

§2073-A. Importation of spirits

1. Prohibition. Except as provided in subsection 2 and section 2073-E, a person other than the bureau may not transport spirits into the State or cause spirits to be transported into the State. [PL 2021, c. 658, §267 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport spirits into the State or cause spirits to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 4 liters of spirits for the individual's personal use. [PL 2021, c. 658, §267 (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 4 liters of spirits for the individual's personal use. [PL 2021, c. 658, §267 (NEW).]

C. An out-of-state spirits supplier may transport spirits into the State or may cause spirits to be transported into the State by a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of spirits 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 intended recipient of the spirits, who must be authorized to receive spirits imports under section 2073-B, subsection 2, paragraph B. [PL 2021, c. 658, §267 (NEW).]
[PL 2021, c. 658, §267 (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 40 liters of spirits 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, §267 (NEW).]

B. A person that transports into the State or that causes to be transported into the State a quantity of 40 or more liters of spirits 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, §267 (NEW).]

[PL 2021, c. 658, §267 (NEW).]

4. Evidence. The possession of more than 8 liters of spirits 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, §267 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order spirits 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, §267 (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, §267 (NEW).]

[PL 2021, c. 658, §267 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §267 (NEW).

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