

# MAINE STATE LEGISLATURE

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(Filing No. S-46)

STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 180, L.D. 458, Bill, "AN ACT Providing Due Process when the State Liquor Commission Designates a Location for a State Liquor Store."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'28 MRSA §151-A is enacted to read:

§151-A. Notice on locating state retail stores

1. Notice. At least 30 days prior to designating the location or <sup>relocation</sup> / of a state retail liquor store, the commission shall notify in writing the municipal officers of:

A. The municipality in which the store is presently located; and

B. The municipality in which it is proposed to locate or relocate the store.

2. Notice to lessor. If the commission intends to terminate or not renew a lease or contract for occupancy of a building for a state retail liquor store, it shall notify, in writing, the lessor of that intention. Notice shall be given:

A. Within the time limits required by the lease or contract for the lessor to notify the commissioner of his intention to terminate or not renew; or

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B. If there is no lease or contract provision establishing the time period for the lessor to notify the commission, at least 30 days prior to the termination or nonrenewal.

3. Hearing. If requested by the notified municipal officers, the commission shall hold a public hearing in the affected municipality at least 10 days prior to designating that location or relocation.

4. Exception for certain leases. If the commission's occupancy of a store location is terminated under a lease or contract in a manner that prevents compliance with subsection 1 or 3, the commission shall immediately notify the municipal officers of that termination, and shall hold a hearing, if requested, within a reasonable time before designating a new location.

5. Findings. The designation of a location for a state retail liquor store shall be in writing and shall contain findings of fact supporting the designation.'

Statement of Fact

The purpose of this amendment is to clarify the provisions of the bill. The amendment clearly limits the notice and hearing requirements to locations or relocations of state retail liquor stores. It requires notification only to municipal officers rather than <sup>by</sup> newspaper notice. It also requires a hearing

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only if that is requested by those officers. Finally, it provides an exception to the time limits if the commission cannot comply with them because a lease or contract has been terminated with a shorter notice period.

Reported by the Committee on Legal Affairs.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 13, 1981

(Filing No. S-46)