



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 254

S.P. 66

In Senate, January 22, 2019

An Act To Clarify Liquor Label Approval and Registration Requirements

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "DAREK M. GRANT".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DILL of Penobscot.

Cosponsored by Representative DUNPHY of Old Town and
Senators: BLACK of Franklin, DIAMOND of Cumberland, GRATWICK of Penobscot,
TIMBERLAKE of Androscoggin, Representatives: DILLINGHAM of Oxford, KORNFIELD
of Bangor, SCHNECK of Bangor.

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

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

3 **13-B. Keg.** "Keg" means a container capable of holding at least 5 gallons of liquid.

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

5 **§6-A. Approval and registration of labels**

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

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

17 A. Liquor sold by the manufacturer for on-premises consumption pursuant to section
18 1355-A, subsection 2, paragraph I; or

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

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

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

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

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

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

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

34 **Sec. 4. 28-A MRSA §714, sub-§3, ¶¶A and B**, as amended by PL 2003, c. 451,
35 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.

SUMMARY

This bill requires that all malt liquor, wine and low-alcohol spirits products imported to, exported from or sold in Maine bear a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau unless the malt liquor, wine or low-alcohol spirits products are manufactured in Maine and are not shipped, distributed or sold in interstate commerce.

The bill also requires manufacturers to register the labels of all malt liquor, wine and low-alcohol spirits products sold in the State with the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations unless the malt liquor, wine or low-alcohol spirits products are sold by a Maine manufacturer directly to consumers for on-premises consumption or in a keg to a Maine retailer licensed to sell liquor for on-premises consumption. The Bureau of Alcoholic Beverages and Lottery Operations is required to adopt rules establishing requirements for label registration that are 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).