

MAINE STATE LEGISLATURE

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L.D. 1789
(Filing No. H-309)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
PROOF FIRST REGULAR SESSION PROOF

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HOUSE AMENDMENT "**A**" to H.P. 1311, L.D. 1789,
Bill, "AN ACT to Provide Discretion to the State Li-
quor Commission to Establish Temporary Agency Liquor
Stores in Response to Natural Disasters."

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Amend the Bill by striking out all of the title
and inserting in its place the following: 'AN ACT to
Provide Discretion to the State Liquor Commission to
Establish a Temporary Agency Liquor Store in Response
to a Natural Disaster.'

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Further amend the Bill by striking out everything
after the title and inserting in its place the fol-
lowing:

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'Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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Whereas, the State Liquor Commission has no dis-
cretion to shorten the lengthy procedure for estab-
lishing an agency liquor store for any reason, even
when circumstances indicate that such action is war-
ranted; and

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Whereas, a natural disaster has forced a state
liquor store located in the City of Gardiner to close
and that site is not available for a state liquor
store, so that the area will not be adequately served
by the State Liquor Commission; and

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Whereas, because such a situation exists, the
State Liquor Commission should have the discretion to
license an agency liquor store to serve as a replace-
ment on a strictly temporary basis until the state
liquor store in the City of Gardiner can be reopened
in the original or a new location; and

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1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

7 Be it enacted by the People of the State of Maine as
8 follows:

9 **Sec. 1. Commission authorized to establish re-**
10 **placement store.** Notwithstanding the Maine Revised
11 Statutes, Title 28, section 153 and Title 28-A, sec-
12 tion 453, the State Liquor Commission may establish a
13 temporary replacement agency liquor store to serve
14 the same area served by the state liquor store in the
15 City of Gardiner which was forced to close because of
16 flooding in April of 1987. A temporary agency liquor
17 store established pursuant to this Act may operate
18 until the same or a new state liquor store is opened,
19 but in no case for more than 120 days.

20 **Sec. 2. Procedure for selection.** The following
21 procedures apply to the establishment of a temporary
22 replacement agency liquor store pursuant to this Act.

23 1. The commission shall give, in accordance with
24 the Maine Revised Statutes, Title 5, section 9052,
25 public notice that a temporary replacement agency li-
26 quor store may be established in the City of
27 Gardiner. The commission shall request all parties
28 interested in establishing a temporary replacement
29 agency liquor store to apply to the commission.

30 2. The commission shall set a deadline for ap-
31 plications of no earlier than 7 days after the date
32 of the publication of the first public notice.

33 3. The commission shall provide all applicants
34 with the necessary information for the establishment
35 of a temporary replacement agency liquor store.

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1 4. If requested, the commission shall hold a
2 hearing, according to Title 5, chapter 375, subchap-
3 ter IV, on the selection of the location for the tem-
4 porary replacement agency liquor store at least 15
5 days after the date of the publication of the first
6 public notice.

7 5. The commission shall notify any applicant den-
8 nied a license of the reasons for the denial by cer-
9 tified mail to the mailing address given by the ap-
10 plicant in the application for the temporary replace-
11 ment agency store license.

12 6. Any applicant aggrieved by a decision made by
13 the commission may appeal the decision in accordance
14 with Title 5, chapter 375, subchapter VII.

15 **Sec. 3. State liquor store employees.** The com-
16 mission may not terminate the employment of persons
17 employed at the state liquor store in the City of
18 Gardiner which closed while the temporary replacement
19 agency store is in operation, but shall make reason-
20 able arrangements for their continued employment un-
21 til they can be returned to the same or new state li-
22 quor store.

23 **Emergency clause.** In view of the emergency cited
24 in the preamble, this Act shall take effect when ap-
25 proved.'

