

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 142, L.D. 212, Bill, "An Act Concerning Nighttime Business Operation"

Amend the bill by striking out the first 8 lines after the enacting clause (page 1, lines 3 to 13 in L.D) and inserting in their place the following:

17 MRSA c. 106 is enacted to read:

CHAPTER 106

CONVENIENCE STORE OPERATION

§3321. Store security

A person may not keep open a convenience store 24 hours a day unless the store has:

1. Drop safe. A drop safe that is bolted to the floor, installed in the floor or weighs at least 500 pounds;

2. Conspicuous sign. A conspicuous sign in the store entrance that states that between the hours of 9 p.m. and 5 a.m. the cash register contains \$50 or less, that there is a safe in the store and that the safe is not accessible to the employees; and

3. Limited cash. During the hours of 9 p.m. to 5 a.m., no more than \$50 cash available and readily accessible to employees.

For the purposes of this section, a convenience store means a retail store that specializes in the sale of a limited quantity

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and variety of consumable items in their original containers.'

Further amend the bill in that part designated "§3321." in the 2nd paragraph in the first line (page 1, line 15 in L.D.) by striking out the following: "A" and inserting in its place the following: 'Notwithstanding Title 17-A, section 4-A, a'

Further amend the bill in that part designated "§3321." by striking out the 3rd paragraph (page 1, lines 27 to 29 in L.D.) and inserting in its place the following:

'Each day that a violation of this section occurs is considered a separate offense.'

Further amend the bill in that part designated "§3321." by striking out the 5th paragraph (page 1, lines 39 to 41 in L.D.)

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

This bill establishes a new Class E crime and also provides that complaints may be filed in Superior Court to enjoin violations of the new requirements. The additional work load and administrative costs associated with a minimal number of new cases filed in District Court as a result of the violations and the new cases filed in Superior Court for injunctive relief will be absorbed within the budgeted resources of the Judicial Department.

The Department of the Attorney General will absorb the costs of filing complaints within its budgeted resources.

The Department of Labor will absorb the costs associated with increased telephone inquiries within budgeted resources. There will also be a minor increase in General Fund revenue from the collection of additional fines.

Sentences imposed for a Class E offense must be served in a county jail. The projected cost to a county for each person sentenced under the new Class E crime is approximately \$1,710 and is based upon an average length of stay of 30 days.'

STATEMENT OF FACT

The original bill required that any place of business open any time between the hours of 9 p.m. and 6 a.m. must have 2 employees on the premises.

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2 This amendment only applies to convenience stores that are
open 24 hours a day. It requires that they have a drop safe,
4 maintain no more than \$50 in accessible cash and have a sign
posted indicating that these 2 provisions are in effect.

Reported by the Committee on Business Legislation
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