



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 708

H.P. 517

House of Representatives, February 4, 1997

An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester. Cosponsored by Senator KILKELLY of Lincoln and Representatives: BUCK of Yarmouth, KERR of Old Orchard Beach, LEMAIRE of Lewiston, MITCHELL of Vassalboro, O'NEAL of Limestone, Senators: BENNETT of Oxford, TREAT of Kennebec.

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

Sec. 1. 8 MRSA §376, sub-§1, ¶E, as enacted by PL 1987, c. 505, §2, is amended to read:

- E. Insufficiency of the number of tickets sold by the sales agent except when, pursuant to a filing under subsection
 1-A, the commission determines that the suspension or revocation of the license disadvantages the small
 independent business in the competitive market within the geographic are served; or
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Sec. 2. 8 MRSA §376, sub-§§1-A, 3 and 4 are enacted to read:

1-A. Notice: filing statement by licensee. An agent whose license is recommended for suspension or revocation by the director pursuant to subsection 1. paragraph E or F or is otherwise subject to suspension or revocation pursuant to subsection 1. paragraph E or F must be immediately notified of the director's recommendation and given the opportunity to file within 15 days of the mailing of such notification a statement in opposition of the director's recommendation.

24 3. Appeals. A licensee aggrieved by a decision of the commission may appeal the commission's decision by filing a 26 complaint with the Administrative Court and serving a copy of the complaint upon the commission. The complaint must be filed and 28 served within 30 days of the mailing of the commission's decision.

 30 4. Rules. The commission may adopt rules necessary to implement the provisions of this section. Rules adopted under
 32 this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

SUMMARY

38 requires that an agent whose This billlicense is recommended for suspension or revocation by the Director of 40 Alcoholic Beverages and Lottery Operations be immediately notified of the recommendation and given the opportunity to file 42 within 15 days a statement in opposition to the director's recommendation.

The bill also allows the State Lottery Commission to consider the impact that suspension or revocation of the license would have within the geographic area served, specifies the procedure for appealing the commission's decision and authorizes the commissioner to adopt rules necessary to implement the provision governing suspension and revocation of licenses.