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BY GOVERNOR

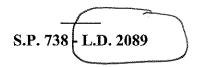
PUBLIC LAW

STATE OF MAINE

For LD 2131 Work session

#### IN THE YEAR OF OUR LORD

## TWO THOUSAND TWENTY



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- Sec. 1. 28-A MRSA §2, sub-§8, as amended by PL 1997, c. 373, §11, is repealed and the following enacted in its place: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