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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 565, L.D. 1467, Bill, "An Act Regarding Maine Spirits"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 28-A MRSA §84, sub-§4, as amended by PL 2013, c. 368, Pt. V, §61, is further amended to read:

4. Confer with commissioner. Confer regularly as necessary or desirable and not less than once a month with the Commissioner of Administrative and Financial Services on the operation and administration of the bureau and make available for inspection by the Commissioner of Administrative and Financial Services, upon request, all books, records, files and other information and documents of the bureau; and

Sec. 2. 28-A MRSA §84, sub-§5, as amended by PL 2013, c. 588, Pt. B, §1, is further amended to read:

5. Certification. Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of revenues and expenses for liquor sales for the preceding month and submit an annual report that includes a complete statement of the revenues and expenses for the bureau to the Governor and the Legislature, together with recommendations for changes in this Title; and

Sec. 3. 28-A MRSA §84, sub-§6 is enacted to read:

6. Implement a spirits sales data reporting system. Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require that neither the bureau nor the trade association may make publicly available any information that would

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1 specifically identify the reselling agent, including, but not limited to, the reseller's name,
2 the name of the reseller's agency liquor store, the reseller's agency liquor store's address
3 or the address of any associated storage facility of the reselling agent.

4 **Sec. 4. 28-A MRSA §453-C, sub-§4** is enacted to read:

5 **4. Reporting of spirits sales to on-premises licensees.** Beginning October 15,
6 2016, a licensed reselling agent shall report on a monthly basis all spirits sales made to
7 establishments licensed to sell spirits for on-premises consumption.

8 A. A report under this subsection must be made to a trade association contracted by
9 the bureau to collect spirits sales data from reselling agents as described in section 84,
10 subsection 6.

11 B. The bureau shall ensure that reports under this subsection may be made by
12 electronic transmission through a secure website established by the bureau. A
13 reselling agent that is not reasonably able to use the website may submit a report
14 under this subsection on paper or by using other methods approved by the bureau.

15 C. The bureau may provide a stipend or reimbursement to reselling agents licensed
16 and actively selling spirits to on-premises licensees as of July 1, 2016 to mitigate the
17 costs of compliance with this subsection.

18 D. The bureau may adopt rules regarding mitigating the costs incurred by reselling
19 agents in complying with this subsection. Rules adopted pursuant to this paragraph
20 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

21 **Sec. 5. 28-A MRSA §606, sub-§2**, as amended by PL 2011, c. 380, Pt. PPPP, §1
22 and PL 2013, c. 368, Pt. V, §61, is repealed.

23 **Sec. 6. 28-A MRSA §755**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to
24 read:

25 **§755. Records confidential**

26 All Except for on-premises spirits sales data required to be reported by reselling
27 agents in accordance with section 453-C, subsection 4, all business and financial records
28 of licensees are confidential.

29 **Sec. 7. Bureau to adopt rules.** No later than October 1, 2016, the Department of
30 Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery
31 Operations shall adopt rules to mitigate the costs incurred by reselling agents in
32 complying with the reporting requirements of the Maine Revised Statutes, Title 28-A,
33 section 453-C, subsection 4.'

34 **SUMMARY**

35 This amendment replaces the bill. As in the bill, the amendment establishes a
36 requirement that reselling agents report sales of spirits made to establishments licensed to
37 sell spirits for on-premises consumption. Under the amendment, spirits sales data is
38 required to be reported monthly beginning October 15, 2016. The amendment repeals the
39 requirement in current law that on-premises licensees report retail spirits sales data to the
40 bureau.

1 It amends the section of law that governs the responsibilities of the Director of the
2 Bureau of Alcoholic Beverages and Lottery Operations within the Department of
3 Administrative and Financial Services to include a requirement that the director
4 implement a spirits sales reporting system. The reporting system is facilitated by a trade
5 association representing states that control the sale and distribution of spirits.

6 The amendment directs the bureau to adopt rules to help mitigate the costs incurred
7 by those reselling agents licensed and selling spirits to on-premises licensees as of July 1,
8 2016.