

MAINE STATE LEGISLATURE

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L.D. 2184

(Filing No. H-467)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1598, L.D. 2184,
Bill, "AN ACT to Make Corrections in the
Recodification of the Liquor Laws."

Amend the bill in section 8, in subsection 1, by
striking out all of paragraph B and inserting in its
place the following:

'B. The municipal officers or the county
commissioners, as the case may be, shall
prepare provide public notice of any hearing held
under this section by causing a notice, at the
applicant's prepaid expense, stating the name and
place of hearing, to be printed; appear on at
least 6 consecutive days before the date of
hearing in a daily newspaper having general
circulation in the municipality where the premises
are located or on 2 consecutive weeks before the
date of the hearing in a weekly newspaper having
general circulation in the municipality where the
premises are located.

(1) If the municipality where the premises
are situated has a daily newspaper, then in
that newspaper for at least 6 consecutive
~~days-before-the-date-of-hearing;~~

(2) If the municipality where the premises
are situated has a newspaper, although not a
daily, then in that newspaper for 2
consecutive weeks before the date of hearing;
or

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1 (3) If no newspaper is printed, then for
2 at least 6 consecutive days in a daily
3 newspaper having general circulation in the
4 municipality in which the premises are
5 situated or for 2 consecutive weeks before
6 the date of hearing in any newspaper
7 published-in-that-county.'

8 Further amend the bill by inserting after section
9 9 the following:

10 'Sec. 10. 28-A MRSA §751, sub-§3, as enacted by
11 PL 1987, c. 342, §49, is repealed and the following
12 enacted in its place:

13 3. On-premise retail licensee to keep records of
14 sales separate. An on-premise retail licensee shall
15 separate liquor sales from food sales by the licensee
16 in the licensee's records.'

17 Further amend the bill in section 14, in that part
18 designated "\$1355." in subsection 1-A, paragraph B, by
19 striking out all of subparagraph (2) and inserting in
20 its place the following:

21 '(2) By wholesalers for the purpose of
22 determining whether to carry the brewery's
23 product as a wholesale product, provided that
24 the holder of the brewery license pays the
25 excise tax on the product sampled according
26 to section 1652; and'

27 Further amend the bill in section 14, in that part
28 designated "\$1355." in subsection 1-A, paragraph B,
29 subparagraph (3), by striking out all of division (a)
30 and inserting in its place the following:

31 '(a) The holder of the brewery license
32 pays the excise tax on the product
33 sampled according to section 1652; and'

34 Further amend the bill by renumbering the sections
35 to read consecutively.

36 Further amend the bill by inserting before the
37 Statement of Fact the following:

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1 'FISCAL NOTE

2 If enacted, this bill will not result in any
3 changes to budgeted undedicated General Fund revenues
4 because the current revenue figures are based on the
5 assumption that the license fee change is already in
6 place. However, if this bill is not enacted, General
7 Fund revenues will be reduced by \$20,000 for fiscal
8 year 1988-89.'

9 STATEMENT OF FACT

10 This amendment makes 4 changes. First, it
11 clarifies that notice of hearings for on-premise
12 licenses must be advertised in either of 2 ways,
13 depending on the type of newspaper available in the
14 municipality where the premises are located. If a
15 daily newspaper has general circulation in the
16 municipality, the notice must appear in that newspaper
17 for 6 consecutive days; if only a weekly paper is
18 available, the notice must be in that newspaper for 2
19 consecutive weeks. This change is basically
20 consistent with current law, and the purpose of public
21 notice is still served.

22 Second, this amendment clarifies that only
23 on-premise retailers need to keep their liquor sales
24 separate from all other sales. Current law requires
25 all retail licensees to keep separate records, which
26 is an unnecessary burden on the off-premise
27 retailers. The separate records are necessary for
28 on-premise retailers because their licenses are
29 conditioned on their food sales.

30 Third, this amendment removes the requirement that
31 the excise tax on brewery products must be paid before
32 the product is sampled by wholesalers or people on a
33 tour of the brewery. The excise tax must still be
34 paid according to section 1652, which is on the 10th
35 day of every month. This change simplifies the excise
36 tax payment procedures for both the licensee and the
37 Bureau of Alcoholic Beverages because only one tax
38 payment per month is necessary.

39 Fourth, this amendment adds a fiscal note.