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An Act Regarding the Laws Governing Liquor Licensing and Enforcement

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

Whereas, the passage of Public Law 2013, chapter 368, Part V has resulted in certain technical errors and inconsistencies in the laws governing the enforcement of the laws governing alcoholic beverages and the administration of the spirits business in the State; and

Whereas, these errors and inconsistencies create uncertainties and confusion in implementing laws governing alcoholic beverages and the administration of the spirits business in the State; and

Whereas, it is necessary that these uncertainties and this confusion be resolved immediately in order to ensure proper administration of the spirits business in the State and to protect the public safety; and

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

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

PART A

Sec. A-1. 28-A MRSA §1-A is enacted to read:

§ 1-A. License required

Unless specifically provided under this Title, a person may not engage in wholesale or retail sales of liquor without a license issued in accordance with this Title.

Sec. A-2. 28-A MRSA §2, sub-§11-C, as enacted by PL 2013, c. 368, Pt. V, §8, is amended to read:

11-C. Electronic funds transfer. "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.

Sec. A-3. 28-A MRSA §3-A, as enacted by PL 2013, c. 368, Pt. V, §14, is repealed.

Sec. A-4. 28-A MRSA §3-B is enacted to read:

§ 3-B. Payments submitted to the bureau

1. Form of payment. The bureau may accept payment by check, credit card, debit card or electronic funds transfer from a licensee for:

- A. Purchase of spirits and, until June 30, 2014, fortified wine;
- B. Payment of license fees, application fees, permit fees, excise taxes and premiums; and
- C. Payment of any other fees or taxes authorized by this Title.

2. Timing of payment from agency liquor store. An agency liquor store, when approved by the bureau, may pay for spirits purchased from the bureau by mailing a check for payment to the bureau or an entity awarded a contract under section 90 when notified of the amount due or upon receiving a delivery of spirits. Payments remitted by check must be received or postmarked within 3 days of receipt of a delivery of spirits or notification of the amount due. Payments remitted using electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits or notification of the amount due.

3. Payments returned for insufficient funds or not honored; suspension. If a payment made to the bureau is returned for insufficient funds or is not honored, the bureau shall immediately notify the licensee. If the bureau does not receive payment in full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter 375, subchapter 5, may immediately suspend the licensee's license. The director of the bureau or the director's designee shall notify the licensee of the suspension and shall demand that the licensee provide proof of payment within 30 days of the date of suspension. If the licensee fails to show proof that the payment returned for insufficient funds or not honored was subsequently paid in full, the suspension remains in effect until payment is made or until the license is subject to renewal as provided in section 458. A licensee aggrieved by a decision of the director or the director's designee may request in writing and must be granted a hearing before the District Court, which shall consider the matter in the same manner as is provided in section 803. The bureau may require a licensee whose payment is returned for insufficient funds or not honored to make all payments to the bureau by cash, certified check or money order only for a period not to exceed one year for each instance of payments returned for insufficient funds or not honored. For the purposes of this subsection, payments made to the bureau include payments to the entity contracted by the State under section 90.

Sec. A-5. 28-A MRSA §4, sub-§1, ¶A, as amended by PL 2013, c. 2, §1, is further amended to read:

- A. Licensees may not sell liquor on Sunday between the hours of 65 a.m. and 9 a.m., except on March 17th, when a licensee may sell liquor beginning at 6 a.m.

Sec. A-6. 28-A MRSA §11, sub-§4, as amended by PL 2013, c. 368, Pt. V, §15, is further amended to read:

4. Inspection of business premises under common roof of licensee. All persons carrying on any business, except any ~~bank or savings and loan~~ financial institution or credit union, under the common roof and having common entranceways with a licensee shall agree in writing to allow reasonable inspection of their premises by authorized enforcement agents of the Department of Administrative and Financial Services and authorized representatives of the bureau.

Sec. A-7. 28-A MRSA §83-A, as enacted by PL 2013, c. 368, Pt. V, §19, is repealed.

Sec. A-8. 28-A MRSA §§83-B and 83-C are enacted to read:

§ 83-B. Enforcement and licensing activities of the bureau

The bureau shall establish policies and rules and propose legislation concerning the administration and the enforcement of the laws under this Title and for the sale of liquor in this State. The bureau shall:

1. Enforcement. Enforce the laws relating to the manufacture, importation, storage, transportation and sale of all liquor and administer those laws relating to licensing and the collection of taxes on liquor required to be remitted under this Title;

2. Licensing and licensing hearings. Issue and renew all licenses authorized by this Title and hold licensing hearings as required by this Title. The director of the bureau or the director's designee shall appoint a hearing officer who may conduct hearings in any licensing matter pending before the bureau. The hearing officer, after holding the hearing, shall render a final decision based upon the record of the hearing. Except as provided in section 805, the decision of the hearing officer is final.

The hearing officer may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any license question in dispute before the bureau or to any matter involved in a hearing. Witness fees in all proceedings are the same as for witnesses before the Superior Court and must be paid by the bureau, except that, notwithstanding Title 16, section 253, the bureau is not required to pay the fees before the travel and attendance occur;

3. Recommend revocation of licenses. Recommend to the District Court that it suspend or revoke, in accordance with sections 802, 803 and 1503, any license issued pursuant to this Title or the rules adopted under this Title;

4. Prevent sale to minors and others. Prevent the sale of liquor by licensees to minors and intoxicated persons;

5. Appeals of municipal decisions. Review all appeals from the decisions of municipal officers. The director or the director's designee may appoint a hearing officer as provided in subsection 2 to conduct hearings;

6. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of liquor throughout the State and the operation and administration of state activities relating to licensing and enforcement under this Title and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;

7. Rules. Adopt rules consistent with this Title or other laws of the State for the administration, licensing, clarification, execution and enforcement of all laws concerning liquor and to prevent violations of those laws. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The rules adopted by the Department of Public Safety before July 1, 2013 are deemed adopted by the bureau;

8. Rules for food service organizations. Adopt rules permitting food service organizations to purchase malt liquor, wine and fortified wine from a wholesale licensee, notwithstanding section 1401, subsection 9. For the purposes of this subsection, "food service organization" means a business entity that provides catering services to passengers on international flights and cruises. The rules must provide that a food service organization is not required to have a license in order to purchase malt liquor, wine and fortified wine from a wholesale licensee for consumption by passengers on international flights and cruises after leaving port;

9. Publish laws and rules. Ensure that licensees have access to the provisions of this Title, other laws governing liquor and all rules adopted pursuant to this Title in accordance with this section.

A. The bureau shall provide notification to licensees that the provisions of this Title and rules adopted pursuant to this Title are available on the bureau's publicly accessible website and that the bureau will provide a paper copy of this Title or rules to a licensee at no charge, upon request from that licensee.

B. The bureau shall notify all licensees of changes to this Title and rules adopted within 90 days of adjournment of each regular session of the Legislature.

C. The bureau may charge a reasonable fee for paper copies of this Title, any new laws enacted in this Title or any newly adopted or existing rules to cover the cost of producing the paper copy to persons other than licensees. Nothing in this paragraph prevents the bureau, upon its own discretion, from providing paper copies for no fee.

D. The bureau shall keep that part of its publicly accessible website regarding this section updated with any new or updated laws or rules;

10. Deposit revenues. Deposit all net revenues derived from licensing and enforcement under this Title to the General Fund; and

11. Certification. Certify monthly to the Treasurer of State and the commissioner a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau. The bureau shall submit an annual report that includes a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title.

§ 83-C. Administration of the spirits business by the bureau; rules

The bureau shall establish policies and rules and propose legislation concerning the administration of the spirits business laws under this Title. The bureau shall:

1. Administration and trade marketing supervision. Manage the administration and trade marketing of spirits through agency liquor stores unless one or more contracts are awarded under section 90;

2. Price regulation. Establish the wholesale and retail prices of spirits sold in this State. The bureau shall adopt rules regarding the wholesale pricing of spirits and the retail pricing of spirits sold by agency liquor stores. An entity awarded a contract under section 90 is granted the privilege to distribute spirits under this Title and is immune from antitrust action so long as the entity is in compliance with the bureau's rules and all other applicable laws and regulations;

3. Purchase. Oversee the wholesale purchase and storage of spirits for sale in the State. If the bureau awards a contract under section 90, spirits delivered to and stored at a warehouse approved by the bureau are the property of the supplier. Spirits become the property of the bureau upon removal from the warehouse for shipment to an agency liquor store. Spirits delivered to an agency liquor store become the property of the licensee upon receipt of delivery. A person awarded a contract under section 90 at no time takes legal title to any spirits delivered to the warehouse. The bureau may buy and have in its possession spirits for sale to the public. The bureau shall buy spirits directly and not through the State Purchasing Agent. All spirits must be free from adulteration and misbranding;

4. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of spirits throughout the State and the operation and administration of state activities regarding the sale of spirits and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;

5. Sales incentives to agents; rules. Consider federal regulations that govern sales incentives for alcoholic beverages and the effect of a sales incentive program on General Fund revenue and pending or existing contracts with any person awarded a contract under section 90. The bureau may adopt rules to provide for a sales incentive program for agency liquor stores. Rules adopted in accordance with this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A;

6. Rules. Adopt rules consistent with this Title or other laws of the State for the administration of all laws concerning the sale of spirits. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

7. Certification. Certify monthly to the Treasurer of State and the commissioner a complete statement of revenues from and expenses for the sale of spirits by the bureau and submit an annual report that includes a complete statement of the revenues and expenses of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title;

8. Establish performance standards for contracts. Establish performance standards for any contract awarded under this Title, subject to applicable laws relating to public contracts; and

9. Report on expenditures. Report annually on expenditures and investments made by the bureau, including, but not limited to, reductions in the list price at which spirits are sold and incentives offered to agency liquor stores, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters. The report must include the impact of those spending initiatives on the number of cases of spirits sold in the State and on sales of spirits generally.

Sec. A-9. 28-A MRSA §84, sub-§1-A is enacted to read:

1-A. Manage enforcement and licensing activities. Manage the enforcement and licensing activities of the bureau under section 83-B;

Sec. A-10. 28-A MRSA §85, sub-§2, as amended by PL 2013, c. 269, Pt. C, §5 and affected by §13 and amended by c. 368, Pt. V, §22, is repealed and the following enacted in its place:

2. Inventory. The bureau may keep and have on hand a stock of spirits for sale, the value of which when priced for resale must be computed on the delivered case cost F.O.B. liquor warehouse designated by the commission filed by liquor suppliers. The inventory value must be based upon actual cost for which payment may be due. Spirits may not be considered to be in the inventory until payment has been made for them.

Sec. A-11. 28-A MRSA §352, as amended by PL 2013, c. 368, Pt. V, §§27 and 61, is repealed.

Sec. A-12. 28-A MRSA §352-A is enacted to read:

§ 352-A. Purchase of spirits from agency liquor stores; purchase from reselling agents

Purchases of spirits by a nonlicensee from an agency liquor store must be made by cash, check, credit card or debit card. Purchases from a reselling agent by a licensee authorized to sell spirits for on-premises consumption must be made by cash, check or electronic funds transfer.

Sec. A-13. 28-A MRSA §353, as amended by PL 2013, c. 368, Pt. V, §28, is further amended to read:

§ 353. Business hours

Agency liquor stores may be open for the sale and delivery of spirits and fortified wine between the hours of 6 a.m. and 1 a.m. as provided in section 4, subsection 1 in municipalities and unincorporated places that have voted in favor of the operation of agency liquor stores under local option provisions. Notwithstanding any local option decisions to the contrary and except as provided in section 4, subsection 1, paragraph A, agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the next day.

Sec. A-14. 28-A MRSA §354, as amended by PL 2013, c. 368, Pt. V, §29, is further amended to read:

§ 354. Sales to minors or intoxicated persons

An agency liquor store may not sell ~~spirits and fortified wine~~liquor to a minor or to a visibly intoxicated person.

Sec. A-15. 28-A MRSA §355, as amended by PL 2013, c. 368, Pt. V, §30, is repealed.

Sec. A-16. 28-A MRSA §460, sub-§3, as amended by PL 2013, c. 368, Pt. V, §34, is further amended to read:

3. Rules. The ~~Department of Administrative and Financial Services~~bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-17. 28-A MRSA §606, sub-§1, as amended by PL 2013, c. 368, Pt. V, §35, is further amended to read:

1. Purchase of spirits. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits and fortified wine for on-premises consumption must purchase spirits and fortified wine from an ~~agency liquor store~~reselling agent. This subsection does not apply to public service corporations operating interstate.

Sec. A-18. 28-A MRSA §606, sub-§1-A, ¶A, as amended by PL 2013, c. 368, Pt. V, §36, is further amended to read:

A. ~~Beginning November 30, 2003, the~~The sale price of spirits sold by a reselling agent to an establishment licensed for on-premises consumption must equal the price established by the commission.

Sec. A-19. 28-A MRSA §606, sub-§1-C, as amended by PL 2013, c. 368, Pt. V, §37, is further amended to read:

1-C. Price of state spirits sales to agency liquor stores. The bureau may offer discounts below the list price on ~~liquor~~spirits sold to agency liquor stores.

Sec. A-20. 28-A MRSA §606, sub-§4, as repealed by PL 2013, c. 269, Pt. A, §7 and affected by §10 and amended by c. 368, Pt. V, §38, is repealed.

Sec. A-21. 28-A MRSA §1012, sub-§6, as amended by PL 2013, c. 368, Pt. V, §40, is further amended to read:

6. Minibar license. The bureau may issue a license for the placement of a minibar to an operator of a hotel licensed under section 1061 or in accordance with the license required by Title 30-A, section 3811 subject to the following conditions and applicable rules established by the bureau:

A. The fee for a minibar license for a hotel holding an existing license under section 1061 is \$100 annually plus \$5 for each room in which a minibar is placed, not to exceed a maximum of \$900 per hotel;

B. The fee for a minibar license for a hotel holding an existing license under Title 30-A, section 3811 is \$200 annually plus \$10 for each room in which a minibar is placed;

- C. A minibar may be stocked with beer, wine and distilled spirits as well as other complementary merchandise;
- D. Supplies of beer and wine for a hotel minibar must be purchased from a wholesale licensee;
- E. Supplies of distilled spirits for a hotel minibar must be purchased from an agency liquor store;
- F. A hotel must maintain invoices for all alcoholic beverages stocked in a minibar and must maintain records of all sales of alcoholic beverages sold or dispensed from a minibar;
- G. A minibar must be equipped with a secure locking device that may be unlocked only by persons 21 years of age or older;
- H. A hotel room equipped with a minibar may be rented only to a person who is 21 years of age or older and who has demonstrated proof of age by presenting proper identification as described in section 2087 unless the minibar is secured in a manner that prevents access by a person under 21 years of age;
- I. The registered occupant of a hotel room equipped with a minibar is liable for any violation of liquor laws by anyone under 21 years of age who also occupies or enters the room; and
- J. A minibar may be stocked and serviced only by an employee who is 21 years of age or older.

The ~~Department of Administrative and Financial Services~~bureau may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-22. 28-A MRSA §1201, sub-§3-A, as amended by PL 2013, c. 368, Pt. V, §41, is further amended to read:

3-A. Sale of liquor for off-premises consumption to retailer prohibited. A person licensed under this section, or an agent or employee of the person, may not knowingly sell liquor to another retailer licensed under this section for resale except as provided in section 606 ~~and the rules adopted pursuant to section 83-A.~~

Sec. A-23. 28-A MRSA §1205, sub-§3, as amended by PL 2013, c. 368, Pt. V, §43, is further amended to read:

3. Rules. The ~~Department of Administrative and Financial Services~~bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-24. 28-A MRSA §1207, sub-§3, as amended by PL 2013, c. 368, Pt. V, §45, is further amended to read:

3. Rules. The ~~Department of Administrative and Financial Services~~bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-25. 28-A MRSA §1401, sub-§1, as amended by PL 1997, c. 373, §123, is further amended to read:

1. Issuance of licenses. The bureau may issue licenses under this section for the sale and distribution of malt liquor ~~or, wine and fortified~~ wine at wholesale.

Sec. A-26. 28-A MRSA §1401, sub-§9 is enacted to read:

9. Sales to licensees only. A licensee under this section may sell or distribute malt liquor, wine and fortified wine only to persons licensed for the retail sale of malt liquor, wine or fortified wine for consumption on or off the licensed premises in accordance with this Title.

Sec. A-27. 28-A MRSA §1403-A, sub-§11, as enacted by PL 2009, c. 373, §1, is amended to read:

11. Report. A direct shipper shall submit a report to the bureau ~~quarterly~~annually in a manner and form prescribed by the bureau that includes the total number of cases of wine shipped to recipients in the State and, for a direct shipper located in the State, shipments made outside the State, the name and residence address of shipment recipients in the State, the common carrier used to deliver the shipments and the date, quantity and purchase price of each shipment.

Sec. A-28. 28-A MRSA §1505, last ¶, as amended by PL 2013, c. 368, Pt. V, §47, is further amended to read:

The ~~Department of Administrative and Financial Services~~bureau may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-29. 28-A MRSA §2073, sub-§3, as amended by PL 2013, c. 368, Pt. V, §49, is further amended to read:

3. Legal importation into and transportation of liquor within the State. ~~Spirits and fortified wine~~Liquor may be legally imported into and transported within the State in the following situations.

A. Upon application, the bureau may grant to an individual a permit to transport ~~spirits and fortified wine~~liquor purchased for that person's own personal use.

B. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport ~~spirits and fortified wine~~liquor to liquor warehouses, to licensees ~~and~~, from manufacturers to liquor warehouses and to the state line for transportation outside the State.

C-1. Reselling agents may transport spirits to licensees who are licensed for the sale of spirits for on-premises consumption.

D. Manufacturers may transport ~~spirits and fortified wine~~liquor within the State to liquor warehouses, to persons authorized under paragraph E and to the state line for transportation outside the State.

E. The bureau may permit in writing the importation of ~~spirits and fortified wine~~liquor into the State and the transportation of ~~spirits and fortified wine~~liquor from place to place within the State to the following destinations for the specified purposes:

- (1) To hospitals and state institutions, for medicinal purposes only, ~~spirits and fortified wine~~liquor made available to them from stocks of ~~spirits and fortified wine~~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.

F. The bureau may authorize hospitals and state institutions to purchase ~~spirits and fortified wine~~, for medicinal purposes only, from agency liquor stores. This authorization must be in writing.

Sec. A-30. 28-A MRSA §2076, sub-§1, as amended by PL 2013, c. 368, Pt. V, §51, is further amended to read:

1. Delivery of liquor. Except with the bureau's written permission or except as provided in section ~~453-C2073~~, subsection 3, paragraph C-1 for reselling agents, a person may not knowingly transport to or cause to be delivered to any person other than the bureau any ~~spirits or fortified wine~~ not purchased from an agency liquor store.

Sec. A-31. 28-A MRSA §2077, sub-§3, as amended by PL 2013, c. 368, Pt. V, §52, is further amended to read:

3. For-hire carriers and contract carriers may import and transport within State.

For-hire carriers and contract carriers, authorized by the ~~bureau~~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.

Sec. A-32. Repeal. Those sections of this Part that amend the Maine Revised Statutes, Title 28-A, section 353 and section 606, subsection 1 are repealed June 30, 2014.

PART B

Sec. B-1. 28-A MRSA §353-A is enacted to read:

§ 353-A. Business hours

Agency liquor stores may be open for the sale and delivery of spirits as provided in section 4, subsection 1 in municipalities and unincorporated places that have voted in favor of the operation of agency liquor stores under local option provisions. Notwithstanding any local option decisions to the contrary and except as provided by section 4, subsection 1, paragraph A, agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the following day.

Sec. B-2. 28-A MRSA §453-C, sub-§1, as amended by PL 2013, c. 269, Pt. C, §6 and affected by §13 and amended by c. 368, Pt. V, §32, is repealed and the following enacted in its place:

1. Agent licensed to resell spirits purchased from the bureau. An agent licensed to resell spirits purchased from the bureau or an entity awarded a contract under section 90 to a retail licensee licensed for on-premises consumption must be licensed as a reselling agent. A reselling agent is prohibited from reselling spirits and fortified wine to a retail licensee licensed for on-premises consumption except for spirits and fortified wine purchased from the bureau or an entity awarded a contract under section 90. A reselling agent may not resell fortified wine purchased from wholesalers licensed to sell beer and wine in the State.

Sec. B-3. 28-A MRSA §606, sub-§1-D is enacted to read:

1-D. Purchase of spirits. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits for on-premises consumption must purchase spirits and fortified wine from a reselling agent. This subsection does not apply to public service corporations operating interstate.

Sec. B-4. 28-A MRSA §606, sub-§8, as amended by PL 2013, c. 269, Pt. C, §11 and affected by §13 and amended by c. 368, Pt. V, §39, is repealed and the following enacted in its place:

8. Limits on price. An agency liquor store shall sell all spirits purchased from the bureau or an entity awarded a contract under section 90 at the retail price established by the commission.

Sec. B-5. 28-A MRSA §2229, sub-§2, as amended by PL 2013, c. 368, Pt. V, §54, is further amended to read:

2. Sale of forfeited spirits by bureau. Except as provided in paragraph A, the bureau or an entity awarded a contract under section 8990 shall restock and resell forfeited spirits ~~and fortified wine~~ at agency liquor stores throughout the State.

A. If any spirits ~~or fortified wine is~~are determined by the court to be unfit or unsatisfactory for consumption or retail sale, the court may order the spirits ~~or fortified wine~~ to be destroyed by any officer competent to serve the process on which ~~it was~~they were forfeited. The officer shall make the return accordingly to the court.

(1) The spirits ~~and fortified wine~~ must be destroyed by ~~pouring it~~being poured upon the ground or into a public sewer.

Sec. B-6. Effective date. This Part takes effect July 1, 2014.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

SUMMARY

Part A of this bill makes several changes to the laws governing the sale of alcoholic beverages to correct errors made in Public Law 2013, chapter 368, Part V, which was enacted during the First Regular Session of the 126th Legislature. The changes include correcting cross-references to accurately refer to the section of law that allows for the State to award contracts for the wholesale distribution and administration of spirits and referring to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as the entity authorized to adopt rules regarding administration of the laws governing alcoholic beverages. The bill corrects a conflict in existing law regarding the discount price for which agency liquor stores purchase spirits. The bill restructures the provisions that outline the duties and authorities of the Bureau of Alcoholic Beverages and Lottery Operations by separating the functions that deal with enforcement, licensing and tax collection from the functions that deal with the administration of the spirits business on behalf of the State. The bill removes outdated references to agency liquor stores, including a provision that authorized the Governor or the bureau to close agency liquor stores in the event of riots, hurricanes or floods. The bill removes the requirement that the bureau provide copies of new laws and rules that govern alcoholic beverages to licensees free of charge. The bill clarifies an existing process that allows for the bureau to suspend a person's liquor license when a payment for spirits purchases, taxes or other fees is not honored or is returned for insufficient funds. The bill makes a correction to the law that provides for the legal, commercial transport of alcoholic beverages into and within the State by ensuring it applies to all alcoholic beverages and includes transport by reselling agents to licensees who are licensed for the sale of spirits for on-premises consumption.

Part B of this bill makes technical corrections to the alcoholic beverage laws to reflect existing law that, on July 1, 2014, removes fortified wine from the spirits business administered by the State or the State's contracted wholesaler and grants the privilege of distribution to licensed beer and wine distributors exclusively. Part B of this bill takes effect July 1, 2014.