

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

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

COMMITTEE AMENDMENT "A" to H.P. 1443, L.D. 2055, Bill, "An Act Concerning the Renewal of Agency Liquor Store Licenses"

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 §458 is enacted to read:

§458. Renewal of agency liquor store license; selection of alternate licensee

1. Application by store. The holder of an agency liquor store license shall apply annually to the commission for renewal of that license. An application for renewal must be submitted on a form prepared by the bureau.

2. Review by commission. In reviewing applications for renewal submitted under subsection 1, the commission shall consider the following criteria:

A. The applicant's sales and inventory of liquor;

B. The applicant's sales and inventory of groceries and related items;

C. Any changes in the location of or renovations to the applicant's premises;

D. Any customer complaints of poor service against the applicant's store;

E. Any violations of liquor laws by the applicant; and

2 F. Records of any bad checks rendered to the commission.

4
6 3. Rejection of application; selection of alternate
8 licensee. If the commission denies an application for renewal of
10 an agency liquor store license, the commission may select an
12 alternate licensee in accordance with the criteria set forth in
14 sections 453, 453-A and 453-B. If the alternate licensee held
16 an agency liquor store license in the past, the commission may
18 consider any of the applicable criteria set forth in subsection 2
20 in considering whether to license the alternate agency liquor
22 store.

24 4. Purchase of store merchandise by State. If the
26 commission does not renew the agency liquor store license, the
28 commission shall purchase from the agency liquor store all
30 resalable spirits held in inventory by the agency liquor store.
32 The purchase price is the cost at which that agency liquor store
34 purchased the spirits from the commission, minus 10% of that cost.

36 5. Aggrieved applicant. Any agency liquor store licensee
38 aggrieved by a decision of the commission not to renew an agency
40 liquor store license may appeal the decision by filing a
42 complaint with the Administrative Court and serving a copy of
44 that complaint on the commission. The complaint must be filed
46 and served within 15 days of notification of the agency liquor
48 store licensee by the commission that the license will not be
50 renewed.

FISCAL NOTE

The procedures established by this bill for agency liquor store license renewal will not appreciably affect General Fund revenues.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department.'

STATEMENT OF FACT

The amendment requires the State Liquor Commission to purchase back the agency liquor store's inventory if the commission denies renewal of the agency liquor store license. The purchase price is the agency liquor store's cost minus 10%.

COMMITTEE AMENDMENT "A" to H.P. 1443, L.D. 2055

- 2 The amendment also makes clear that an agency liquor store
licensee may appeal a State Liquor Commission decision not to
renew an agency liquor store license to Administrative Court.
4 Finally, the amendment clarifies language in the bill, corrects a
cross-reference and adds a fiscal note.

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
3/16/92 (Filing No. H-1122)

COMMITTEE AMENDMENT