

1 2 3	(New Draft of H.P. 397, L.D. 546) FIRST REGULAR SESSION
4 5	ONE HUNDRED AND TWELFTH LEGISLATURE
6 7	Legislative Document No. 1303
8 9	H.P. 912 House of Representatives, April 16,, 1985
9 10	Reported by Representative Perry from the Committee on Legal Affairs and printed under Joint Rule 2. Original bill sponsored by Representative Hickey of Augusta. Cosponsored by Representative Paradis of Augusta.
11	EDWIN H. PERT, Clerk
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13 <b>14</b>	STATE OF MAINE
15 16 17	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FIVE
18 19 20 21	AN ACT to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business.
22 23	Be it enacted by the People of the State of Maine as follows:
24	Sec. 1. 28 MRSA §2, sub-§5-A is enacted to read:
25 26 27 28	5-A. Florist or florist shop. "Florist" or "florist shop" means a store the primary business of which is the retail sale of flowers, cut flowers and arrangements of flowers and cut flowers.
29 30	Sec. 2. 28 MRSA §701, sub-§4, ¶B, as enacted by PL 1975, c. 741, §21, is amended to read:
31	B. Class VII License, table wine only \$125
32 33	(1) Class VII-A License optional license for retail stores <b>er</b> , retail service or-

1 ganizations or florists shops without a stock of groceries worth \$1,000-wholesale 2 3 value .....\$225 4 Sec. 3. 28 MRSA §701-A, sub-§7, ¶A, as enacted 5 by PL 1975, c. 741, §22, is amended to read: 6 Α. Retail stores and retail service organiza-7 tions -- sale of table wine for off-premise con-8 sumption only; and 9 Sec. 4. 28 MRSA §701-A, sub-§7, ¶B is enacted to read: 10 11 B. Florist shops - sale of table wine for 12 off-premise consumption only. 13 Sec. 5. 28 MRSA c. 17, sub-c. III is enacted to 14 read: 15 SUBCHAPTER III 16 VINOUS LIQUOR 17 §771. License for florists and florist shops 18 A license for sale and distribution of table wine 19 by florist shops may be issued by the commission upon 20 application and under such rules as the commission may prescribe. No license or licenses may be issued 21 to any person who is not engaged in a bona fide 22 23 florist shop business and no person licensed to sell table wine under this section may sell table wine for 24 25 consumption on the premises where sold. 26 Licenses in an unincorporated place, where no local option vote is taken under section 103, require 27 28 the approval of the county commissioners of the coun-29 ty. 30 No license may be issued to any new retail 31 premise under this section unless it has been in operation as such for a period of at least 3 months im-32 33 mediately prior to the date of the application, or unless the applicant proves to the satisfaction of 34 the commission that all proper standards and require-35 ments of laws and rules of the commission have been 36

1	met and the applicant has been a resident of the
2	State for at least 6 months prior to filing his ap-
3	plication.
4	All licensees under this section shall have and
	maintain an adequate stock of flowers, cut flowers
5 6	maintain an adequate stock of flowers, cut flowers
	and supplies used in the florist business, not in-
7	cluding liquor, in no case less than \$1,000 wholesale
8	value.
9	No licensee under this section may sell table
10	wine except when incorporated into a floral arrange-
11	ment the retail price of which is at least \$10 with-
12	out the table wine, not including delivery charges.
13	FISCAL NOTE
14	It is estimated that enactment of this new draft
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15	will result in the following increase in revenues.
16	<u>1985-86</u> <u>1986-87</u>
17	General Fund \$4,500 \$4,500
18	STATEMENT OF FACT
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19	This new draft provides a license to sell table
20	wine, which includes champagne, for florists. A
21	florist or florist shop is defined as a store which
22	sells flowers, cut flowers and arrangements of flow-
23	ers and cut flowers as its primary business.
24	Section 4 of the new draft allows the State Li-
25	quor Commission to issue a license to sell table wine
26	for off-premise consumption. This language tracks
27	the language which applies to retail store licenses,
28	but provides the license to florists who meet the
29	commission's requirements.
30	To qualify and maintain a license, a florist must
30 31	
32	used in the florist business: Flowers; cut flowers;
33	and related supplies, not including liquor.

1 The licensed florist can sell table wine only 2 when it is incorporated into a floral arrangement. 3 The arrangement must be priced at a minimum of \$10 4 without the wine, and the \$10 must not include deliv-5 ery charges. This will eliminate the possibility of 6 a florist shop selling table wine without any flow-7 ers.

8 This new draft will result in an increase in Gen-9 eral Fund revenues of approximately \$4,500 annually. 10 This estimate is based on an anticipated 20 retail 11 floral shops purchasing a license of \$225 for the 12 purpose of selling wine and champagne. It is antici-13 pated that these new licenses will not have any ef-14 fect on total statewide alcohol sales.

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