



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 488

S.P. 157

In Senate, February 16, 1993

An Act Concerning the Operation of Agency Liquor Stores.

(EMERGENCY)

Reference to the Committee on Legal Affairs suggested and ordered printed.

Sun)

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator SUMMERS of Cumberland. (GOVERNOR'S BILL).

Emergency preamble. Whereas, Acts of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 4 Whereas, the 115th Legislature adopted legislation to provide for the closure of state liquor stores; and 6 Whereas, the closure of some stores has been stalled pending 8 clarification of the 10-mile rule; and 10 Whereas, the closure of these additional stores will result 12 in immediate savings to the General Fund; and Whereas, the legislative intent is to afford a smooth 14 transition for existing agency liquor store licensees and to provide for a reasonable application procedure for future license 16 applicants; and 18 Whereas, in the judgment of the Legislature, these facts 20 create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 22 safety; now, therefore, 24 Be it enacted by the People of the State of Maine as follows: 26 Sec. 1. 28-A MRSA §453, sub-§1, JTB and C, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed. 28 30 Sec. 2. 28-A MRSA §453, sub-§2, as amended by PL 1987, c. 342, §22, is repealed. 32 Sec. 3. 28-A MRSA §453, sub-§3, as enacted by PL 1987, c. 45, 34 Pt. A, §4, is repealed. Sec. 4. 28-A MRSA §453-A, sub-§§5-A and 8 are enacted to read: 36 5-A. Hearings on applications. The commission shall, in 38 accordance with the provisions of the Maine Administrative Procedure Act, conduct a hearing to take testimony to consider 40 comment and to conduct deliberation on applications. In addition to giving any notice required by the Maine Administrative 42 Procedure Act, the commission shall give notice of public hearing in writing to any existing agency liquor stores located within 5 44 miles of the applicant's proposed store location by regular mail 46 at least 15 days prior to the hearing.

8. Measurement of distance. All distances described in this section must be determined by the most reasonable direct route of travel.

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Sec. 5. 28-A MRSA §606, sub-§1-A, ¶¶C and D, as amended by PL 1991, c. 791, §2, are repealed.

Sec. 6. 28-A MRSA §708, sub-§3, as repealed and replaced by PL 1987, c. 342, §44, is amended to read:

3. Retail licensees. No <u>A</u> retail licensee may <u>not</u> offer
any free merchandise, rebate or gift contingent on the purchase of spirits, malt liquor or wine, <u>except for mail-in rebate</u>
14 <u>coupons redeemed by the manufacturer</u>.

16 Sec. 7. Retroactivity. Sections 1 to 3 of this Act apply retroactively to July 1, 1990.

Emergency clause. In view of the emergency cited in the 20 preamble, this Act takes effect when approved.

STATEMENT OF FACT

Sections 1 to 4 of this bill will correct a conflict that exists between the law as enacted in 1987 and recently enacted 26 legislation allowing for the replacement of state liquor stores 28 with private agency liquor stores. By repealing pertinent subsections, this billreduces confusion over acceptable liquor licensed 30 locations for agency stores under the Legislature's plan to close certain liquor stores and replace 32 them with agency liquor stores. The purposes of the proposed changes are to afford a smooth transition for existing agency 34 liquor store licensees and to provide a reasonable application procedure for future license applicants.

Section 6 allows agency liquor stores to sell to an on-premise licensee if the licensee is at least 15 miles away from a state liquor store. This section also provides for the sale of liquor at the same price the licensee would pay at a state liquor store. Section 6 also allows the provision of rebate coupons in these new stores.