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Legislative Document

No. 307

S.P. 133

In Senate, February 8, 2021

An Act To Expand the Market for Maine Liquor Manufacturers

(EMERGENCY)

Received by the Secretary of the Senate on February 4, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the spread of the novel coronavirus disease referred to as COVID-19 has
4 created a public health emergency; and

5 **Whereas,** in response to this public health emergency, the Governor issued an
6 executive order on March 18, 2020 requiring the closure of tasting rooms and requiring
7 restaurants and bars, including those operated by Maine manufacturers of spirits, wine and
8 malt liquor, to close their dine-in facilities; and

9 **Whereas,** although restaurants were permitted to reopen for dine-in service by June
10 17, 2020, they were required to limit indoor seating capacity and, from November 20, 2020
11 through January 2021, were additionally required to close their dine-in facilities by 9:00
12 p.m. nightly to prevent spread of the virus; and

13 **Whereas,** the reopening of bars and tasting rooms has been postponed until further
14 notice; and

15 **Whereas,** the combined effects of the public health emergency and subsequent public
16 health measures have significantly affected the economic health of Maine manufacturers
17 of spirits, wine and malt liquor; and

18 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
19 the meaning of the Constitution of Maine and require the following legislation as
20 immediately necessary for the preservation of the public peace, health and safety; now,
21 therefore,

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

23 **Sec. 1. 28-A MRSA §707, sub-§7,** as amended by PL 2019, c. 665, §9, is further
24 amended to read:

25 **7. Exceptions.** This section does not prohibit:

26 A. A manufacturer or out-of-state wholesaler from extending the usual and customary
27 credit to a wholesale licensee for the purchase of malt liquor or wine; ~~or~~

28 B. A manufacturer or out-of-state wholesaler from furnishing materials and equipment
29 for the use of a wholesale licensee or the wholesale licensee's employees, including:

30 (1) Painting the wholesale licensee's vehicles;

31 (2) Supplying legal advertising signs used by the wholesale licensee in the course
32 of the wholesale licensee's business; and

33 (3) Supplying uniforms for the employees of the wholesale licensee; ~~or~~

34 C. A manufacturer licensed under section 1355-A from selling and shipping its
35 products to an individual in another state for personal use and not for resale, as long as
36 the sale and shipment are authorized by and conducted in accordance with the
37 requirements of the law of the state where the shipment is delivered.

38 **Sec. 2. 28-A MRSA §1357** is enacted to read:

39 **§1357. Sales to persons in another state**

1 Notwithstanding any provision of this Title to the contrary, a manufacturer licensed
2 under section 1355-A may sell and ship its products to a person located in another state, as
3 long as the sale and shipment are authorized by and conducted in accordance with the
4 requirements of the law of the state where the shipment is delivered.

5 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
6 takes effect when approved.

7 **SUMMARY**

8 This bill clarifies that licensed Maine manufacturers of spirits, wine, malt liquor and
9 low-alcohol spirits products may sell and ship their products to a person located in another
10 state, as long as the sale and shipment are both authorized by and conducted in accordance
11 with the requirements of the law of the state where the shipment is delivered.