

# MAINE STATE LEGISLATURE

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L.D. 1678

(Filing No. S- 245)

STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 630, L.D. 1678, Bill, "An Act to Prohibit the Closing of State Liquor Stores"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish the Locations of State Liquor Stores'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 28-A MRSA §401, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 2. 28-A MRSA §401-A is enacted to read:

§401-A. Location of facilities

1. State store locations. The commission shall operate state liquor stores for the retail sale of liquor in the following municipalities. The commission may not operate a state liquor store in any municipality not designated in this section.

A. In each of the following municipalities, the commission shall operate one state liquor store:

(1) Ashland;

(2) Auburn;

(3) Augusta;

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- 2                   (4) Bar Harbor;
- 4                   (5) Bath;
- 6                   (6) Belfast;
- 8                   (7) Biddeford;
- 10                  (8) Boothbay Harbor;
- 12                  (9) Brewer;
- 14                  (10) Bridgton;
- 16                  (11) Brunswick;
- 18                  (12) Bucksport;
- 20                  (13) Calais;
- 22                  (14) Camden;
- 24                  (15) Caribou;
- 26                  (16) Damariscotta;
- 28                  (17) Dexter;
- 30                  (18) Dover-Foxcroft;
- 32                  (19) Ellsworth;
- 34                  (20) Fairfield;
- 36                  (21) Falmouth;
- 38                  (22) Farmington;
- 40                  (23) Fort Fairfield;
- 42                  (24) Fort Kent;
- 44                  (25) Gardiner;
- 46                  (26) Greenville;
- 48                  (27) Houlton;
- 50                  (28) Kennebunk;
- 52                  (29) Kittery;

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- 2                    (30) Limestone;
- 4                    (31) Lincoln;
- 6                    (32) Lisbon Falls;
- 8                    (33) Livermore Falls;
- 10                   (34) Machias;
- 12                   (35) Madawaska;
- 14                   (36) Madison;
- 16                   (37) Mechanic Falls;
- 18                   (38) Mexico;
- 20                   (39) Milbridge;
- 22                   (40) Millinocket;
- 24                   (41) Milo;
- 26                   (42) Newport;
- 28                   (43) North Windham;
- 30                   (44) Old Orchard Beach;
- 32                   (45) Old Town;
- 34                   (46) Patten;
- 36                   (47) Pittsfield;
- 38                   (48) Presque Isle;
- 40                   (49) Rangeley;
- 42                   (50) Rockland;
- 44                   (51) Sanford;
- 46                   (52) Skowhegan;
- 48                   (53) South Paris;
- 50                   (54) Stonington;
- 52                   (55) Van Buren;

2           (56) Waldoboro;

4           (57) Winslow;

6           (58) Winthrop; and

8           (59) Woodland.

10          B. In each of the following municipalities, the commission shall operate 2 state liquor stores:

12           (1) Lewiston;

14           (2) Portland;

16           (3) South Portland; and

18           (4) Waterville.

20          C. In the following municipality, the commission shall operate 3 state liquor stores:

22           (1) Bangor.

24          2. Location within municipality. The commission may determine the location of a store within each of the municipalities designated in subsection 1. The commission may relocate a store within a municipality in accordance with section 402.

30          3. Temporary cessation of operations. The commission may temporarily close a state liquor store if the occurrence of an event beyond the control of the commission renders the store inoperable. Events beyond the control of the commission include natural disasters, other physical destruction or unanticipated termination of the lease for the store. If the event rendering the store inoperable occurs during a regular session of the Legislature, the temporary closing may extend until adjournment sine die of that legislative session. If the event rendering the store inoperable occurs while the Legislature is not in session, the temporary closing may extend until the adjournment sine die of the regular session of the Legislature beginning immediately after the event.

44          4. Commission may lease and equip facilities; location. The commission may lease and equip, in the name of the State, stores, warehouses and other merchandising facilities for the sale of liquor that are necessary to carry out the purposes of this Title. The commission shall designate where the facilities will be located, in accordance with this section.

2 5. Attorney General must approve contract or lease before  
effective. The Attorney General must approve any contract or  
4 lease made under this section before it is effective.

6 6. Seasonal occupancy. Leases may be for seasonal  
occupancy.

8 Sec. 3. 28-A MRSA §402, sub-§6, as enacted by PL 1987, c. 45,  
10 Pt. A, §4, is repealed.

12 **FISCAL NOTE**

14		<b>1991-92</b>	<b>1992-93</b>
16	<b>REVENUES</b>		
18	General Fund	(\$637,000)	(\$659,400)

20 This bill prohibits the State Liquor Commission from closing  
22 state liquor stores. The Governor's adjusted current services  
24 budget proposal includes deallocations from the State Alcoholic  
26 Beverages Fund and consequent increases in General Fund revenue  
of \$637,000 and \$659,400 in fiscal years 1991-92 and 1992-93,  
respectively, from the closing of 10 liquor stores. These  
savings and additional revenue will not be realized as a result  
of this prohibition.'

30 **STATEMENT OF FACT**

32 The bill makes it clear that the public policy decision to  
34 close or open a state liquor store lies with the Legislature by  
prohibiting the State Liquor Commission from closing state liquor  
36 stores without first requesting a change in law. The amendment  
replaces the bill but achieves the same purpose as the bill. The  
amendment places in law the location of each state liquor store  
38 currently in operation and requires the commission to continue to  
operate each of those stores. The amendment also prohibits the  
40 commission from operating stores in municipalities not included  
in the list. The commission may recommend that the Legislature  
42 amend the law if the commission believes it is desirable or  
necessary to close stores in the designated municipalities or to  
44 open stores in additional municipalities. The amendment permits  
the commission to move a store location within a municipality and  
46 to temporarily close a store if a flood, fire, or other natural  
disaster or other event beyond the control of the commission  
48 makes the store inoperable. The amendment also adds a fiscal  
note to the bill.

Reported by Senator Mills for the Committee on Legal Affairs.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(5/30/91)