



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 307

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S.P. 133

In Senate, February 8, 2021

### An Act To Expand the Market for Maine Liquor Manufacturers

(EMERGENCY)

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Received by the Secretary of the Senate on February 4, 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 LUCHINI of Hancock.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the spread of the novel coronavirus disease referred to as COVID-19 has  
4 created a public health emergency; and

5           **Whereas,** in response to this public health emergency, the Governor issued an  
6 executive order on March 18, 2020 requiring the closure of tasting rooms and requiring  
7 restaurants and bars, including those operated by Maine manufacturers of spirits, wine and  
8 malt liquor, to close their dine-in facilities; and

9           **Whereas,** although restaurants were permitted to reopen for dine-in service by June  
10 17, 2020, they were required to limit indoor seating capacity and, from November 20, 2020  
11 through January 2021, were additionally required to close their dine-in facilities by 9:00  
12 p.m. nightly to prevent spread of the virus; and

13           **Whereas,** the reopening of bars and tasting rooms has been postponed until further  
14 notice; and

15           **Whereas,** the combined effects of the public health emergency and subsequent public  
16 health measures have significantly affected the economic health of Maine manufacturers  
17 of spirits, wine and malt liquor; and

18           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
19 the meaning of the Constitution of Maine and require the following legislation as  
20 immediately necessary for the preservation of the public peace, health and safety; now,  
21 therefore,

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

23           **Sec. 1. 28-A MRSA §707, sub-§7,** as amended by PL 2019, c. 665, §9, is further  
24 amended to read:

25           **7. Exceptions.** This section does not prohibit:

26           A. A manufacturer or out-of-state wholesaler from extending the usual and customary  
27 credit to a wholesale licensee for the purchase of malt liquor or wine; ~~or~~

28           B. A manufacturer or out-of-state wholesaler from furnishing materials and equipment  
29 for the use of a wholesale licensee or the wholesale licensee's employees, including:

30                   (1) Painting the wholesale licensee's vehicles;

31                   (2) Supplying legal advertising signs used by the wholesale licensee in the course  
32 of the wholesale licensee's business; and

33                   (3) Supplying uniforms for the employees of the wholesale licensee; ~~or~~

34           C. A manufacturer licensed under section 1355-A from selling and shipping its  
35 products to an individual in another state for personal use and not for resale, as long as  
36 the sale and shipment are authorized by and conducted in accordance with the  
37 requirements of the law of the state where the shipment is delivered.

38           **Sec. 2. 28-A MRSA §1357** is enacted to read:

39 **§1357. Sales to persons in another state**

