

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1352

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H. P. 1072

House of Representatives, March 24, 1975

Referred to Committee on Liquor Control. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Permit Payment of Fines by Offers in Compromise From Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension.**

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

28 MRSA § 401, sub-§ 6 is enacted to read:

6. Offer in compromise. Notwithstanding any other provisions of this Title, the Administrative Court Judge may accept from any beer or wine wholesale licensee or holder of a certificate of approval under this Title an offer in compromise in lieu of suspension of any license or certificate of approval suspended by the Administrative Court Judge. A wholesale licensee or holder of a certificate of approval may petition the Administrative Court Judge to accept such an offer in compromise within 10 days following receipt of notice of such suspension. The fine in lieu of suspension, when an offer in compromise is accepted by the Administrative Court Judge, shall be calculated in accordance with the following formula: Fifty percent of the per diem gross profit multiplied by the number of license suspension days. Per diem gross profit shall be determined to be  $\frac{1}{30}$  of the total gross receipts from the sale of alcoholic beverages during the 30 business days immediately preceding the date of receipt of the notice of such license suspension, less the invoiced cost of the alcoholic beverages which were sold by the wholesale licensee or holder of a certificate of approval during said period of 30 business days. No such fine, in any event, shall be less than \$75 for each day of license suspension. All such fines shall be paid to the Administrative Court within 5 days from the date of the acceptance of the offer in compromise. The Administrative Court Judge, in turn, shall pay said fines into the General Fund of the State Treasury. In the event that a wholesale li-

**ensee or holder of a certificate of approval fails to pay such fine in full within the time period allowed in this section, the suspension of license or certificate of approval shall commence on the following day.**

#### STATEMENT OF FACT

The purpose of this Act is to permit the Administrative Court Judge to levy fines in lieu of suspension.