

STATE OF MAINE

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Sec. 1. 28-A MRSA §2, sub-§8, as amended by PL 1997, c. 373, §11, is repealed and the following enacted in its place: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