

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 794

6  
7 S.P. 305

In Senate, February 28, 1985

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

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

Presented by President Pray of Penobscot.

Cosponsored by Representative Michaud of Medway.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Concerning the Price which State  
18 Agency Retail Stores may charge for  
19 Liquor.  
20

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

23 28 MRSA §153, sub-§1, as amended by PL 1981, c.  
24 555, is further amended to read:

25 1. The State Liquor Commission shall establish  
26 rules and ~~regulations~~ for the selection and operation  
27 of the special agency retail stores. These rules and  
28 ~~regulations~~ shall include, but are not limited to,  
29 the following: Location of the special agency retail  
30 store, storage facilities for alcoholic beverages,  
31 the handling and sale of alcoholic beverages, the  
32 hours of operation, the segregation of intoxicating  
33 liquors from other goods in the special agency  
34 stores, the size and nature of the facilities of spe-  
35 cial agency stores for different quantities of in-  
36 toxicating beverages to be sold, and any other rules

1 and regulations that the State Liquor Commission  
2 deems necessary to carry out the purposes of this  
3 section. Such rules shall permit state agency retail  
4 stores to charge 2% more for liquors sold by them  
5 than the price established by the commission for li-  
6 quors sold in state retail stores, with the exception  
7 of the prices established by the commission for any  
8 discount retail store.

9 The State Liquor Commission shall, in accordance with  
10 Title 5, section 2351, give public notice that a  
11 state agency retail store may be established in a  
12 particular city, town or unorganized territory. The  
13 State Liquor Commission shall request all interested  
14 parties in said that city, town or unorganized terri-  
15 tory to notify the State Liquor Commission in regard  
16 to the establishment of a state agency retail store.  
17 The State Liquor Commission shall provide all appli-  
18 cants with the necessary information for the estab-  
19 lishment of a special agency retail store. Upon re-  
20 ceipt of all applications for a special agency store  
21 in a municipality, the State Liquor Commission shall  
22 notify the municipal officers of that municipality of  
23 the proposed location of each applicant at least 15  
24 days prior to the final selection of an applicant or  
25 applicants by the State Liquor Commission. The State  
26 Liquor Commission shall conduct an investigation to  
27 determine the most feasible location and type of fa-  
28 cility for the agency store, and any applicant denied  
29 a permit shall be given reasons for the permit refus-  
30 al.

31 Any applicant aggrieved by a decision made by the Bu-  
32 reau of Alcoholic Beverages may appeal the decision  
33 to the Administrative Court by means of filing a com-  
34 plaint with the Administrative Court Judge and  
35 serving a copy of the complaint upon the bureau,  
36 within 15 days of the mailing of the decision of the  
37 bureau by certified mail to the mailing address given  
38 by the applicant in his application for a special  
39 agency store permit.

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STATEMENT OF FACT

2 State agency retail liquor stores must sell their  
3 liquor at the same prices as established for the sale  
4 of liquor in a state operated retail liquor store.  
5 The agency stores must purchase their supplies of li-  
6 quor from the State. The State is required by law to  
7 sell liquor supplies to the agency stores at a price  
8 which is 10% less than the price established for the  
9 state retail stores. The discount does not apply to  
10 federal taxes, so is effectively only an 8% discount.  
11 This discount has remained the same since 1975. In-  
12 flation and the cost of doing business have increased  
13 substantially during that 10-year period eroding the  
14 effective mark-up even more. This bill allows state  
15 agency retail stores to sell liquor at a price 2%  
16 higher than a state retail store, thus creating an  
17 effective mark-up of 10%, without resulting in a loss  
18 of revenue to the State.

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