

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 388, L.D. 562, Bill, "An Act Regarding Local Option Questions on the Sale of Beer and Wine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 28-A MRSA §123, sub-§2, as repealed and replaced by PL 1987, c. 342, §18, is amended to read:

2. Sale of liquor for consumption off the premises on days other than Sunday. Shall this municipality authorize the State Liquor Commission to permit the operation of state liquor stores and agency liquor stores and ~~to issue licenses for the sale of liquor to be consumed off the premises of licensed establishments~~ on days other than Sunday?

Sec. 2. 28-A MRSA §123, sub-§2-A is enacted to read:

2-A. Sale of malt liquor and wine for consumption off the premises on days other than Sunday. Shall this municipality authorize the State Liquor Commission to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on days other than Sunday?

Sec. 3. 28-A MRSA §123, sub-§4, as repealed and replaced by PL 1987, c. 342, §18, is amended to read:

4. Sale of liquor for consumption off the premises on Sundays. Shall this municipality authorize the State Liquor Commission to permit the operation of state liquor stores and agency liquor stores and ~~to issue licenses for the sale of liquor to be consumed off the premises of licensed establishments~~ on Sundays?

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Sec. 4. 28-A MRSA §123, sub-§4-A is enacted to read:

4-A. Sale of malt liquor and wine for consumption off the premises on Sundays. Shall this municipality authorize the State Liquor Commission to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on Sundays?

Sec. 5. 28-A MRSA §124, sub-§4, as amended by PL 1987, c. 623, §5, is further amended to read:

4. ~~Repeal or reconsideration.~~ When a municipality or unincorporated place has voted to accept or reject any local option question, the vote is effective until repealed by a new petition and vote as required by section 121 or 122. A negative vote on a question repeals existing privileges only if the petition clearly indicates an intent that it do so. No local option vote may be taken on the same question more than once in any one-year period.'

STATEMENT OF FACT

This amendment makes the 2 new local option questions parallel by making both apply to malt liquor and wine sales and deletes the reference to malt liquor and wine sales in the existing questions regarding off-premise sales. The amendment also clarifies the effect of a negative vote on the malt liquor and wine questions. If a municipality has already voted for authority for all off-premise sales but votes in the negative on the malt liquor and wine question, the authority granted by the earlier vote for malt liquor and wine sales is invalidated only if the petition shows a clear intent to invalidate the existing privilege.

Reported by the Committee on Legal Affairs
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