and remittance of Maine sales and use taxes, and must agree to be subject to the jurisdiction of this State for purposes of the enforcement of those obligations. The requirements of this subsection apply notwithstanding any other provision of state law.

8. Annual report. A nonresident shipper shall report to the bureau annually by January 1st of each year the total number of bottles of wine shipped into the State in the preceding calendar year.

9. Audit. The bureau may perform an audit of a nonresident shipper's records at any time.

10. Violation. Violation of this section is a Class D crime. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act. The bureau may enforce the requirements of this section by administrative proceedings to suspend or revoke a nonresident shipper's license. The bureau may accept payment of an offer in compromise in lieu of suspension; such payments must be determined by rule adopted by the bureau.

11. Adoption of rules. The bureau shall adopt rules to carry out the purposes of this section, including but not limited to rules requiring specific labeling and registration requirements for nonresident shippers in order to ensure compliance with the laws governing alcoholic beverage containers in Title 32, chapter 28. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-A MRSA §2077-B, sub-§1, as enacted by PL 1997, c. 501, §6, is amended to read:

1. Prohibition. A person may not sell, furnish, deliver or purchase liquor from an out-of-state company by mail order, except wine pursuant to section 1403-A.

Sec. 3. 36 MRSA §1754-B, sub-§1, ¶H, as amended by PL 2007, c. 328, §6, is further amended to read:

H. Every person that makes retail sales in this State of tangible personal property or taxable services on behalf of the owner of that property or the provider of those services; and

Sec. 4. 36 MRSA §1754-B, sub-§1, ¶I, as enacted by PL 2007, c. 328, §7, is amended to read:

I. Every person not otherwise required to be registered that sells tangible personal property to the State and is required to register as a condition of doing business with the State pursuant to Title 5, section 1825-B.; and

Sec. 5. 36 MRSA §1754-B, sub-§1, ¶J is enacted to read:

J. Every person that holds a nonresident shipper's license under Title 28-A, section 1403-A.

SUMMARY

This bill allows direct-to-consumer sales of wine to state-registered buyers.