

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-932)
FIRST SPECIAL SESSION
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1892, L.D. 2072, Bill,
"AN ACT to Permit a Manufacturer of Alcoholic Beverages to be a
Stockholder in a Corporation which is a Licensee."

Amend said Bill by inserting before the enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted as
emergencies; and

Whereas, manufacturers and wholesalers of alcoholic beverages
in the State of Maine can provide substantial economic assistance
to retail liquor establishments in financial distress; and

Whereas, the entrance of Maine manufacturers and wholesalers
of alcoholic beverages into the retail liquor market on a limited
basis can stimulate the state economy; and

Whereas, regulation and limitation of the number of retail
establishments owned in whole or in part by Maine liquor manufacturers
and wholesalers will protect other retail licensees; and

Whereas, an opportunity has arisen for a Maine manufacturer
of liquor to purchase an enterprise with a retail liquor facility;
and

Whereas, this venture will have a significant impact upon
the economy of the State; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of Maine
and require the following legislation as immediately necessary
for the preservation of the public peace, health and safety; now,
therefore, '

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. 28 MRSA §304, 2nd sentence, is amended to read:

† Except as herein provided, it shall be unlawful for any licensee or any applicant for license, directly or indirectly, to receive any money, credit, thing of value, indorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person, association or corporation within or without the State, if such person, association or corporation shall be engaged, directly or indirectly, in the manufacture, distribution, sale, storage or transportation of liquor; or if such person, association or corporation shall be engaged in the manufacture, distribution, sale or transportation of any commodity, equipment, material or advertisement used in connection with the manufacture, distribution, sale, storage or transportation of liquor.

Sec. 2. 28 MRSA §304, 3rd sentence, as amended by PL 1969, c. 360, §12, is repealed and the following enacted in place thereof:

No Maine retail liquor licensee shall have any interest, direct or indirect, in more than one Maine manufacturer's or wholesaler's license or certificate of approval issued to an out-of-state manufacturer or foreign wholesaler of malt liquor or table wine; and no out-of-state manufacturer or foreign wholesaler having a state certificate of approval shall have any interest, direct or indirect, in any state retail liquor license; and no state wholesale or manufacturing licensee shall have an interest, direct or indirect, in more than one retail liquor license.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

The intent of this amendment is to limit manufacturers and wholesalers of liquor in Maine to one licensed retail liquor establishment in the State. This amendment allows both manufacturers and wholesalers of alcoholic beverages to enter the retail sector of the liquor market on a limited basis.

Reported by the Majority of the Committee on Liquor Control.

Reproduced and distributed under the direction of the Clerk of the House.
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