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An Act To Allow Direct Shipment of Beer and Wine by Retail Licensees

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

Sec. 1. 28-A MRSA §1209 is enacted to read:

§ 1209. Direct shipment of malt liquor and wine

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

A. "Direct retail shipper" means a licensee under this chapter who has obtained a direct retail shipper license under subsection 2.

B. "Outside the State" means any state other than this State and any territory or possession of the United States, but does not include a foreign country.

2. Direct retail shipper license. An off-premise retail licensee under this chapter may obtain a direct retail shipper license by filing with the Liquor Licensing and Tax Division an application in a form determined by the bureau accompanied by an application fee of not more than \$200 and a true copy of the off-premise retail licensee's current off-premise retail license issued under this chapter.

3. Direct retail shipment requirements. A direct retail shipper may ship malt liquor or wine to a location in the State or outside the State only:

A. Upon consummation of the transaction on the licensed premises for the malt liquor or wine to be shipped, including receipt of electronic or credit card payments;

B. To a recipient for personal use and not for retail;

C. If the malt liquor or wine was purchased by the direct retail shipper from a wholesale licensee; and

D. With a label on the outside of each package of malt liquor or wine to be shipped that conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."

4. Common carrier. Shipments made in accordance with this section must be made by a common carrier and be accompanied by a shipping label that clearly indicates the name of the direct retail shipper and the name and 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.

5. Prohibited shipping areas. A direct retail shipper may not ship to an address in an area identified by the bureau as a prohibited shipping area or a local option area.

6. License renewal. A direct retail shipper may annually renew its direct retail shipper license with the bureau by paying a \$50 renewal fee and providing the bureau with a true copy of its current off-premise retail license issued under this chapter.

7. Violation. A person, including a common carrier, who knowingly violates this section is subject to a fine of up to \$500 for a first offense and up to \$1,000 for any subsequent violation of this section. A direct retail shipper or common carrier who knowingly delivers malt liquor or wine under this section to a person under 21 years of age is subject to a fine of up to \$5,000. The bureau may suspend or revoke a direct retail shipper license issued under subsection 2 for failure to comply with the requirements of this section. The bureau may accept payment of an offer in compromise in lieu of suspension under this subsection; such payments must be determined by rules adopted by the bureau.

8. Rules. The bureau may 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.

SUMMARY

This bill allows off-premise retail licensees of beer and wine to direct ship beer and wine in and outside the State subject to certain conditions, including:

1. The transaction must be consummated on the licensed premises;
2. The beer or wine must be purchased from a licensed wholesaler;
3. The recipient must be 21 years of age or older and provide proof of age upon delivery;
4. The beer or wine may only be for personal use and not for resale; and
5. The package must contain a label on its exterior indicating that it contains alcohol and may only be delivered to a recipient who is 21 years of age or older.