

MAINE STATE LEGISLATURE

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L.D. 1985

(Filing No. H-792)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND SPECIAL SESSION

HOUSE AMENDMENT "J" to H.P. 1402, L.D. 1985, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law"

Amend the bill by inserting at the end before the emergency clause the following:

PART OO

Sec. OO-1. 25 MRSA §3901, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §2, is repealed and the following enacted in its place:

1. Bureau of Liquor Licensing and Enforcement. The Department of Public Safety, Bureau of Liquor Licensing and Enforcement, as created in this chapter, is the enforcement division of the State Liquor Commission. The Bureau of Liquor Licensing and Enforcement also implements the laws relating to licensure of retail liquor licensees, wholesalers and certificate of approval holders. Notwithstanding any other provisions of law, the Department of Public Safety is responsible for the enforcement of the liquor laws and the rules of the commission.

Sec. OO-2. 25 MRSA §3903 is enacted to read:

§3903. Liquor licensing

The Bureau of Liquor Licensing and Enforcement shall license persons as retail liquor licensees, wholesalers and certificate of approval holders, in accordance with the provisions of Title 28-A.

2 Sec. OO-3. 28-A MRSA §51, sub-§2, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

4
6 2. Enforcement and implementation by Bureau of Liquor
7 Licensing and Enforcement. The Bureau of Liquor Licensing and
8 Enforcement within the Department of Public Safety, as
9 established by Title 25, section 3901, shall enforce the state
10 liquor laws and implement the policies of the commission
11 regarding licensure of retail liquor licensees, wholesalers and
12 certificate of approval holders.

14 Sec. OO-4. 28-A MRSA §51, sub-§3 is enacted to read:

16 3. Implementation by the bureau. The bureau shall
17 implement the policies of the commission regarding the purchase
18 and sale of spirits through state and agency liquor stores.

20 Sec. OO-5. 28-A MRSA §62, sub-§1-A is enacted to read:

22 1-A. Supervision of the Bureau of Liquor Licensing and
23 Enforcement. To supervise and direct the activities of the
24 Director of the Bureau of Liquor Licensing and Enforcement
25 relating to licensing;

26 Sec. OO-6. 28-A MRSA §63, sub-§1-A is enacted to read:

28 1-A. Bureau of Liquor Licensing and Enforcement; rules.
29 The commission shall establish rules and procedures for the
30 administration and operation of the Bureau of Liquor Licensing
31 and Enforcement in its performance of duties relating to liquor
32 licensing.

34 Sec. OO-7. 28-A MRSA §72-A, sub-§1, as enacted by PL 1991, c.
376, §49, is repealed.

36 Sec. OO-8. 28-A MRSA §72-A, sub-§2, as enacted by PL 1991, c.
38 376, §49, is amended to read:

40 2. Manage sale of alcoholic beverages. Manage the sale of
41 alcoholic beverages through state-operated retail stores, and
42 agency stores and licensees in accordance with applicable laws
43 and rules;

44 Sec. OO-9. 28-A MRSA §72-A, sub-§6, as enacted by PL 1991, c.
46 376, §49, is repealed.

48 Sec. OO-10. 28-A MRSA c. 5, as amended, is repealed.

2 Sec. OO-11. 28-A MRSA §401-A, as enacted by PL 1991, c. 591,
Pt. Z, §2, is repealed.

4 Sec. OO-12. 28-A MRSA §401-B is enacted to read:

6 §401-B. Location of facilities

8 1. State store locations. The commission may in its
10 discretion operate state liquor stores for the retail sale of
liquor.

12 2. Location within municipality. The commission may
14 determine the location of a state liquor store and may relocate a
state liquor store within a municipality in accordance with
16 section 402.

18 3. Commission may lease and equip facilities; location.
20 The commission may lease and equip, in the name of the State,
stores, warehouses and other merchandising facilities for the
22 sale of liquor necessary to carry out the purposes of this
Title. The commission shall designate the locations of these
24 facilities.

26 4. Attorney General shall approve contract or lease before
effective. The Attorney General shall approve any contract or
28 lease made under this section before that contract or lease is
effective.

30 5. Seasonal occupancy. Leases may be for seasonal
32 occupancy.

34 Sec. OO-13. 28-A MRSA §453, as amended by PL 1991, c. 591,
Pt. E, §34, is repealed.

36 Sec. OO-14. 28-A MRSA §§453-A and 458 are enacted to read:

38 §453-A. Licensing of agency liquor stores

40 1. Application. Each applicant for an agency liquor store
42 license must file an application in the form prescribed by the
commission.

44 2. Issuance of license. The commission may issue a license
46 to operate an agency liquor store to any person who meets the
qualifications of section 601 and any rules of the commission
48 relating to qualifications for an agency liquor store license.

50 3. Term of license; fee. A license to operate an agency
liquor store is effective for 12 months from the date of

2 issuance. The fee to obtain or renew a license to operate an
3 agency liquor store for 12 months is \$2,500.

4 §458. Liquor Enforcement Fund

6 The Liquor Enforcement Fund is established as a nonlapsing
7 fund. The fund must be used to pay the costs of the Bureau of
8 Liquor Licensing and Enforcement for enforcing this Title and the
9 rules adopted pursuant to this title. Twenty percent of the fees
10 collected for agency liquor store licenses pursuant to section
11 453-A must be deposited in the Liquor Enforcement Fund.

12
13 **Sec. 00-15. Transition.** The following provisions apply to the
14 reassignment of the duties and responsibilities of the licensing
15 division of the Department of Finance, Bureau of Alcoholic
16 Beverages.

17
18 1. The Department of Public Safety, Bureau of Liquor
19 Licensing and Enforcement is the successor in every way to the
20 powers, duties and functions of the former licensing division of
21 the Department of Finance, Bureau of Alcoholic Beverages.

22
23 2. Notwithstanding the Maine Revised Statutes, Title 5, all
24 accrued expenditures, assets, liabilities, balances or
25 appropriations, allocations, transfers, revenues or other
26 available funds in an account or subdivision of an account of the
27 licensing division of the Department of Finance, Bureau of
28 Alcoholic Beverages must be transferred to the proper accounts by
29 the State Controller upon the request of the State Budget Officer
30 and with the approval of the Governor.

31
32 3. All rules and procedures in effect, in operation or
33 adopted on the effective date of this Part in or by the former
34 licensing division of the Department of Finance, Bureau of
35 Alcoholic Beverages or any of its officers remain in effect until
36 rescinded, revised or amended by the proper authority.

37
38 4. All contracts, agreements and compacts in effect on the
39 effective date of this Part in the former licensing division of
40 the Department of Finance, Bureau of Alcoholic Beverages remain
41 in effect.

42
43 5. Any authorized and allocated positions of the former
44 licensing division of the Department of Finance, Bureau of
45 Alcoholic Beverages that are subject to the personnel laws remain
46 authorized. Authorized positions and incumbent personnel in the
47 licensing division of the Department of Finance, Bureau of
48 Alcoholic Beverages are transferred to the Department of Public
Safety, Bureau of Liquor Licensing and Enforcement.

2 6. The following provisions apply to any state personnel
transferred to the Department of Public Safety under this Part.

4
6 A. The employees retain their accrued fringe benefits,
including vacation and sick leave, health and life insurance
and retirement benefits.

8
10 B. Employees who are members of the collective bargaining
units on the effective date of this Part remain members in
their respective bargaining units and retain all rights,
12 privileges and benefits provided by their collective
bargaining agreements with respect to state service.

14
16 C. Employees who are members of the Maine State Retirement
System remain members of the Maine State Retirement System.

18 D. The Department of Administration, Bureau of Human
Resources shall assist with the orderly implementation of
20 these provisions.

22 7. All records, property and equipment previously belonging
to or allocated for the use of the former licensing division of
24 the Department of Finance, Bureau of Alcoholic Beverages
transferred to the Department of Public Safety, Bureau of Liquor
26 Licensing and Enforcement.

28 8. All existing forms, licenses, letterheads and similar
items bearing the name of or referring to the licensing division
30 of the Department of Finance, Bureau of Alcoholic Beverages may
be used by the Department of Public Safety, Bureau of Liquor
32 Licensing and Enforcement.

34 **Sec. OO-16. Maine Revised Statutes amended; revision clause.**
Wherever in the Maine Revised Statutes the words "Bureau of
36 Liquor Enforcement" appear or reference is made to those words,
they are amended to read "Bureau of Liquor Licensing and
38 Enforcement" and the Revisor of Statutes shall implement this
revision when updating, publishing or republishing the statutes.

40 **Sec. OO-17. Effective date.** This Part takes effect July 1,
42 1992.'

44 Further amend the bill by relettering the Parts to read
consecutively.

46
48 **FISCAL NOTE**

50 This amendment has no net fiscal impact in fiscal year
1991-92. The net effect on General Fund revenue transferred from

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2 the Alcoholic Beverage Fund in fiscal year 1992-93 can not be
determined at this time.

4
6 **STATEMENT OF FACT**

8 The amendment moves the liquor licensing function from the
Bureau of Alcoholic Beverages in the Department of Finance to the
Bureau of Liquor Enforcement in the Department of Public Safety.
10 The amendment also imposes a \$2,500 annual license fee on agency
liquor stores, 20% of which would go to liquor enforcement.
12 Finally, the amendment repeals restrictions in the location of
state and agency liquor stores and repeals the local referendum
14 requirement for all liquor licenses.

16

Filed by Rep. Kerr of Old Orchard Beach.
Reproduced and distributed under the direction of the Clerk
of the House.

12/18/91

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