

Appendix H: Importation and Transportation Questions

Personal Use	Liquor - §2073	Spirits - §2075	Malt Liquor and Wine - §2077
	<p>3. Legal importation into and transportation of liquor within the State. Liquor may be legally imported into and transported within the State in the following situations.</p> <p>A. Upon application, the bureau may grant to an individual a permit to transport liquor purchased for that person's own personal use.</p>	<p>1-A. Only bureau may import spirits. Except as provided in subsection 1-B, a person other than the bureau may not import spirits into the State.</p> <p>1-B. Permitted importation. An individual may transport into the State and may transport from place to place within the State spirits for the individual's personal use in a quantity not greater than 4 quarts.</p> <p>2. Transportation of spirits within State. A person may not transport or cause to be transported any spirits within the State in a quantity greater than 4 quarts unless the spirits were purchased from an agency liquor store.</p>	<p>1-A. Importation of malt liquor or wine into State. Except as provided in section 1403 A, a person other than a wholesale licensee, small brewery licensee or small winery licensee may not transport or cause to be transported malt liquor or wine into the State in a quantity greater than 3 gallons for malt liquor or 4 quarts for wine, unless it was legally purchased in the State.</p> <p>2. Transportation of malt liquor and wine within State. Except as provided in section 1403-A, a person other than a licensee may not transport malt liquor, in a quantity greater than 3 gallons, or wine, in a quantity greater than 4 quarts, within the State unless it was purchased from an off-premise retail licensee.</p>
	<ul style="list-style-type: none"> • CLARITY: §2073(3) headnote and lead-in suggest the entire subsection applies to importing liquor—thus under ¶A the bureau grants permits to import liquor for personal use—but because the text of ¶A does not also refer to importing liquor, one could read it as requiring permits for in-state transportation of liquor for personal use (even liquor legally purchased in Maine). Is that the intent? • CONFLICT: If, as the subsection heading suggests, §2073(3)(A) requires permits to import liquor for personal use, it conflicts with the authorization to import ≤ 4 quarts of spirits without a permit in §2075(1-B) and the authorization to import ≤ 3 gallons of malt liquor or ≤ 4 quarts of wine without a permit in §2077(1-A). <i>Suggestion:</i> Are liquor-importation permits under §2073(3)(A) only available and required to import amounts larger than the amounts permitted in those provisions? 		

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Carriers and other commercial transportation	Liquor - §2073	Spirits - §2075	Malt Liquor and Wine - §2077
	<p>3. Legal importation into and transportation of liquor within the State. Liquor may be legally imported into and transported within the State in the following situations.</p> <p>...</p> <p>B. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport liquor to liquor warehouses, to licensees, from manufacturers to liquor warehouses and to the state line for transportation outside the State.</p> <p>C-1. Reselling agents may transport spirits to licensees who are licensed for the sale of spirits for on-premises consumption.</p>	<p>1-A. Only bureau may import spirits. Except as provided in subsection 1-B [relating to personal-use importation], a person other than the bureau may not import spirits into the State.</p> <p>...</p> <p>2. Transportation of spirits within State. A person may not transport or cause to be transported any spirits within the State in a quantity greater than 4 quarts unless the spirits were purchased from an agency liquor store.</p> <p><u>See also §2073(3)(C-1) in left column</u></p>	<p>3. For-hire carriers and contract carriers may import and transport within State. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport malt liquor or wine into and within the State to licensees, to purchasers of malt liquor or wine from licensees and to the state line for transportation outside the State.</p>
	<ul style="list-style-type: none"> • POTENTIAL CONFLICT / DUPLICATION (importation): The §2073(3) lead in and headnote refer to <i>importation</i> of liquor, but ¶B does not specifically allow carriers to <i>import</i> liquor (it just discusses in-State transportation). If ¶B is intended to allow carriers to <i>import</i> all types of liquor, this conflicts with §2075(1-A) (only bureau may import spirits) a renders §2077(1-A) superfluous. • LOCATION: The placement of ¶C-1 about reselling agents is odd in §2073—applicable to all types of liquor—rather than in §2075—applicable only to spirits. In addition, lead-in language of §2073(3) suggests all of the entities listed in the paragraphs of sub-§3 are authorized to <i>import</i> liquor, but reselling agents do not <i>import</i> spirits (the bureau does), they only resell and transport spirits within the State. <ul style="list-style-type: none"> ○ <i>Suggestion:</i> move the substance of §2073(3)(C-1), authorizing reselling agents to <i>transport</i> spirits within the State, to §2075(2). • CONFLICT: §2075(2) restricts any “person” from transporting > 4 quarts of spirits within the State, but reselling agents can transport spirits within the state per §2073(3)(C-1). <i>Suggestion:</i> add “except as provided in §2073(3)(C-1)” to §2075(2). 		

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Manufacturers	Liquor - §2073	Spirits - §2075	Malt Liquor and Wine - §2077
	<p>3. Legal importation into and transportation of liquor within the State. Liquor may be legally imported into and transported within the State in the following situations.</p> <p>...</p> <p>D. Manufacturers may transport liquor within the State to liquor warehouses, to persons authorized under paragraph E and to the state line for transportation outside the State.</p>	<p>1-A. Only bureau may import spirits. Except as provided in subsection 1-B [relating to personal-use importation], a person other than the bureau may not import spirits into the State.</p> <p>...</p> <p>2. Transportation of spirits within State. A person may not transport or cause to be transported any spirits within the State in a quantity greater than 4 quarts unless the spirits were purchased from an agency liquor store.</p>	<p>1-A. Importation of malt liquor or wine into State. Except as provided in section 1403-A, a person other than a wholesale licensee, small brewery licensee or small winery licensee may not transport or cause to be transported malt liquor or wine into the State in a quantity greater than 3 gallons for malt liquor or 4 quarts for wine, unless it was legally purchased in the State.</p> <p>2. Transportation of malt liquor and wine within State. Except as provided in section 1403-A, a person other than a licensee may not transport malt liquor, in a quantity greater than 3 gallons, or wine, in a quantity greater than 4 quarts, within the State unless it was purchased from an off-premise retail licensee.</p>
	<ul style="list-style-type: none"> • CLARITY / CONFLICT (importation): The §2073(3) lead in and headnote refer to <i>importation</i> of liquor, but ¶D does not specifically allow manufacturers to <i>import</i> liquor (it just discusses in-State transportation). If ¶D is intended to allow all types of manufacturers to import all types of liquor, this conflicts with §2075(1-A) (only bureau may import spirits) and §2077(1-A) (small breweries and small wineries may import malt liquor and wine, but not other manufacturers). • CONFLICT (in-state transport): §2073(3)(D) allows all types of manufacturers to transport all types of liquor within the State. This conflicts with §2075(2), which prohibits any “person” (includes manufacturers) from transporting > 4 quarts of spirits within the State unless the spirits were purchased from an agency liquor store. <ul style="list-style-type: none"> ○ <i>Question:</i> How are spirits produced by Maine manufacturers transported to the State spirits warehouse? 		

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Liquor - §2073	Spirits - §2075	Malt Liquor/ Wine - §2077
Industrial, Medical and Educational Uses	<p>Sub-§3: E. The bureau may permit in writing the importation of liquor into the State and the transportation of liquor from place to place within the State to the following destinations for the specified purposes:</p> <ul style="list-style-type: none"> (1) To hospitals and state institutions, for medicinal purposes only, liquor made available to them from stocks of liquor seized by the Federal Government; (2) To industrial establishments in the State for industrial uses; (3) To schools, colleges and state institutions for laboratory use only; (4) To any licensed pharmacist in the State for use in the compounding of prescriptions and other medicinal use, but not for sale by pharmacists unless compounded with or mixed with other substances; or (5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only. 	<p>No separate provision. But, left column applies to malt liquor and wine because they are types of "liquor." These types of imports are permissible under §2077(1-A) (quoted above) if:</p> <ul style="list-style-type: none"> • ≤ 3 gallons of malt liquor or ≤ 4 quarts of wine are imported; <u>or</u> • the malt liquor or wine being imported was "legally purchased in the State."
	<p>3. Importation and transportation of spirits for special purposes. The bureau may, in writing, permit and authorize the importation of spirits into the State and the transportation of spirits from place to place within the State to the following destinations for the specified purposes:</p> <ul style="list-style-type: none"> A. To industrial establishments for use as an ingredient in the manufacture of food products, or for use as an ingredient in the manufacture of commodities that by reason of their nature cannot be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes; B. To licensed distillers and manufacturers of spirits in the State for use as an ingredient in distilling or manufacturing spirits and other spirituous products that are authorized by 27 Code of Federal Regulations; and C. To churches or to the pastor of any church for sacramental purposes or similar religious rites. 	
		<ul style="list-style-type: none"> • CONFLICT: Are both the list in §2073(3)(E) of uses for which all liquor may be imported <u>and</u> the list in §2075(3) for which spirits may be imported intended to apply to spirits, <u>or</u> may spirits be imported <u>only</u> for the reasons listed in §2075(3)? • CONFLICT: The bureau's authority to permit importation of all liquor for industrial use in §2073(3)(E)(2) renders similar bureau authority to permit importation of spirits for industrial use in §2075(3)(A) potentially redundant and it may also render ineffective the restrictions on the permissible industrial uses of these imported spirits. • ERROR? §2075(3) allows the bureau to authorize churches to import spirits for religious uses, but §2073(3)(E) does not similarly allow the bureau to authorize churches to import other types of liquor (for example, wine) for religious uses. Is that intended?