

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 91, L.D. 132, Bill, "An Act Concerning Purchases of Alcohol from Agency Stores"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, this Act enables restaurants in the State to more easily procure supplies for their businesses; and

Whereas, supporting the restaurant business is especially important to the State's economy during the summer tourist season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill in section 2 by striking out all of subsection 1-A and inserting in its place the following:

'1-A. Exception. Notwithstanding subsection 1, a restaurant located at least 15 miles from a state liquor store may purchase spirits from an agency liquor store in accordance with this subsection.

A. Before purchasing spirits from an agency liquor store, a restaurant must obtain written approval from the Bureau of Alcoholic Beverages. The bureau shall grant approval for

2 the restaurant to purchase spirits at one or more identified
3 agency liquor stores for as long as the locations of the
4 restaurant and the agency liquor stores remain the same, if
5 the restaurant is at least 15 miles from the nearest state
6 liquor store.

7
8 B. Before selling to a restaurant, an agency liquor store
9 must obtain written approval from the Bureau of Alcoholic
10 Beverages. Approval of the agency liquor store permits that
11 store to sell spirits to any restaurant that has written
12 approval to purchase from that identified agency liquor
13 store.

14 C. The sale price of spirits sold to restaurants under this
15 subsection must equal the retail sales price set by the
16 State Liquor Commission for sales of those spirits plus an
17 amount equal to the difference between the wholesale price
18 of those spirits and the retail selling price.

19
20 D. When an agency liquor store purchases spirits from the
21 commission or from a state liquor store, the agency liquor
22 store must deliver, for each sale made pursuant to this
23 subsection since the previous purchase of spirits, a copy of
24 the licensee order form and the amount added to the retail
25 sales price pursuant to paragraph C.'

26
27 Further amend the bill by inserting at the end before the
28 statement of fact the following:

29 'Emergency clause. In view of the emergency cited in the
30 preamble, this Act takes effect when approved.

31

FISCAL NOTE

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33 The Bureau of Alcoholic Beverages will incur some minor
34 additional administrative costs to ensure enforcement of the
35 increased selling price for agency store sales to restaurants.
36 The costs can be absorbed within allocated resources.'

37

STATEMENT OF FACT

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39 The amendment permits restaurants located 15 or more miles
40 from a state liquor store to purchase spirits from agency liquor
41 stores, but requires the store to mark up the selling price of
42 spirits sold under those circumstances by approximately 8%. The
43 agency liquor store would send the markup to the State, to
44 compensate for revenue the State loses when purchases are made at
45 agency stores instead of state stores. Restaurants would still
46 be able to purchase spirits at the standard sales price in state
47 liquor stores.

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