



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1492

S.P. 479

In Senate, April 14, 2021

An Act To Provide More Choice for Maine Consumers in the Purchase of Spirits

Received by the Secretary of the Senate on April 12, 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 FARRIN of Somerset.
Cosponsored by Representative: ANDREWS of Paris.

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

2 **Sec. 1. 28-A MRSA §2, sub-§16-A**, as amended by PL 2017, c. 301, §1, is further
3 amended to read:

4 **16-A. Low-alcohol spirits product.** "Low-alcohol spirits product" means a product
5 containing spirits that has an alcohol content of 8% 15% or less by volume. Beginning
6 July 1, 2019, "low-alcohol spirits product" does not mean a flavoring, such as an extract or
7 concentrate, added to a malt beverage or wine that:

8 A. May or may not contain alcohol;

9 B. Is not intended to be consumed alone as a beverage or a food product but serves as
10 a flavor enhancement to a beverage or a food product; and

11 C. Is not, prior to being added to a malt beverage or wine, subject to excise tax under
12 chapter 65.

13 **Sec. 2. 28-A MRSA §16** is enacted to read:

14 **§16. Distribution of low-alcohol spirits product**

15 A low-alcohol spirits product is distributed pursuant to the provisions of this section.

16 **1. Low-alcohol spirits product produced or imported by malt liquor or wine**
17 **certificate of approval holder.** A low-alcohol spirits product manufactured or imported
18 by a certificate of approval holder that is licensed under section 1361 must be distributed
19 by a wholesaler.

20 **2. Low-alcohol spirits product produced or imported by spirits certificate of**
21 **approval holder.** A low-alcohol spirits product manufactured or imported by a certificate
22 of approval holder that is licensed under section 1381 that is first distributed in the State
23 after the effective date of this section must be distributed by a wholesaler or a reseller agent
24 under section 453-C as determined by the bureau. A low-alcohol spirits product distributed
25 on or before the effective date of this section must be distributed in the same manner as the
26 low-alcohol spirits product is distributed on or was distributed before the effective date of
27 this section.

28 **3. Rules.** The bureau shall adopt rules to carry out the purposes of this section. Rules
29 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
30 375, subchapter 2-A.

31 **Sec. 3. 28-A MRSA §1352** is enacted to read:

32 **§1352. Low-alcohol spirits product**

33 A manufacturer in the State or outside of the State may produce a low-alcohol spirits
34 product. A certificate of approval holder under section 1361 or 1381 may hold for sale,
35 sell or offer for sale in intrastate commerce, or transport or cause to be transported into the
36 State for resale, a low-alcohol spirits product.

37 **SUMMARY**

38 This bill amends the definition of "low-alcohol spirits product" by raising the
39 maximum alcohol level of a low-alcohol spirits product from 8% to 15%. This bill provides
40 that a low-alcohol spirits product manufactured or imported by a malt liquor or wine

1 certificate holder be distributed by a wholesaler and a low-alcohol spirits product
2 manufactured or imported by a spirits certificate of approval holder be distributed by a
3 wholesaler or agency liquor store licensed as a reseller agent as determined by the
4 Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and
5 Lottery Operations, except for a low-alcohol spirits product manufactured or imported by
6 a spirits certificate of approval holder distributed in the State on or before the effective date
7 of this legislation, which must be distributed in the manner it is distributed on or was
8 distributed prior to the effective date of this legislation.

9 This bill also allows manufacturers to produce low-alcohol spirits products and
10 certificate of approval holders to hold for sale, sell or offer for sale in intrastate commerce,
11 or transport or cause to be transported into the State for resale, low-alcohol spirits products.