

# MAINE STATE LEGISLATURE

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L.D. 779

Date: 6/2/15

(Filing No. S-159)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 277, L.D. 779, Bill, "An Act To Increase the Minimum Population Requirement for a Municipality in Which the Bureau of Alcoholic Beverages and Lottery Operations May Locate an Additional Agency Liquor Store"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 28-A MRSA §453, sub-§2-A, as amended by PL 2013, c. 253, §1, is further amended to read:

2-A. Limitation on number of agency liquor stores. Beginning July 1, 2009, the bureau may license up to 10 agency liquor stores in a municipality with a population over 50,000; up to 8 agency liquor stores in a municipality with a population over 20,000 but less than 50,001; up to 5 agency liquor stores in a municipality with a population of at least 10,001 but less than 20,001; up to 4 agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; and up to 3 agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001. ~~In addition, the bureau may establish; and~~ one agency liquor store in a municipality where the population is less than 2,000. The bureau may issue one additional liquor store license beyond those otherwise authorized by this subsection in a municipality with a population of less than 10,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store ~~location~~ license.

Nothing in this subsection may be construed to reduce the number of agency stores the bureau may license in a municipality as of June 30, 2009.

Sec. 2. 28-A MRSA §453, sub-§2-D, as enacted by PL 2013, c. 269, Pt. A, §6, is amended to read:

2-D. Exception. If a retailer that is located in this State and has at least 5 locations licensed as an agency liquor store is sold or ownership is transferred to another company that will assume operation of some or all of the retailer's stores and that company submits

COMMITTEE AMENDMENT

ROFS

1 an application for an agency liquor store license at some or all of those stores, the bureau  
2 may waive the requirement of subsection 2-C, paragraph A. The bureau may provide this  
3 waiver only if the applicant has held a license in another state to sell malt liquor and wine  
4 or spirits at retail for off-premises consumption, for at least one year prior to submitting  
5 the application, without a violation of the laws governing the sale of alcoholic beverages  
6 in that state and can provide the bureau with documentation of financial success as  
7 determined by the bureau. The bureau may not provide this waiver when issuing an  
8 additional liquor store license in a municipality with a population of less than 10,000  
9 beyond the limit on the number of agency liquor stores authorized under subsection 2-A.'

10

**SUMMARY**

11 This amendment clarifies that the Department of Administrative and Financial  
12 Services, Bureau of Alcoholic Beverages and Lottery Operations may license one agency  
13 liquor store in a municipality with a population of less than 2,000. This amendment also  
14 authorizes the bureau to issue one additional liquor store license in a municipality with a  
15 population of less than 10,000, instead of 5,000 as in the bill, and to consider the impact  
16 of seasonal population or tourism when determining whether to issue the additional  
17 license. Finally, this amendment specifies that a waiver from time requirements does not  
18 apply to certain applicants for an additional liquor store license in a municipality that  
19 already has the authorized number of liquor store licenses.

FISCAL NOTE REQUIRED  
(See Attached)



Approved: 05/24/15 *MDC*

# 127th MAINE LEGISLATURE

LD 779

LR 984(02)

**An Act To Increase the Minimum Population Requirement for a Municipality in Which the Bureau of Alcoholic Beverages and Lottery Operations May Locate an Additional Agency Liquor Store**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-159)**

**Committee: Veterans and Legal Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor revenue increase - General Fund

Minor revenue increase - State Alcoholic Beverage Fund

### Fiscal Detail and Notes

Any additional revenue to the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services from allowing the issuance of one additional agency liquor store license in municipalities with a population of less than 10,000 is expected to be minor.