

§6-A. Approval and registration of labels

1. Federal approval required; exception. A person may not import to the State, export from the State or sell in the State malt liquor, wine, hard cider or a low-alcohol spirits product unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is imported, exported or sold bears a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. This subsection does not apply to malt liquor, wine, hard cider or a low-alcohol spirits product that is manufactured in the State and is not distributed, shipped, delivered or sold in interstate commerce.

[PL 2019, c. 46, §2 (NEW).]

2. Bureau registration required; exceptions. Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph B or I; [PL 2023, c. 197, §1 (AMD).]

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee; or [PL 2023, c. 197, §1 (AMD).]

C. Malt liquor, wine, hard cider or a low-alcohol spirits product sold by the manufacturer bearing a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. A manufacturer seeking an exception under this paragraph shall provide the bureau with notice of all products sold by that manufacturer in this State that meet the requirements of this paragraph. [PL 2023, c. 197, §1 (NEW).]

[PL 2023, c. 197, §1 (AMD).]

2-A. Criteria for label registration. Bureau review and approval of label registration is limited to whether the submitted label conforms to the regulations adopted by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau and the following criteria:

A. The label does not contain any statement, design, device or representation that:

(1) To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;

(2) Depicts or describes, in an offensive manner, sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value; and [PL 2023, c. 219, §1 (NEW).]

B. The label does not contain a subject matter or an illustration that targets minors. [PL 2023, c. 219, §1 (NEW).]

[PL 2023, c. 219, §1 (NEW).]

3. Fees. The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration or notice under subsection 2, paragraph C is \$10. [PL 2023, c. 197, §2 (AMD).]

B. The fee for changing a label registration or notice under subsection 2, paragraph C is \$1. [PL 2023, c. 197, §2 (AMD).]

C. The annual renewal fee is \$1 for each registered label or notice under subsection 2, paragraph C. Renewal of a label registration or notice under subsection 2, paragraph C must coincide with renewal of the relevant license or certificate of approval. [PL 2023, c. 197, §2 (AMD).]

[PL 2023, c. 197, §2 (AMD).]

4. Rulemaking. The bureau shall adopt rules, consistent with the regulations promulgated by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau pursuant to the Federal Alcohol Administration Act, 27 United States Code, Section 205(e), establishing the requirements for registration of a malt liquor, wine, hard cider or low-alcohol spirits product label and for changing a label registration.

[PL 2019, c. 46, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 46, §2 (NEW). PL 2021, c. 658, §42 (AMD). PL 2023, c. 197, §§1, 2 (AMD). PL 2023, c. 219, §1 (AMD).

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