

§2073-C. Importation of malt liquor, wine or low-alcohol spirits products

1. Prohibition. Except as provided in subsection 2, section 1403-A or section 2073-E, a person may not transport malt liquor, wine or low-alcohol spirits products into the State or cause malt liquor, wine or low-alcohol spirits products to be transported into the State.

[PL 2021, c. 658, §269 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport malt liquor, wine or low-alcohol spirits products into the State or cause malt liquor, wine or low-alcohol spirits products to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 400 fluid ounces of malt liquor, up to 4 liters of wine and up to 4 liters of low-alcohol spirits products for the individual's personal use. [PL 2021, c. 658, §269 (NEW).]

B. Upon application, the bureau may grant a permit to an individual authorizing the individual to transport into and within the State more than 400 fluid ounces of malt liquor, more than 4 liters of wine or more than 4 liters of low-alcohol spirits products for the individual's personal use. [PL 2021, c. 658, §269 (NEW).]

C. A licensed in-state small brewery, a licensed in-state small winery and a wholesale licensee may transport malt liquor or wine into the State or may cause malt liquor or wine to be transported into the State by an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval, an out-of-state wholesaler that has been issued a certificate of approval or a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of malt liquor or wine transported into the State in accordance with this paragraph must be accompanied by an invoice that includes the purchase number and the names of the sender and the licensed in-state small brewery, licensed in-state small winery or wholesale licensee that is the intended recipient of the malt liquor or wine. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

3. Penalties. The following penalties apply to violations of this section.

A. A person that transports into the State or that causes to be transported into the State a quantity of less than 1,300 fluid ounces of malt liquor, less than 40 liters of wine or less than 40 liters of low-alcohol spirits products in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2021, c. 658, §269 (NEW).]

B. A person that transports into the State or that causes to be transported into the State a quantity of 1,300 or more fluid ounces of malt liquor, 40 or more liters of wine or 40 or more liters of low-alcohol spirits products in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

4. Evidence. The possession of more than 800 fluid ounces of malt liquor, more than 8 liters of wine or more than 8 liters of low-alcohol spirits products in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.

[PL 2021, c. 658, §269 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order malt liquor, wine or low-alcohol spirits products transported or caused to be transported into the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §269 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §269 (NEW).]
[PL 2021, c. 658, §269 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §269 (NEW).

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