CHAPTER 55

MALT LIQUOR AND WINE WHOLESALE LICENSEES

§1401. Wholesale licenses

1. Issuance of licenses. The bureau may issue licenses under this section for the in-state sale and distribution of malt liquor and wine at wholesale.
[PL 2021, c. 658, §234 (AMD).]

2. Fees. Except as provided in subsection 4, the fee for a wholesale license is:

A. Six hundred dollars for the principal place of business; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Six hundred dollars for each additional warehouse maintained by the wholesale licensee, but not located at the principal place of business. [PL 1987, c. 342, §109 (AMD).]
[PL 1987, c. 342, §109 (AMD).]

3. Term of wholesale license. Except as provided in subsection 4, a wholesale license is effective for one year from the date of issuance.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Temporary permits. The bureau may issue special permits, upon application in writing, for the temporary storage of malt liquor or wine under terms and upon conditions prescribed by the bureau.
[PL 1997, c. 373, §123 (AMD).]

5. Qualifications. The bureau may not issue a wholesale license to an applicant unless:

A. If the applicant is a person, the applicant has been a resident of the State for at least 6 months; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. If the applicant is a corporation, the applicant has conducted business in this State for at least 6 months. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1997, c. 373, §123 (AMD).]

6. License transferrable to other premises. A wholesale license may be transferred from the premises in the town originally specified to premises in another town.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

7. Warehouses and sales representatives. A wholesale licensee shall maintain a warehouse or warehouses within the State and employ one or more sales representatives, licensed under chapter 59, for the purpose of soliciting orders. For the purposes of this subsection, "sales representative" means an employee of a wholesale licensee whose primary duty is soliciting orders from or making sales to retail licensees.
[PL 2015, c. 387, §1 (AMD).]

8. Franchise or agreement with certificate of approval holder. A wholesale licensee shall operate under a franchise or agreement for the resale of malt liquor or wine within an allocated territory by a certificate of approval holder.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

9. Sales to licensees only. A licensee under this section may sell or distribute malt liquor and wine only to persons licensed for the retail sale of malt liquor and wine for on-premises or off-premises consumption in accordance with this Title.
[PL 2021, c. 658, §235 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §109 (AMD). PL 1997, c. 373, §123 (AMD). PL 2013, c. 476, Pt. A, §§29, 30 (AMD). PL 2015, c. 387, §1 (AMD). PL 2021, c. 658, §§234, 235 (AMD).

§1401-A. Limitation on definition of "certificate of approval holder"

Notwithstanding section 2, subsection 8, as used in this chapter, unless the context otherwise indicates, "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, §5 (NEW); PL 2019, c. 615, §7 (AFF).]

SECTION HISTORY

PL 2019, c. 615, §5 (NEW). PL 2019, c. 615, §7 (AFF).

§1402. Taste testing of wine and malt liquor products

1. Taste testing on wholesale licensee's premises. With the bureau's written permission, a wholesale licensee may designate a special area or room on the wholesale licensee's premises for the specific purpose of taste testing wine or malt liquor products.
[PL 1997, c. 373, §124 (AMD).]

2. Taste testing on retail licensee's premises or other venue. With the bureau's written permission, a wholesale licensee may rent or lease an area or room from an on-premises retail licensee or from any unlicensed venue for the purpose of inviting retail licensees to taste test wine or malt liquor products.
[PL 2025, c. 8, §1 (AMD).]

3. Conditions on taste-testing events. The following conditions apply to all taste-testing events under this section.

A. The wholesale licensee or a certificate of approval holder may provide the products for taste-testing events only if all taxes required by this Title have been paid. [PL 2021, c. 658, §237 (AMD).]

B. Taste-testing events must be conducted only within the special designated area or room. [PL 2021, c. 658, §237 (AMD).]

C. Taste-testing events must be open only to invited retail licensees or their authorized agents and not to their family members, guests or the public. [PL 2021, c. 658, §237 (AMD).]

D. After the taste-testing event is concluded, the wholesale licensee shall remove all products supplied for the taste-testing event from the premises of the retail licensee or unlicensed venue. [PL 2025, c. 8, §2 (AMD).]

E. Malt liquor or wine products may not be served to a person who is a minor or who is visibly intoxicated. [PL 2021, c. 658, §237 (NEW).]
[PL 2025, c. 8, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §110 (AMD). PL 1997, c. 373, §124 (AMD). PL 2013, c. 368, Pt. XXXX, §4 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2021, c. 658, §§236, 237 (AMD). PL 2025, c. 8, §§1, 2 (AMD).

§1402-A. Samples of products

A person licensed as a manufacturer of malt liquor or wine under section 1355-A or licensed as a wholesaler may give a retail licensee samples of products under the following conditions: [PL 2015, c. 386, §1 (AMD).]

1. Invoice required. The products must be accompanied by an invoice;
[PL 1997, c. 228, §1 (NEW).]

2. Product registered. The product must be registered with the bureau and clearly labeled as a sample;
[PL 1997, c. 228, §1 (NEW).]

3. Taxes paid. Taxes must be paid on each item;
[PL 1997, c. 228, §1 (NEW).]

3-A. Partial-bottle wine samples. Bottles of wine designated for partial-bottle sampling must be properly sealed between samplings. Partial-bottle wine samples may be provided only on the premises of a retailer licensed to sell wine for on-premises or off-premises consumption to the owner or a supervisory or managerial employee of the retailer;
[PL 2021, c. 658, §238 (AMD).]

4. Full-bottle samples. The maximum amount of unopened full-bottle samples given to a retail licensee may not exceed 18 gallons of malt liquor and 18 liters of wine annually. A full-bottle sample is an unopened bottle of wine or malt liquor given to a retail licensee, which may be consumed by a retail licensee on or off the premises;
[PL 2021, c. 658, §239 (AMD).]

4-A. Prohibited recipients. Malt liquor or wine samples authorized under this section may not be provided to a person who is a minor or who is visibly intoxicated; and
[PL 2021, c. 658, §240 (NEW).]

5. Samples removed.
[PL 2011, c. 629, §28 (RP).]

6. Records maintained. Records must be maintained for a 2-year period by the licensee giving or receiving samples.
[PL 1997, c. 228, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 228, §1 (NEW). PL 2003, c. 69, §§1,2 (AMD). PL 2011, c. 629, §§25-28 (AMD). PL 2015, c. 386, §1 (AMD). PL 2017, c. 35, §1 (AMD). PL 2021, c. 658, §§238-240 (AMD).

§1403. Purchase and sale of malt liquor or wine by wholesale licensee

1. Purchase of malt liquor or wine by wholesale licensee. A wholesale licensee may not purchase malt liquor or wine from a person other than a certificate of approval holder or special warehouse storage facility licensed under section 1371. A wholesale licensee may not cause to be transported into the State malt liquor or wine from a person other than a person to whom the bureau has issued a certificate of approval under section 1361.
[PL 2021, c. 658, §241 (AMD).]

1-A. Wholesale licensee may purchase from wholesale licensee. The bureau may give written permission to a wholesale licensee to purchase malt liquor or wine from another wholesale licensee.
[PL 1997, c. 373, §126 (AMD).]

2. Sale of malt liquor or wine by wholesale licensee. A wholesale licensee may not sell malt liquor or wine that has not been purchased from a certificate of approval holder or a special warehouse storage facility licensed under section 1371.
[PL 2021, c. 658, §241 (AMD).]

3. License revoked if it requires wholesale license to not sell other brands. The District Court shall revoke the license of a wholesale licensee, that requires as a condition of selling malt liquor or

wine to another wholesale licensee, that the purchasing wholesale licensee may not sell other brand names of malt liquor or wine.
[PL 2021, c. 658, §241 (AMD).]

4. Monthly report. By the 10th day of each calendar month, each wholesale licensee shall furnish to the bureau, in the form prescribed by the bureau, a monthly report of all malt liquor or wine purchased and sold during the preceding month.
[PL 1997, c. 373, §127 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §111 (AMD). PL 1997, c. 373, §§125-127 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2021, c. 658, §241 (AMD).

§1403-A. Direct shipment of wine

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Direct shipper" means a winery that has obtained a wine direct shipper license under subsection 2. [PL 2009, c. 373, §1 (NEW).]

B. "Outside the State" means any state other than Maine and any territory or possession of the United States, but does not include a foreign country. [PL 2009, c. 373, §1 (NEW).]

C. "Common carrier" means a company that transports goods upon reasonable request, on regular routes and at set rates. [PL 2023, c. 604, §1 (NEW).]

D. "Fulfillment provider" means a bonded logistics agent of a direct shipper that provides fulfillment services, including warehousing, packaging, distributing and order processing for the shipment of wine to a consumer and arranges for transport of wine to a consumer by a common carrier and that has obtained a fulfillment provider registration under subsection 5-A. [PL 2023, c. 604, §2 (NEW).]
[PL 2023, c. 604, §§1, 2 (AMD).]

2. Direct shipment of wine. A small winery or other winery holding a federal basic wine manufacturing permit located within or outside the State may obtain a wine direct shipper license by filing with the bureau an application in a form determined by the bureau accompanied by an application fee of not more than $200, a copy of the applicant's current federal basic wine manufacturing permit and a list of wine labels to be shipped in accordance with this section.
[PL 2013, c. 368, Pt. V, §46 (AMD).]

3. Direct shipper application. Before sending a shipment to a resident of this State, a direct shipper must file an application for a wine direct shipper license under subsection 2 with the bureau on a form issued by the bureau along with a true copy of its current winery license issued in this State or another state and a $100 registration fee.
[PL 2021, c. 658, §242 (AMD).]

4. Direct shipment requirements. A direct shipper or a direct shipper's fulfillment provider may only ship wine that was produced by or for the direct shipper, owned by the direct shipper or sold under the winery name of the direct shipper in accordance with the direct shipper's federal basic wine manufacturing permit to a recipient who is at least 21 years of age and that is intended for personal use and not for resale. A direct shipper or a direct shipper's fulfillment provider may not ship wine products commonly known as "wine coolers." A direct shipper or a direct shipper's fulfillment provider shall label each package to be shipped in accordance with this section so that it conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."
[PL 2023, c. 604, §3 (AMD).]

5. Common carrier. Shipments made in accordance with this chapter must be made by a common carrier and must be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and residence address of the recipient. The common carrier shall obtain the signature of a person 21 years of age or older at the address listed on the shipping label prior to delivery of the shipment. The common carrier shall request photographic identification from the person signing for the shipment and verify that the person is 21 years of age or older.
[PL 2023, c. 604, §4 (AMD).]

5-A. Fulfillment provider registration. A direct shipper may use a fulfillment provider that is registered under this section.

A. A fulfillment provider that is not a common carrier, does not hold a direct shipper, manufacturer, wholesale or retail license issued by the bureau and is not a certificate of approval holder and that is not owned or controlled by a common carrier, direct shipper, manufacturer, wholesale or retail licensee or certificate of approval holder may register with the bureau in a manner prescribed by the bureau. A registration must include the information required in paragraph B and a registration fee of not more than $50 per physical premises. A fulfillment provider registering pursuant to this subsection shall register with the bureau for each physical premises from which the fulfillment provider will ship wine under this section. A fulfillment provider may only ship wine to a recipient in the State if the fulfillment provider maintains a current registration, as applicable, under this subsection and only if the wine shipped is provided by a direct shipper licensed under this section. [PL 2023, c. 604, §5 (NEW).]

B. A fulfillment provider registration must include the following:

(1) The address of each physical premises from which the fulfillment provider will ship wine to recipients in the State;

(2) The name, address and license number of each direct shipper on whose behalf the fulfillment provider will ship wine to recipients in the State; and

(3) Any other information as determined by the bureau. [PL 2023, c. 604, §5 (NEW).]

C. A fulfillment provider registration must be renewed every 2 years. If there is a material change in the information provided to the bureau related to the initial registration or renewal, the fulfillment provider shall provide updated information to the bureau not later than 14 days after the change. [PL 2023, c. 604, §5 (NEW).]

D. A fulfillment provider shall make all commercially reasonable efforts to verify the validity of each direct shipper license prior to making any shipments under this section. Continuous failure to verify the validity of licenses may result in the suspension of the fulfilment provider's registration and imposition of a fine. [PL 2023, c. 604, §5 (NEW).]
[PL 2023, c. 604, §5 (NEW).]

6. Bottle size and case limit.
[PL 2023, c. 274, §1 (RP).]

6-A. Shipment limit. A direct shipper may not ship a container of wine of less than 250 milliliters and may ship no more than 9,000 milliliters per shipment no more than 12 times to any one recipient address in a calendar year.
[PL 2023, c. 274, §2 (NEW).]

7. Prohibited shipping areas. A direct shipper may not ship to any address in an area identified by the bureau as a prohibited shipping area or a local option area.
[PL 2009, c. 373, §1 (NEW).]

8. License renewal. A direct shipper may annually renew its wine direct shipper license with the bureau by paying a $50 renewal fee and providing the bureau with a true copy of its current winery license issued in this State or another state.
[PL 2021, c. 658, §243 (AMD).]

9. Sales tax registration and payment required. As a condition of receiving a license, a shipper located outside the State shall comply with the provisions of Title 36, Part 3, including all requirements relating to registration as a seller and the collection, reporting and remittance of the sales and use taxes of the State, and shall agree to be subject to the jurisdiction of the State for purposes of the enforcement of those obligations. The requirements of this subsection apply notwithstanding any provision of law of the State to the contrary.
[PL 2021, c. 658, §244 (AMD).]

10. Payment of excise taxes. A direct shipper located outside the State shall annually pay to the bureau all excise taxes due on sales to residents of the State in the preceding year, the amount of such taxes to be calculated as if the sales were in the State.
[PL 2013, c. 368, Pt. XXXX, §5 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

11. Reporting. Reports to the bureau regarding direct shipments of wine are governed by this subsection.

A. A direct shipper shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

(1) 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;

(2) The name and residence address of shipment recipients in the State;

(3) The name and registration of the designated fulfillment providers, if applicable;

(4) The common carrier used to deliver each shipment; and

(5) The date, quantity and purchase price of each shipment. [PL 2023, c. 604, §6 (NEW).]

B. A fulfillment provider shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

(1) The name as it appears on the direct shipper license, physical address and license number of the direct shipper on whose behalf the fulfillment provider shipped wine under this section;

(2) The date of each shipment;

(3) The name and business address of the common carrier that transported the shipment and the unique tracking number for each shipment;

(4) The weight of each package shipped; and

(5) The name and residence address of each recipient. [PL 2023, c. 604, §6 (NEW).]

C. A common carrier shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

(1) The name of the common carrier;

(2) The name and address of the direct shipper and, if applicable, the fulfillment provider that used the common carrier for a shipment of wine;

(3) The name and address of each recipient;

(4) The weight of each package delivered to each recipient;

(5) The unique tracking number for each shipment; and

(6) The date of each delivery.

A failure by a common carrier to comply with the reporting requirements of this paragraph that continues for more than 30 days after receiving from the bureau a notice of that failure may result in the suspension of the common carrier's license to operate in the State or the imposition of any other penalty the relevant licensing authority in the State is authorized to impose. [PL 2023, c. 604, §6 (NEW).]

D. If no wine was shipped to a recipient in this State and, for a direct shipper located in the State, no wine was shipped to a recipient outside the State during the reporting period, a report containing that information must be submitted to the bureau. [PL 2023, c. 604, §6 (NEW).]

[PL 2023, c. 604, §6 (RPR).]

12. Audit and records retention. The bureau may perform an audit of a direct shipper's, fulfillment provider's or common carrier's records relevant to compliance with this section. A direct shipper, fulfillment provider or common carrier shall provide copies of any records requested by the bureau within 20 business days of that request.

A. A direct shipper shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph A or D for 2 years after the reporting date, unless otherwise directed by the bureau. [PL 2023, c. 604, §7 (NEW).]

B. A fulfillment provider shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph B or D for 2 years after the reporting date, unless otherwise directed by the bureau. [PL 2023, c. 604, §7 (NEW).]

C. A common carrier shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph C or D, including an electronic or paper copy of each recipient's signature, for 2 years after the reporting date, unless otherwise directed by the bureau. [PL 2023, c. 604, §7 (NEW).]

[PL 2023, c. 604, §7 (AMD).]

13. Violation. A person, including a common carrier or fulfillment provider, who knowingly causes a direct shipment in violation of this section is subject to a fine up to $500 for a first offense and up to $1,000 for any subsequent violation of this section. A direct shipper, fulfillment provider or common carrier who knowingly delivers wine to a person under 21 years of age is subject to a fine up to $5,000. The bureau may suspend or revoke a wine direct shipper license for failure to comply with the shipping limits and reporting requirements required by this section. The bureau may accept payment of an offer in compromise in lieu of suspension; such payments must be determined by rules adopted by the bureau.

[PL 2023, c. 604, §8 (AMD).]

14. Jurisdiction. A direct shipper, as a condition of licensure, is subject to the jurisdiction and enforcement authority of the State for the purposes of enforcement of this section.

[PL 2009, c. 373, §1 (NEW).]

15. Not subject to beverage container law.

[PL 2023, c. 252, §1 (RP); PL 2023, c. 252, §3 (AFF).]

15-A. Compliance with beverage container laws. Wine shipped pursuant to this section must comply with Title 38, chapter 33.

[PL 2023, c. 252, §2 (NEW); PL 2023, c. 252, §3 (AFF).]

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

[PL 2009, c. 373, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 373, §1 (NEW). PL 2011, c. 629, §§29, 30 (AMD). PL 2013, c. 368, Pt. V, §46 (AMD). PL 2013, c. 368, Pt. XXXX, §5 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2013, c. 476, Pt. A, §31 (AMD). PL 2015, c. 166, §5 (AMD). PL 2021, c. 658, §§242-244 (AMD). PL 2023, c. 252, §§1, 2 (AMD). PL 2023, c. 252, §3 (AFF). PL 2023, c. 274, §§1, 2 (AMD). PL 2023, c. 604, §§1-8 (AMD).

§1404. Unbonded wholesale licensees

1. Procedure for unbonded wholesale licensees. Unbonded wholesale licensees shall order and purchase malt liquor and wine under the following procedures.

A. The bureau shall furnish all purchase order forms. [PL 1997, c. 373, §128 (AMD).]

B. [PL 2021, c. 622, §4 (RP).]

C. The unbonded wholesale licensee ordering malt liquor or wine shall submit to the bureau, in a manner specified by the bureau, a copy of the completed purchase order form with payment for the amount of excise taxes required to cover the amount of the order. [PL 2021, c. 622, §4 (AMD).]

D. [PL 2023, c. 405, Pt. A, §105 (RP).]

E. On receipt of the copy of the completed purchase order form and payment for excise taxes submitted under paragraph C, the bureau shall promptly process the payment and submit copies of the completed purchase order form indicating that excise taxes have been paid to the unbonded wholesale licensee and to the certificate of approval holder with which the unbonded wholesale licensee wishes to place the order. [PL 2023, c. 405, Pt. A, §106 (RPR).]

F. A certificate of approval holder may not ship or release malt liquor or wine for delivery in the State until notified by the bureau that the excise tax has been paid in accordance with this section. [PL 2021, c. 622, §4 (AMD); PL 2021, c. 658, §247 (AMD).]

[PL 2023, c. 405, Pt. A, §§105, 106 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §128 (AMD). PL 2021, c. 622, §4 (AMD). PL 2021, c. 658, §§245-247 (AMD). PL 2023, c. 405, Pt. A, §§105, 106 (AMD).

§1405. Bonded wholesale licensees

1. Procedures for bonded wholesale licensees. Bonded wholesale licensees shall order and purchase malt liquor and wine under the following procedures.

A. The bureau shall furnish all purchase order forms. [PL 1997, c. 373, §129 (AMD).]

B. [PL 2021, c. 622, §5 (RP).]

C. The bonded wholesale licensee shall submit a copy of the completed purchase order form to the certificate of approval holder with which the bonded wholesale licensee wishes to place the order. [PL 2023, c. 405, Pt. A, §107 (RPR).]

D. The bonded wholesale licensee shall submit to the bureau, in a manner specified by the bureau, a copy of the completed purchase order form and retain a copy for the licensee's files. [PL 2021, c. 622, §5 (AMD).]

[PL 2023, c. 405, Pt. A, §107 (AMD).]

2. Corporate security bond. To secure payment of the excise tax, each wholesale licensee shall file with the bureau a corporate surety bond guaranteeing payment of the proper excise tax due the State.

A. The bureau shall fix the amount and terms of the bond, subject to the following restrictions.

(1) The bond must be equal to the highest monthly excise tax paid by the wholesale licensee during the period of the prior year license, plus 10% of the highest month.

(2) New licensees desiring to furnish bond under this section shall furnish a corporate surety bond in an amount to be determined by the bureau.

(3) All bonds must be provided and effective only for each licensed year. [PL 2013, c. 368, Pt. XXXX, §6 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

B. Failure to pay the excise tax when due is grounds for suspension of the license of the wholesale licensee. [PL 2013, c. 368, Pt. XXXX, §6 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]
[PL 2013, c. 368, Pt. XXXX, §6 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

3. Payment of excise tax. By filing the bond required in subsection 2, a wholesale licensee may pay monthly the excise tax imposed by section 1652 on all malt liquor or wine shipped into the State as shown by invoice of the shipment by the holder of a certificate of approval issued under section 1361.

A. The wholesale licensee shall pay the excise tax by the 15th day of the calendar month following the month in which shipment occurs. [PL 2013, c. 368, Pt. XXXX, §7 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

B. At the time of payment of the excise tax, each wholesale licensee shall file with the bureau in the form prescribed by the bureau:

(1) A verified monthly report of all malt liquor or wine purchased or imported based on the date of shipment invoice during the preceding calendar month; and

(2) Any additional information the bureau requires to compute and ensure the accuracy of the excise tax payment accompanying the report. [PL 2021, c. 658, §249 (AMD).]
[PL 2021, c. 658, §249 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §§129-131 (AMD). PL 2011, c. 147, §2 (AMD). PL 2013, c. 368, Pt. XXXX, §§6, 7 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2021, c. 622, §5 (AMD). PL 2021, c. 658, §§248, 249 (AMD). PL 2023, c. 405, Pt. A, §107 (AMD).

§1406. Report of changes in wholesale licensees and certificate of approval holders to bureau

1. Certificate of approval holders must list wholesale licensees with bureau; changes. Each certificate of approval holder shall:

A. File with the bureau a list of the wholesale licensees who distribute their products in the State; and [PL 1997, c. 373, §132 (AMD).]

B. Give written notice to the bureau and the wholesale licensee affected at least 90 days before any change in:

(1) Its wholesale licensees; or

(2) The territory of its wholesale licensees. [PL 2021, c. 658, §250 (AMD).]
[PL 2021, c. 658, §250 (AMD).]

2. Wholesale licensees must list certificate of approval holders with bureau; changes. Each wholesale licensee shall:

A. File with the bureau:

(1) A list of the certificate of approval holders for whom it distributes malt liquor or wine in the State; and

(2) A statement of the boundaries of its territories; and [PL 1997, c. 373, §132 (AMD).]

B. Give written notice to the bureau and the certificate of approval holder affected at least 90 days before any change in:

(1) Its territory; or

(2) The distribution of its products. [PL 1997, c. 373, §132 (AMD).]
[PL 1997, c. 373, §132 (AMD).]

3. Shortened waiting period before change. The bureau may shorten the waiting period before a change is made in the following situations.

A. A certificate of approval holder or a wholesale licensee may request a hearing before the bureau to shorten the waiting period before a change is made. The bureau may, for cause, shorten the waiting period before approving a change in either the wholesale licensee or the wholesale licensee's territory. [PL 1997, c. 373, §132 (AMD).]

B. If both the certificate of approval holder and the wholesale licensee affected waive the 90-day waiting period by giving the bureau written notice, then the bureau may immediately approve a change in either the wholesale licensee or the wholesale licensee's territory. [PL 1997, c. 373, §132 (AMD).]
[PL 1997, c. 373, §132 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §132 (AMD). PL 2021, c. 658, §250 (AMD).

§1407. Exclusive distributors of certificate of approval holders' products

1. Exclusive distributors. Except as provided in section 1454, the wholesale licensee appointed by the certificate of approval holder to be the exclusive distributor for specific brands of malt liquor and wine cannot be terminated as exclusive distributor of those specific brands upon the voluntary or involuntary termination or transfer of the same brands of malt liquor and wine by the certificate of approval holder that registered the specific labels and established prices with the bureau. The certificate of approval holder acquiring these brands shall take the place of the certificate of approval holder that appointed the distributors and shall comply with section 1406.
[PL 2021, c. 658, §251 (AMD).]

2. Unfair trade practice. A violation of this section shall be considered a violation of the Maine Unfair Trade Practices Act and all remedies provided by that Act are available for a violation of this section.
[RR 1993, c. 1, §72 (COR).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §112 (AMD). RR 1993, c. 1, §72 (COR). PL 2021, c. 658, §251 (AMD).

§1408. Posting of prices

1. Posting by certificate of approval holders and bottlers. Certificate of approval holders and all licensed bottlers must post with the bureau the F.O.B. shipping point prices for which they are selling malt liquor or wine to wholesale licensees.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Posting by wholesale licensees. Wholesale licensees must post with the bureau the delivered prices for which they are selling malt liquor or wine to licensees and all other entities or instrumentalities.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Posted prices must include deposits. All prices posted must include deposits required on returnable items, including kegs.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Price changes. Except as provided in paragraph A, certificate of approval holders shall give written notice of price changes to the bureau and their respective wholesale licensees at least 30 days before the effective date. Wholesale licensees shall give written notice of their price changes to the bureau at least 15 days before the effective date. All price changes are effective on the first day of the month.

A. The bureau may give written permission to certificate of approval holders or wholesale licensees to reduce the notice period for price changes in specific instances. [PL 2021, c. 658, §252 (AMD).]
[PL 2021, c. 658, §252 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §113 (AMD). PL 1997, c. 373, §133 (AMD). PL 2021, c. 658, §252 (AMD).

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