

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 19, L.D. 17)
2 (New Title)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2281

8
9 H.P. 1619

House of Representatives, March 25, 1986

10 Reported by the majority from the Committee on Legal Affairs and
11 printed under Joint Rule 2. Original bill sponsored by Representative Rolde
of York.

12 EDWIN H. PERT, Clerk
13

14 STATE OF MAINE
15

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

19 AN ACT to Provide for the Waiver of the
20 10-mile Radius Restriction and to
21 Allow the State Liquor Commission to
22 Establish One Additional Discount
23 Liquor Store.
24

25 Be it enacted by the People of the State of Maine as
26 follows:

27 Sec. 1. 28 MRSA §153-B is enacted to read:

28 §153-B. Waiver of 10-mile radius restriction

29 1. Waiver of 10-mile radius restriction. Not-
30 withstanding section 153, the commission may locate
31 an agency liquor store within 10 miles of an existing
32 state or agency liquor store if, no fewer than 60
33 days before the opening of the new store, it notifies
34 the joint standing committee of the Legislature hav-
35 ing jurisdiction over legal affairs. The committee

1 may hold a public hearing on the proposed waiver of
2 the 10-mile spacing requirement and location of the
3 new store and shall advise the commission of its
4 findings.

5 2. Sunset. This section is repealed on Septem-
6 ber 30, 1987.

7 Sec. 2. 28 MRSA §451, as amended by PL 1979, c.
8 307, is further amended by adding after the first
9 paragraph a new paragraph to read:

10 Notwithstanding the other provisions of this sec-
11 tion, the commission, with the approval of the Com-
12 missioner of Finance and Administration, may reduce
13 prices in one additional state liquor store, located
14 to be convenient to the southbound lanes of the Maine
15 Turnpike and near Exit 1 of the turnpike. Licensees
16 may purchase liquor for resale from that store at the
17 same price they are permitted to purchase liquor for
18 resale from any state store which does not offer a
19 retail discount.

20 Sec. 3. 28 MRSA §451, last ¶, as enacted by PL
21 1979, c. 307, is amended to read:

22 Notwithstanding the other provisions of this sec-
23 tion, the commission may, from time to time, estab-
24 lish special prices on certain listed liquor items to
25 be made available to the consumer at all state
26 stores. ~~Such~~ The special prices ~~shall~~ may not be low-
27 er than the price established for the same listed
28 item at the ~~one~~ 2 authorized special discount state
29 store stores.

1

FISCAL NOTE

2 It is estimated that this new draft will result
3 in an increase in General Fund revenues of
4 \$1,000,000, based on an estimated increase in liquor
5 sales of \$4,000,000, the year that the new discount
6 store opens. Over a year may elapse between enact-
7 ment of this legislation and the opening of the new
8 store; it is therefore difficult to determine in
9 which fiscal year this increase in revenues may oc-
10 cur.

11

STATEMENT OF FACT

12 This new draft does 2 things. First, it allows
13 the State Liquor Commission to locate an agency li-
14 quor store within 10 miles of an existing state or
15 agency store if it first notifies the joint standing
16 committee of the Legislature having jurisdiction over
17 legal affairs at least 60 days before the store
18 opens. The joint standing committee of the Legisla-
19 ture having jurisdiction over legal affairs may hold
20 a public hearing on the commission's waiver of the
21 10-mile radius requirement and on the location of the
22 new state or agency liquor store, and shall advise
23 the commission of its findings. The commission is
24 not bound by the committee's findings or recommenda-
25 tions. Current law prohibits locating a new agency
26 store within 10 miles of an existing state or agency
27 store.

28 This section is automatically repealed on Septem-
29 ber 30, 1987, unless the Legislature removes the re-
30 pealer clause before that time.

31 This new draft also allows the State Liquor Com-
32 mission, with the approval of the Commissioner of Fi-
33 nance and Administration, to establish one additional
34 discount liquor store. This store must be placed in
35 a location which is convenient to the southbound
36 traffic on the Maine Turnpike and must be near the
37 York exit, Exit 1. This is designed to address the
38 problem created by the fact that the only other dis-

1 count liquor store, located in Kittery, can be diffi-
2 cult to find and is hard to see from Interstate 95.
3 Licensees will be able to buy liquor for resale at
4 the new discount store, but they must pay the same
5 price they would pay at other state stores which do
6 not offer a discount, just as they do at the Kittery
7 store.

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