

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 2283

(Filing No. S- 636 )

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 890, L.D. 2283, Bill, "An Act Regarding the Purchase of Spirits at Agency Liquor Stores"

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Sec. 1. 28-A MRSA §352, as repealed and replaced by PL 1991, c. 376, §50 and amended by c. 591, Pt. VV, §4 is repealed and the following enacted in its place:

§352. Purchase of liquor in state and agency liquor stores; purchase from commission

1. Methods of payment. This subsection governs the methods of payment permitted for purchases of liquor from state or agency liquor stores and for purchases of liquor from the commission by agency liquor stores.

A. An agency liquor store may accept payment for liquor purchases by cash, check or major credit card.

B. A person, other than a licensee, buying liquor at a state liquor store must pay in cash or by major credit card.

C. A licensee buying liquor at a state liquor store or from the commission must pay in cash or by check.

D. In addition to the methods of payment permitted in paragraph C, an agency liquor store may pay for liquor purchased from the commission within 10 days if the agent has deposited cash in escrow with the commission to cover those purchases.

**COMMITTEE AMENDMENT**

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 890, L.D. 2283

2            2. Checks not honored on presentation; consequences. If  
4            any check is not honored on presentation or if an agency liquor  
6            store fails to pay for liquor in the allotted 10-day period, the  
8            commission shall withhold any license not issued or immediately  
10           take back the license if already issued, voiding that license  
12           until such time as the check or invoice is paid in full, together  
14           with the cost of the check failure or collection procedure. The  
16           commission may order that person to make all payments to the  
18           commission by cash, certified check or money order for a period  
20           not to exceed one year.

22           **Sec. 2. 28-A MRSA §606. sub-§1-A**, as enacted by PL 1991, c.  
24           227, §2, is amended to read:

26           **1-A. Exception.** Notwithstanding subsection 1, a restaurant  
28           person licensed to sell spirits for consumption on the premises,  
30           whose premises are located at least 15 miles from a- the nearest  
32           state liquor store may purchase spirits from an agency liquor  
34           store in accordance with this subsection.

36           A. Before purchasing spirits from an agency liquor store,  
38           a- restaurant the licensee must obtain written approval from  
40           the Bureau of Alcoholic Beverages. The bureau shall grant  
42           approval for the restaurant licensee to purchase spirits at  
44           one or more identified agency liquor stores for as long as  
46           the locations of the restaurant licensee and the agency  
48           liquor stores remain the same, if the restaurant licensee is  
50           at least 15 miles from the nearest state liquor store.

          B. Before selling to a restaurant licensee under this  
          subsection, an agency liquor store must obtain written  
          approval from the Bureau of Alcoholic Beverages. Approval  
          of the agency liquor store permits that store to sell  
          spirits to any restaurant licensee that has written approval  
          to purchase from that identified agency liquor store.

          C. The sale price of spirits sold to restaurants licensees  
          under this subsection must equal 104% of the retail sales  
          price set by the State Liquor Commission for sales of those  
          spirits ~~plus an amount equal to the difference between the~~  
          ~~wholesale price of those spirits and the retail selling~~  
          ~~price.~~

          D. ~~When an agency liquor store purchases spirits from the~~  
          ~~commission or from a state liquor store~~ Upon completion of  
          each transaction, the agency liquor store must deliver to  
          the commission ~~or the state liquor store,~~ ~~for each sale made~~  
          ~~pursuant to this subsection since the previous purchase of~~  
          ~~spirits,~~ a copy of the licensee order form and ~~the amount~~

2 ~~added to the retail sales price pursuant to paragraph C an~~  
 4 ~~amount equal to 8% of the regular retail sales price of each~~  
 6 ~~item of spirits sold to a licensee pursuant to this~~  
 8 ~~subsection. The commission or the state liquor store must~~  
 10 ~~pay the amount added to the retail sales price pursuant to~~  
 12 ~~paragraph C to the Bureau of Alcoholic Beverages.~~

STATEMENT OF FACT

10 The amendment replaces the bill. It permits on-premises  
 12 liquor licensees to purchase liquor from an agency liquor store  
 14 if the licensee is located at least 15 miles from the nearest  
 16 state liquor store. It sets the sales price at 104% of the  
 18 regular retail price for which the same item would be sold in a  
 20 state liquor store. The agency liquor store receives the 4%  
 22 markup and is required to send 8% of the retail price to the  
 24 State to compensate the State for lost state store sales. The  
 26 amendment requires the agency liquor store to send the state  
 28 payment to the State Liquor Commission immediately after each  
 transaction.

24 The amendment also resolves a conflict between 2 laws  
 26 enacted in 1991 affecting the method of payment for spirits  
 28 purchased at state liquor stores by licensees. The amendment  
 provides that licensees may pay by cash or check, but not by  
 major credit card. Agency store licensees may put money in  
 escrow with the State Liquor Commission.

Reported by Senator Mills for the Committee on Legal Affairs.  
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