

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 (New Draft of H.P. 62, L.D. 80)  
2 (New Title)  
3 FIRST REGULAR SESSION  
4

---

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

---

7 Legislative Document

No. 1522

---

9 H.P. 1047

House of Representatives, May 17, 1985

10 Reported by the Majority from the Committee on Legal Affairs and  
11 printed under Joint Rule 2. Original bill sponsored by Representative  
Greenlaw of Standish.

12 EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

---

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FIVE  
18

---

19 AN ACT Concerning the Location of Agency  
20 Liquor Stores and the Licensing of  
21 Seasonal Agency Stores.  
22

---

23 Be it enacted by the People of the State of Maine as  
24 follows:

25 Sec. 1. 28 MRSA §153, first ¶, as amended by PL  
26 1979, c. 117, §1, is further amended to read:

27 The State Liquor Commission shall have authority  
28 to license and regulate, in cities, towns and unorga-  
29 nized territories which have voted in favor of the  
30 operation of state stores under local option provi-  
31 sions and where there are no state stores, and on is-  
32 lands which are within cities, towns and unorganized  
33 territories where there are state stores but which  
34 are not connected to those cities, towns and unorga-  
35 nized territories by bridge and which have no state  
36 stores on them, retailers as special agency stores on

1 an annual, seasonal or temporary basis for the pur-  
2 poses of selling liquor in sealed bottles, containers  
3 or original packages for consumption off the  
4 premises. The liquor shall be sold by the State Li-  
5 quor Commission, to the special agency stores pursu-  
6 ant to section 204. The commission shall not license  
7 any additional agency stores which would be within a  
8 ~~10-mile radius~~ 10 miles of a state store or agency  
9 store. If a state or agency store closes, it may not  
10 be replaced if there is another state or agency store  
11 within a ~~10-mile radius~~ 10 miles, except that, after  
12 the closing of any agency store which was licensed  
13 prior to December 1, 1979 and which is within a  
14 ~~10-mile radius~~ 10 miles of a state store or another  
15 agency store, that agency store may be replaced once  
16 after December 1, 1979. All distances shall be de-  
17 termined by the most reasonable direct route of  
18 travel.

19 Sec. 2. 28 MRS A §153-A is enacted to read:

20 §153-A. Special seasonal agency stores

21 1. Licensing of seasonal stores. The State Li-  
22 quor Commission may issue 6-month seasonal licenses  
23 to no more than 6 special agency stores. The commis-  
24 sion shall determine the appropriate locations for  
25 the stores and the appropriate 6 consecutive months  
26 based on the seasonal influx of tourists and the  
27 sales volume at existing state and agency stores in  
28 the same areas.

29 2. Sunset. This section is repealed on Septem-  
30 ber 30, 1989, prior to which time the State Liquor  
31 Commission shall evaluate the effectiveness of this  
32 section and make a written report to the 114th Legis-  
33 lature.

1

STATEMENT OF FACT

2  
3  
4  
5  
6

This new draft clarifies that the 10-mile distance between liquor stores must be measured by the most reasonable direct route of travel. The distance shall not be measured on a straight line, i.e., "as the crow flies."

7  
8  
9  
10  
11  
12  
13  
14  
15

This new draft provides temporary authority to the commission to issue 6-month seasonal licenses to a total of 6 agency stores. This authority will expire on September 30, 1989, unless the Legislature removes the expiration provision before that date. The Bureau of Alcoholic Beverages and the Bureau of Liquor Enforcement are required to investigate the effectiveness of this new license and report back to the Legislature before the expiration date.

16  
17

The commission will determine the locations of the seasonal agency stores based on data concerning:

18  
19

1. The areas of the State which experience increased population on a seasonal basis; and

20  
21

2. The weekly sales volume of existing state and agency stores located in the same or nearby areas.

22  
23

All areas may be considered, including ski areas as well as summer vacation sites.

24

3352042585