

MAINE STATE LEGISLATURE

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L.D. 1357

Date: 5/2/19 Minority

(Filing No. H-201)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 979, L.D. 1357, Bill, "An Act Regarding State Licensure for the Sale of Spirits for Off-premises Consumption"

Amend the bill by inserting after section 3 the following:

'Sec. 4. 28-A MRSA §453-A, sub-§5, as amended by PL 2005, c. 596, §1, is further amended to read:

5. Licensing decisions. The bureau shall conduct an investigation to determine the feasibility of the location and type of facility for the agency liquor store and ~~shall~~ may issue the license to one or more of the applicants, taking into consideration the absence of an existing agency liquor store with less than 3,000 square feet of retail space in a downtown location and any other factors the bureau considers appropriate. The bureau is not required to consider the availability of parking spaces for motor vehicles for the issuance of an agency liquor store license to a store with less than 3,000 square feet of retail space in a downtown location. When considering the issuance of a license, the bureau shall consider the proximity of the proposed agency store to existing agency stores and the potential impact the location of the proposed agency store may have on an existing agency store. The bureau may deny a license if the bureau determines the proposed agency store location is in too close proximity to an existing agency store. For purposes of this subsection, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A.'

SUMMARY

This amendment, which is the minority report of the committee, clarifies that when the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations gives public notice that any agency liquor store may be

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 979, L.D. 1357

1 established in a particular municipality or unincorporated place, the bureau has discretion
2 to not issue a license if, for example, the bureau determines that no applicant meets the
3 criteria for licensure.

4 **FISCAL NOTE REQUIRED**

5 (See attached)



Approved: 04/27/19 *MAC*

129th MAINE LEGISLATURE

LD 1357

LR 1869(02)

An Act Regarding State Licensure for the Sale of Spirits for Off-premises Consumption

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-201)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - General Fund

Fiscal Detail and Notes

This bill changes the methodology for determining the number of agency liquor stores in a municipality from being determined by population to being determined by the municipality, places ownership limits on applications for agency liquor stores and allows the Bureau of Alcoholic Beverages and Lottery Operations (BABLO) the option of not issuing a license if certain criteria are not met. The removal of a population-based limit on agency liquor stores in a municipality may generate additional General Fund revenue. However, because the number of new licenses issued is dependent upon the number of agency liquor stores authorized by a municipality, no estimate of additional revenue is made at this time.