

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in subsection 8 in paragraph B in the 2nd line (page 1, line 8 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill in section 1 in subsection 8 in paragraph C in the first line (page 1, line 9 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill by striking out all of section 2.

Amend the bill in section 3 in §1351 by striking out all of subsection 2 and inserting the following:

**‘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.’

Amend the bill in section 4 in subsection 5 in the next to the last line (page 1, line 30 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill in section 5 in §1381 by striking out all of subsection 1 and inserting the following:

**‘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.’

Amend the bill in section 5 in §1381 in subsection 3 in the 2nd line (page 2, line 10 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill in section 5 in §1381 in subsection 3 in the 3rd line (page 2, line 11 in L.D.) by striking out the following: "120 gallons" and inserting the following: 'a total of 450 liters'

Amend the bill in section 5 in §1381 in subsection 5 in the 2nd line (page 2, line 16 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill in section 5 in §1381 in subsection 5 in the last line (page 2, line 18 in L.D.) by striking out the following: "wholesale liquor provider" and inserting the following: 'warehouse designated by the commission under section 81'

Amend the bill in section 5 in §1381 by adding at the end a new subsection to read:

**‘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.’

Amend the bill in section 6 in §1401-A in the next to the last line (page 2, line 24 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill in section 7 in subsection 1-A in the next to the last line (page 2, line 30 in L.D.) by striking out the following: "who" and inserting the following: 'that'

Amend the bill by adding after section 7 the following:

**‘Sec. 8. Effective date.** This Act takes effect September 1, 2020.’

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

The bill resolves an inconsistency in the State's liquor laws by clarifying that an out-of-state spirits supplier must obtain a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations before it may transport spirits into the State for sale to the bureau or cause spirits to be transported into the State for sale to the bureau.

This amendment, which is the majority report of the committee, clarifies that only out-of-state spirits manufacturers and persons that engage in the out-of-state purchase of spirits for resale to the bureau are required to obtain a certificate of approval under the process established in the bill. The amendment further clarifies that, when out-of-state spirits suppliers ship spirits to Maine, the spirits must be delivered to a warehouse designated by the State Liquor and Lottery Commission.

Under the bill, an out-of-state spirits supplier is required to pay a \$1,000 annual fee to obtain a certificate of approval, except that an out-of-state spirits supplier that ships 120 gallons of spirits or less to Maine per year is only required to pay a \$100 annual fee. The amendment converts the total volume amount used to determine whether an out-of-state spirits supplier is eligible to pay the \$100 reduced fee from gallons to liters, which is the unit of measurement typically used in the spirits industry. The amendment delays the effective date of the bill until September 1, 2020 and provides that an out-of-state spirits supplier that is not eligible to pay the \$100 reduced fee is only required to pay \$500 for a certificate of approval for the first year that the provision is in effect. Beginning September 1, 2021, the annual fee for an out-of-state spirits supplier that is not eligible to pay the \$100 reduced fee returns to the \$1,000 level established by the bill. Finally, the amendment makes technical changes to the bill.

## FISCAL NOTE REQUIRED

(See attached)