

§1451. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Agreement. "Agreement" means a commercial relationship, not required to be evidenced in writing, of definite or indefinite duration, between a certificate of approval holder and a wholesale licensee, under which the wholesale licensee is authorized to distribute one or more of the certificate of approval holder's brands of malt liquor, wine or beverages. The performance or accomplishment of any of the following acts shall constitute prima facie evidence of an "agreement" within the meaning of this definition:

A. The shipment, preparation for shipment or acceptance of any order by any certificate of approval holder or its agents for any malt liquor, wine or beverages to a wholesale licensee within the State; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The payment by a wholesale licensee and the acceptance of payment by any certificate of approval holder or its agent or the shipment of an order for malt liquor or beverages intended for sale in Maine. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

1-A. Certificate of approval holder. Notwithstanding section 2, subsection 8, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

[PL 2019, c. 615, §6 (NEW); PL 2019, c. 615, §7 (AFF).]

2. Person. Notwithstanding section 2, subsection 23, "person" means a natural person, corporation, partnership, trust, agency or other entity as well as the individual officer, directors or persons in active control of the activities of that entity. "Person" also includes heirs, assigns, personal representatives and guardians.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Primary source of supply. "Primary source of supply" means the distillery, the bottler, the brewery, the winery, the brand owner or the designated agent of any distillery, brewery, winery or brand owner.

[PL 2021, c. 658, §253 (AMD).]

4. Territory or sale territory. "Territory" or "sale territory" means the area of primary sales responsibility expressly or implicitly designated by any agreement between a wholesale licensee and a certificate of approval holder for the brand or label of a certificate of approval holder.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Wholesale licensee. Notwithstanding section 2, subsection 34, "wholesale licensee" means a person holding a wholesale license under section 1401, offering malt liquor or wine for sale or resale to retailers, without regard to whether the business of the person is conducted under the terms of an agreement with a certificate of approval holder.

[PL 2021, c. 658, §254 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2019, c. 615, §6 (AMD). PL 2019, c. 615, §7 (AFF). PL 2021, c. 658, §§253, 254 (AMD).

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