

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1549

6
7 S.P. 526

In Senate, May 3, 1983

8 Referred to the Committee on Appropriations and Financial Affairs. Sent
9 down for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Najarian of Cumberland.

Cosponsors: Representative McCollister of Canton, Representative
11 Lehoux of Biddeford and Senator Brown of Washington.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Restructure State
18 Involvement in Liquor Sales and
19 Enforcement.
20

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

23 Sec. 1. 28 MRSA §53, as enacted by PL 1981, c.
24 366, §§1 and 2, is amended to read:

25 §53. Powers of the State Liquor Commission

26 The State Liquor Commission shall establish the
27 policy, and rules and ~~regulations~~ pertaining to the
28 administration and enforcement of the liquor laws.
29 The commission shall have the following powers and
30 duties:

31 1. Supervision of the Bureau of Alcoholic Bever-
32 ages. To supervise and direct the Director of the
33 Bureau of Alcoholic Beverages relating to all phases

1 of the merchandising of liquor through state stores
2 and special agency stores-;

3 2. General supervision; rules. To have general
4 supervision of manufacturing, importing, storing,
5 transporting and sale of all liquors and to make such
6 rules and regulations as they deem necessary for such
7 purposes and to make rules and regulations for the
8 administration, clarification, carrying out, enforc-
9 ing and preventing violation of all laws pertaining
10 to liquor, which rules and regulations shall have the
11 force and effect of law, unless and until set aside
12 by some court of competent jurisdiction or revoked by
13 the commission-;

14 3. Rules. To adopt rules, and requirements and
15 regulations not inconsistent with this Title or other
16 laws of the State, the observance of which shall be
17 conditions precedent to the granting of any license
18 to sell liquor, including malt liquor or table wine.
19 In issuing or renewing licenses, consideration shall
20 be given to the character of any applicant, the loca-
21 tion of the place of business, the manner in which it
22 has been operated and to whether the operation has
23 endangered the safety of persons in or on areas sur-
24 rounding the place of business. The commission, the
25 municipal officers or county commissioners, as the
26 case may be, may refuse to issue licenses to corpora-
27 tions when any of its officers, directors or stock-
28 holders do not possess the qualifications required of
29 unincorporated persons under this section-;

30 4. Purchase, transportation and sale of alcohol.
31 To have control and supervision of the wholesale pur-
32 chase, importation, transportation and sale of alco-
33 hol by manufacturers, retail licensees and licensed
34 establishments; and to make rules and regulations for
35 such purchase, importation, transportation and sale
36 of same to any industrial establishment in this State
37 for industrial uses, or schools, colleges and state
38 institutions for laboratory use only, or to hospitals
39 for medicinal use therein only, or to any licensed
40 pharmacist in this State for use in the compounding
41 of prescriptions and other medicinal use but not for
42 sale by such pharmacists unless compounded with or
43 mixed with other substances, or to any physician,
44 surgeon, osteopath, chiropractor, optometrist, den-
45 tist or veterinarian for medicinal use only-;

1 5. Wine and spirits for sale. To buy and have in
2 their possession wine, except table wine, and spirits
3 for sale to the public and to retail licensees. Such
4 wine and spirits shall be purchased by the commission
5 directly and not through the State Purchasing Agent
6 and shall be free from adulteration and misbranding.
7 The commission shall in ~~their~~ its purchases of liq-
8 uors give priority, wherever feasible, to those prod-
9 ucts manufactured or bottled in this State.;

10 6. Notice to delist or stop purchases. Before
11 any item listed by the commission is discontinued or
12 delisted or before the commission issues any order to
13 stop purchases of any item listed, they shall give
14 the vendor of such items reasonable notice in writing
15 of their intention to so delist or stop purchase of
16 such items.;

17 7. Sell at retail. To sell at retail in state
18 stores in original packages and for cash, either over
19 the counter or by shipment to points within the
20 State, wine, except table wine, and spirits of all
21 kinds for consumption off the premises at state
22 stores to be operated under the direction of the com-
23 mission. Wholesale merchandising. To set uniform
24 statewide prices for all items listed for sale to
25 retail licensees and licensed establishments, which
26 prices shall incorporate the costs to the Bureau of
27 Alcoholic Beverages of transporting liquor and wine,
28 except table wine, to the premises of retail licen-
29 sees;

30 8. Licensing. To issue and renew all licenses
31 when provided for by this Title and to hold hearings
32 thereon. Prospective licensees who have been granted
33 a license, effective at a future date, may, on
34 approval of the commission, order liquor in advance
35 of the effective date of the license and may adver-
36 tise such effective date.;

37 9. Prevent sale to minors and others. To prevent
38 the sale by licensees of wine and spirits to minors
39 persons under the age of 20 years, persons under the
40 influence of liquor or to an interdicted person.;

41 10. Act as review board. To act as a review
42 board and on all appeals from the decisions of munic-

1 ipal officers; and, except as provided by section
2 403, the decisions of the commission shall be final.
3 All decisions of the commission acting as a review
4 board must be approved by at least 2 members; ;

5 11. Hearings. A single commissioner may conduct
6 hearings in any matter pending before the commission.
7 He shall, after holding the hearing, file with the
8 commission all papers connected with the case, a
9 transcript of all the testimony and a report of his
10 findings. The commission shall review the evidence
11 and examine all papers and the findings of the single
12 commissioner before rendering their decision; ;

13 12. Oaths; subpoenas; witnesses. Any member of
14 the commission may administer oaths and issue subpoe-
15 nas for witnesses and subpoenas duces tecum to compel
16 the production of books and papers relating to any
17 question in dispute before them or to any matter
18 involved in a hearing. Witness fees in all proceed-
19 ings shall be the same as for witnesses before the
20 Superior Court. Whoever, having been summoned as a
21 witness by any member of the commission to appear
22 before the commission, without reasonable cause fails
23 to appear at the time and place designated in the
24 subpoena or summons shall be punished, on complaint
25 or indictment, by a fine of not more than \$100 or by
26 imprisonment for less than one year; ; and

27 13. Food servicing organizations. To adopt
28 rules; and requirements and regulations permitting
29 food servicing organizations catering to passengers
30 on international flights to purchase wine and malt
31 beverages from wholesale outlets or distributors,
32 providing such wine and malt beverages are resold for
33 consumption during international travel.

34 Food servicing organizations shall include ship
35 chandlers, provided the malt beverages and table
36 wines are resold to vessels of foreign registry for
37 consumption after those vessels have left port.

38 Food servicing organizations shall not be subject to
39 section 2, subsection 14.

40 Sec. 2. 28 M RSA §56, as amended by PL 1981, c.
41 607, §§1 and 2, is further amended to read:

1 §56. Working capital

2 The net profits of the commission shall be gen-
3 eral revenue of the State. The commission is author-
4 ized to keep and have on hand a stock of wines,
5 except table wines, and spirits for sale to retail
6 licensees, the value of which, ~~when priced for~~
7 ~~resale~~, shall be computed on less carload price quo-
8 tations F.O.B. warehouse filed by liquor and wine
9 vendors. The commission is authorized to make retail
10 sales to the public of spirits and wines, except
11 table wines, from one special discount state store at
12 a price established in accordance with section 451.
13 The inventory value shall be based upon actual cost
14 for which payment may be due and shall not at any
15 time exceed the amount of working capital authorized.
16 Wines and spirits shall not be considered in the
17 inventory until payment has been made therefor. The
18 maximum permanent working capital of the commission
19 is established at \$5,000,000 and permanent advances
20 up to this amount may be authorized by the Governor
21 upon recommendation of the commission with the
22 approval of the Commissioner of Finance and Adminis-
23 tration. The permanent working capital of the commis-
24 sion may be supplemented by temporary loans from
25 other state funds upon recommendation of the commis-
26 sion and by approval of the Commissioner of Finance
27 and Administration and the Governor.

28 At the end of each fiscal year, the State Con-
29 troller is authorized to transfer from the Unappropri-
30 ated Surplus of the General Fund an amount not to
31 exceed the excess of the actual revenues received
32 over the budgeted estimated revenues resulting from
33 the sales of alcoholic beverages until the total
34 working capital advance of \$5,000,000 is achieved.
35 Notwithstanding this section, the total General Fund
36 revenues from all sources must exceed the budgeted
37 estimated revenues each year by at least the excess
38 revenues produced by the sale of alcoholic beverages
39 for this transfer to be implemented.

40 Sec. 3. 28 MRSA §59, as repealed and replaced by
41 PL 1977, c. 86, is repealed.

42 Sec. 4. 28 MRSA §101, sub-§1, as repealed and
43 replaced by PL 1977, c. 630, §2, is repealed as fol-
44 lows:

1 1- Shall state stores for the sale of liquor be
2 operated by permission of the State Liquor Commission
3 in this city or town? (State Liquor Store)

4 Sec. 5. 28 MRS §101, sub-§§2 and 5, as repealed
5 and replaced by PL 1977, c. 630, §2, are amended to
6 read:

7 2. Shall licenses be granted by the State Liquor
8 Commission in this city or town for the sale herein
9 of spirituous and vinous liquor to be consumed on the
10 premises of establishments qualified to sell spiritu-
11 ous and vinous liquor for consumption on the prem-
12 ises?

13 5. Shall state stores and special agency stores
14 for the sale of liquor be operated by permission of
15 the State Liquor Commission in this city, or town on
16 Sunday? (State Liquor Store)

17 Sec. 6. 28 MRS §151 is amended to read:

18 §151. Location of facilities

19 The commission is authorized to lease and equip
20 in the name of the State, such stores, warehouses and
21 other merchandising facilities for the sale wholesale
22 marketing of liquor to retail licensees and for
23 retail sales from one special discount store under
24 section 56 as are necessary to carry out this Title
25 but any lease or contract made pursuant hereto shall
26 be approved by the Attorney General before becoming
27 effective. The state warehouses and wholesale stores
28 shall be located in places designated by the commis-
29 sion. Leases may be for seasonal occupancy. All
30 leases for state stores with the exception of the
31 special discount store shall be terminated by January
32 1, 1984, subject to section 151-B.

33 Sec. 7. 28 MRS §151-A, as enacted by PL 1981,
34 c. 128, is repealed.

35 Sec. 8. 28 MRS §151-B is enacted to read:

36 §151-B. Notice prior to terminating state store
37 leases

1 1. Notice. At least 30 days prior to terminat-
2 ing a lease for a state store under section 151, the
3 commission shall notify in writing:

4 A. The municipal officers of the affected munic-
5 ipality; and

6 B. The lessor.

7 2. Contents of notice. The notice shall identi-
8 fy the expected date for termination of the lease
9 and shall conform to any contract requirements in the
10 lease not inconsistent with the requirements of this
11 section.

12 Sec. 9. 28 MRSA §153, as amended by PL 1981, c.
13 555, is repealed.

14 Sec. 10. 28 MRSA §153-A is enacted to read:

15 §153-A. Special agency stores

16 The State Liquor Commission may license and regu-
17 late, in cities, towns, plantations and unorganized
18 territories which have voted in favor of granting
19 retail licenses for the sale of liquor and wine under
20 local option provisions and where there are no state
21 stores, retailers as special agency stores on an
22 annual, seasonal or temporary basis for the purpose
23 of selling liquor in sealed bottles, containers or
24 original packages for consumption off the premises.
25 The liquor shall be sold by the commission to the
26 agency stores pursuant to section 204.

27 1. Fees for agency store retail licenses. The
28 fee for a full-year license for the retail sale of
29 liquor and wine, except table wine, shall be \$1,200.
30 The fee for a seasonal license for the retail sale of
31 liquor and wine, except table wine, shall be \$600.
32 The fee for a temporary license for the retail sale
33 of liquor and wine, except table wine, shall be pro-
34 rated at the rate of \$100 per month of the license
35 period. Applications for agency store retail
36 licenses shall be to the provisions of sections 201
37 to 203.

1 2. Rules for selection and operation. The State
2 Liquor Commission shall establish rules for the se-
3 lection and operation of the agency retail stores.
4 These rules shall include, but are not limited to,
5 the location of the agency retail store, storage
6 facilities for alcoholic beverages, handling and sale
7 of alcoholic beverages, hours of operation, segrega-
8 tion of intoxicating liquors from other goods in the
9 agency stores, size and nature of the facilities of
10 agency stores for different quantities of intoxicat-
11 ing beverages to be sold, and any other rules that
12 the commission deems necessary to carry out the pur-
13 poses of this section, provided that the commission
14 shall have no authority to regulate retail prices set
15 by agency retail stores.

16 3. Notice; investigation. The State Liquor Com-
17 mission shall, in accordance with Title 5, section
18 2351, give public notice that an agency retail store
19 may be established in a particular city, town or
20 unorganized territory. The commission shall request
21 all interested parties in the city, town, plantation
22 or unorganized territory to notify the commission in
23 regard to the establishment of each such agency
24 retail store. The commission shall provide all
25 applicants with the necessary information for the
26 establishment of an agency retail store. Upon
27 receipt of all applications for an agency store in a
28 municipality or plantation, the commission shall
29 notify the municipal officers of that municipality or
30 plantation of the proposed location of each applicant
31 at least 15 days prior to the final selection of an
32 applicant or applicants by the commission. The com-
33 mission shall conduct an investigation to determine
34 the most feasible location and type of facility for
35 the agency store. Any applicant denied a permit
36 shall be given reasons for the permit refusal.

37 4. Appeal. Any applicant aggrieved by a deci-
38 sion made by the State Liquor Commission may appeal
39 the decision to the Administrative Court by means of
40 filing a complaint with the Administrative Court
41 Judge and serving a copy of the complaint upon the
42 commission, within 15 days of mailing of the decision
43 of the commission by certified mail to the mailing
44 address given by the applicant in his application for
45 a special agency store permit. If any person, firm,

1 corporation or association is aggrieved by the deci-
2 sion of the Administrative Court Judge, he may appeal
3 the decision to the Superior Court in accordance with
4 the Maine Administrative Procedure Act Title 5, chap-
5 ter 375.

6 5. Premises previously occupied by state liquor
7 stores. Any agency store occupying premises previ-
8 ously occupied by a state store shall, within 72
9 hours of opening for business, remove all signs on
10 the premises of that store which identify those prem-
11 ises as a state store.

12 Sec. 11. 28 MRSA §§153-B, 153-C, 153-D and 153-E
13 are enacted to read:

14 §153-B. Applications

15 All applicants for a retail liquor store license
16 shall be required to file applications in such form
17 as the commission requires. All the applications
18 shall be in addition to any other application filed
19 by the applicants with the Bureau of Alcoholic Bever-
20 ages concerning other liquor licensing privileges.

21 §153-C. Eligibility

22 In addition to the eligibility requirement of
23 section 201, the commission may issue a license to
24 operate a retail liquor store to an applicant only
25 upon a finding that the applicant is of sound judg-
26 ment and good character, subscribes to sound business
27 principles and meets all requirements of financial
28 responsibility. For purposes of this chapter, unless
29 otherwise indicated, the term "applicant" means the
30 individual, if a natural person. If the applicant is
31 a partnership, the term "applicant" means each person
32 with an interest therein; if the applicant is a cor-
33 poration, the term "applicant" means the officers or
34 directors thereof or shareholders with a controlling
35 interest therein. In the case of a publicly-owned
36 corporation, "controlling interest" means direct or
37 indirect ownership of more than 50% of the share of
38 the corporation. Finding of any of the following
39 shall be prima facie ground for denial:

1 1. Conviction of crime. Conviction of a Class
2 A, Class B or Class C crime, or any crime of moral
3 turpitude;

4 2. Conviction of violation of tax laws. Convic-
5 tion of any local, state or federal tax law; or

6 3. Career offender. Identification of the
7 applicant or any shareholder, in the case of a corpo-
8 ration, as a career offender or a member of a career
9 offender cartel, or an associate of a career offender
10 or career offender cartel, in such a manner which
11 creates a reasonable belief that the association is
12 of such a nature as to be inimical to the policy of
13 this chapter. For purposes of this section, "career
14 offender" means any person whose behavior is pursued
15 in an occupational manner or context for the purpose
16 of economic gain, utilizing such methods as are
17 deemed criminal violations of the public policy of
18 this State. A "career cartel" means any group of
19 persons who operate together as career offenders.

20 §153-D. Bond required

21 Every retail liquor store licensee shall furnish
22 a bond with a surety to the commission prior to con-
23 ducting any business under the license. The amount
24 of the bond shall be determined by the commission,
25 but may not exceed the amount of \$100,000. The pur-
26 pose of the bond shall be to insure the licensee's
27 financial responsibility and to assure that suffi-
28 cient funds are available to satisfy any penalty
29 assessed under this chapter.

30 If a licensee holds more than one license, the
31 commission may determine that only one bond be re-
32 quired, provided that it covers all of the licensed
33 operations of the licensee.

34 §153-E. Issuance of licenses

35 Licenses for sale and distribution of wine,
36 except table wine, and spirits in retail liquor
37 stores may be issued by the commission upon applica-
38 tion and under such regulations as the commission may
39 prescribe. No person licensed under this section may
40 sell any liquor for consumption on the premises where
41 sold.

1 Licenses in an unincorporated place, where no
2 local option vote is taken under section 103, shall
3 require the approval of the majority of the county
4 commissioners of the county.

5 Any license issued by the commission shall apply
6 only to the applicant and the premises designated on
7 the application, unless transferred pursuant to
8 section 203, subsection 1.

9 Sec. 12. 28 MRS §154, first ¶, as repealed and
10 replaced by PL 1975, c. 741, §11, is amended to read:

11 State retail liquor stores and state agency
12 Agency stores may be open for the sale and delivery
13 of liquor between the hours of 9 a.m. and midnight in
14 municipalities, plantations and unincorporated places
15 which have voted affirmatively on section 101, sub-
16 section 1. The State Liquor Commission shall estab-
17 lish the hours of operation of each state retail liq-
18 uer store and state agency store.

19 Sec. 13. 28 MRS §155 is amended to read:

20 §155. Sales to minors or intoxicated persons

21 No sales shall may be made in any state or agency
22 stores store to minors persons under the age of 20
23 years or persons under the influence of liquor.

24 Sec. 14. 28 MRS §156, as amended by PL 1969, c.
25 500, §6, is repealed.

26 Sec. 15. 28 MRS §204, first ¶, as amended by PL
27 1981, c. 454, §7, is further amended to read:

28 All persons, except public service corporations
29 operating interstate, licensed to sell spirituous or
30 vinous liquor, except table wine, shall purchase all
31 such liquor from the commission. The commission
32 shall sell to the public and to such these licensees
33 spirituous and vinous liquor, except table wine, for
34 a price of 10% less than the retail price established
35 for the state retail store where the purchase is made
36 provided that such discount shall not apply to fed-
37 eral taxes levied on and after November 1, 1941 at
38 uniform prices to be set by the commission which

1 shall be approved by the Governor. The commission
2 may sell spirituous and vinous liquor, except table
3 wine, to approved government instrumentalities within
4 the State at a price to be set by the commission
5 which shall be approved by the Governor. The commis-
6 sion may sell spirituous and vinous liquor not for
7 consumption within the State to airlines and ferry
8 services or their agents as authorized by the ~~Liquor~~
9 ~~Commission~~ commission at a price to be set by the
10 commission which shall be approved by the Governor.
11 Nothing in this section may be construed to permit
12 the commission to sell spirituous and vinous liquor
13 without collecting the entire premium assessed under
14 chapter 12.

15 Sec. 16. 28 MRSA §451, as amended by PL 1979, c.
16 307, is further amended to read:

17 §451. Consumers' tax

18 All spirits and wines, except table wines, shall
19 be sold by the commission at a price to be determined
20 by the commission which will produce a state liquor
21 tax of not less than 75% based on the less carload
22 cost F.O.B., State Liquor Commission warehouse, and
23 in addition thereto there shall be levied and imposed
24 an excise tax of 75¢ per gallon, or its metric
25 equivalent, on wines containing more than 14% alcohol
26 by volume; except that spirits and wines sold at
27 wholesale under section 204 may be sold at wholesale
28 prices established pursuant to the provisions
29 thereof. Prices for sale of spirits and wines bought
30 by the commission from Maine licensees to manufacture
31 liquor under section 501 shall be based on minimum
32 truck load delivery prices F.O.B. warehouse as the
33 same are filed with the Public Utilities Commission.
34 Special orders by the commission for unstocked mer-
35 chandise shall be priced at not less than 75% over
36 actual cost delivered F.O.B. warehouse. In all cases
37 the commission is authorized to round off costs to
38 the next highest 5 cents. Any increased federal taxes
39 levied on or after November 1, 1941 shall be added to
40 the established price without markup. All net revenue
41 derived from such tax shall be deposited to the
42 credit of the General Fund of the State. Notwith-
43 standing the other provisions of this section, the
44 commission, with approval of the Commissioner of

1 Finance and Administration, may reduce the price of
2 discontinued items of liquor. The reduced price
3 shall not be less than the actual cost of the discon-
4 tinued liquor items and no item shall be discontinued
5 by the commission for a period of at least 6 months
6 after such item has been listed and on sale in state
7 stores. Notwithstanding the other provisions of this
8 section, the commission, with the approval of the
9 Commissioner of Finance and Administration, may
10 reduce the price of liquor in one special discount
11 state store, and licensees permitted to purchase liqu-
12 or at a discount under section 204 may purchase liqu-
13 or for resale from that store at the same price they
14 are permitted to purchase liquor for resale from any
15 state store which does not offer a retail discount.

16 Taxes on spirituous or vinous liquors imposed by
17 the State shall not apply to spirituous or vinous
18 liquors sold by wholesalers, manufacturers, bottlers
19 and rectifiers holding licenses from the commission
20 to any instrumentality of the United States, or to
21 any vessel of foreign registry, or to industrial
22 establishments for use as an ingredient in the manu-
23 facture of food products, or for use as an ingredient
24 in the manufacture of commodities which by reason of
25 their nature cannot be used for beverage purposes.
26 The commission is specifically authorized to make
27 such rules and regulations as they deem necessary for
28 carrying out the provisions of this paragraph.

29 Notwithstanding the other provisions of this
30 section, the commission may, from time to time,
31 establish special prices on certain listed liquor
32 items to be made available to the consumer at all
33 state stores. Such special prices shall not be lower
34 than the price established for the same listed item
35 at the one authorized special discount state store.

36 Sec. 17. 28 MRSA §1052, sub-§4, as amended by PL
37 1981, c. 470, Pt. B, §10, is further amended to read:

38 4. Hospitals. The commission may authorize
39 hospitals and state institutions to import, for
40 medicinal purposes only, liquor made available to
41 them from stocks of liquor seized by the Federal Gov-
42 ernment.

1 The commission, in its discretion and by written
2 authorization, may grant permission to hospitals and
3 state institutions for the purchase of liquors for
4 medicinal purposes only, from licensed Maine whole-
5 salers, the special discount state store and state
6 liquor agency stores. ~~Liquors purchased from state~~
7 ~~liquor stores may be sold at the discount price~~
8 ~~authorized for licensees in section 204.~~

9 The commission shall have the right and power to pre-
10 scribe such conditions as it deems necessary or
11 advisable as conditions precedent to granting permis-
12 sion and authority to import spirituous and vinous
13 liquors into this State and to transport the same
14 within this State under subsections 1 to 4 and to
15 make rules and regulations for clarifying and carry-
16 ing out said subsections and preventing violation of
17 the laws relating to liquor.

18 Sec. 18. 28 MRSA §1053, sub-§1, as amended by PL
19 1979, c. 130, §7, is further amended to read:

20 1. Intoxicating liquor. No person shall know-
21 ingly transport from place to place in this State any
22 intoxicating liquor with intent to sell the same in
23 this State in violation of law, or with intent that
24 the same shall be so sold by any person, or to aid
25 any person in such sale, and no person shall trans-
26 port or cause to be transported any spirituous or
27 vinous liquor, containing more than 14% alcohol by
28 volume, in this State in a greater quantity than 4
29 quarts, or its metric equivalent, unless such liquor
30 was purchased from a state store or the commission.
31 The commission in its discretion may grant to an
32 individual, upon his application, a permit to trans-
33 port liquor purchased for his own personal use. It
34 shall be lawful for common carriers and contract car-
35 riers duly authorized as such by the Public Utilities
36 Commission to transport liquor to any state or state
37 stores agency store, to state warehouses, to licen-
38 sees of the State Liquor Commission, to purchasers of
39 liquor ~~at state stores and~~ from manufacturers to
40 state warehouses, ~~state stores state or agency stores~~
41 and to the state line for transportation outside the
42 State; for licensees of the commission to transport
43 liquor from state or agency stores to their places of
44 business; and for manufacturers to transport within

1 the State to state warehouses and state or agency
2 stores, to persons authorized under section 1052 and
3 to the state line for transportation outside the
4 State. Whoever knowingly violates any of the
5 provisions of this subsection shall be punished by a
6 fine of not less than \$100 nor more than \$1,000, and
7 costs, and by imprisonment for not less than 2 months
8 nor more than 6 months, and in default of payment of
9 fine and costs, by imprisonment for not less than 2
10 months nor more than 6 months, additional.

11 Sec. 19. 28 MRSA §1054, as amended by PL 1969,
12 c. 360, §31, is further amended to read:

13 §1054. Delivery of liquor

14 No person ~~shall~~ may knowingly transport to or
15 cause to be delivered to any person, other than the
16 commission, unless upon written permission of the
17 commission, any spirituous or vinous liquor contain-
18 ing more than 14% alcohol by volume except liquors
19 purchased from the special discount state store or
20 any agency store or the commission. Any officer of
21 any transportation company, express company, carrier
22 for hire or other person who knowingly transports or
23 delivers liquor contrary to this section shall be
24 punished by a fine of not more than \$500 or by
25 imprisonment for not more than 11 months, or by both.

26 Sec. 20. 28 MRSA §1211, as repealed and replaced
27 by PL 1975, c.741, §31, is amended to read:

28 §1211. Disposal of forfeited liquors

29 All liquors declared forfeited by any court or
30 judge under this Title shall, by order of the court
31 or judge rendering final judgment thereon, be turned
32 over to the State Liquor Commission. Except as here-
33 inafter provided, the commission shall sell such for-
34 feited liquors in the ~~state retail liquore stores~~
35 ~~throughout the State~~ special discount store estab-
36 lished pursuant to section 56 or to licensed agency
37 stores. If any liquor is determined by the court or
38 judge to be unfit or unsatisfactory for consumption
39 or retail sale, the court or judge may order such
40 liquor to be destroyed by any officer competent to
41 serve the process on which it was forfeited and he

1 shall make the return accordingly to such court or
2 judge. Such liquors shall be destroyed by pouring
3 them upon the ground or into some public sewer.

4 STATEMENT OF FACT

5 This bill turns the marketing of liquor and wine
6 over to agency stores and closes all state stores
7 except for one discount store. The bill leaves
8 undisturbed the State Liquor Commission's responsi-
9 bilities for setting wholesale prices, licensing the
10 manufacture and retail sale of liquor and handling
11 licensing disputes. It also leaves undisturbed both
12 the alcohol premium established by the 110th Legis-
13 lature and the local option referendum process for
14 the granting of retail licenses for the sale of liq-
15 uor.

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