

MAINE STATE LEGISLATURE

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LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 738, L.D. 996, Bill, "An Act to Eliminate Seasonal Liquor Stores"

Amend the bill in section 2 in that part designated "§451." in the 2nd line (page 1, line 27 in L.D.) by striking out the following: "commission" and inserting in its place the following: 'emmission Bureau of Liquor Enforcement'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 28-A MRSA §453-A, sub-§1, as enacted by PL 1991, c. 622, Pt. K, §6, is amended to read:

1. **Bidding.** The emmission Bureau of Liquor Enforcement shall solicit bids from the general public for each agency liquor store license to be issued. For licenses to replace an existing store, the emmission Bureau of Liquor Enforcement may not accept a bid lower than 1% of the taxable retail sales of the store being replaced, determined for the fiscal year that ended immediately before the closure of the store.

Sec. 4. 28-A MRSA §453-A, sub-§1-A is enacted to read:

1-A. Bidding to establish or replace agency liquor stores.
The Bureau of Liquor Enforcement shall solicit bids from the general public for each agency liquor store license to be issued. For licenses to establish an agency liquor store or replace an existing agency liquor store, the Bureau of Liquor Enforcement may not accept a bid lower than \$2,000.'

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 738, L.D. 996

Further amend the bill by striking out all of section 5 and inserting in its place the following:

Sec. 5. Transition provisions; application to seasonal store licensees.

1. Seasonal agency liquor stores. A location previously licensed to operate a seasonal agency liquor store may convert a past seasonal agency license to a year-round agency license notwithstanding the location requirements of the Maine Revised Statutes, Title 28-A, section 453. A current operator of a location previously licensed to operate as a seasonal agency liquor store has until June 30, 1994 to indicate in writing to the Bureau of Liquor Enforcement the operator's intent to convert to a year-round agency liquor store. A \$2,000 fee must also be submitted to the Bureau of Liquor Enforcement with the operator's written intent. The Bureau of Liquor Enforcement shall issue year-round licenses to those who choose to convert to year-round operation. If the operator of a location previously licensed to operate a seasonal agency liquor store fails to provide timely written notification of intent to convert to year-round operation and to submit the \$2,000 fee, the option to operate a year-round agency liquor store terminates.

2. Transfer of ownership. If a location previously licensed as a seasonal agency liquor store opts to become a year-round agency liquor store and subsequently transfers ownership, the agency license becomes void, and the provisions in Title 28-A, sections 457 and 453-A apply.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end after the emergency clause and before the statement of fact the following:

FISCAL NOTE

REVENUES	1993-94	1994-95
General Fund	\$27,750	\$12,250

The collection of bids and higher license fees that will result from allowing liquor stores that operate on a seasonal license to become year-round stores will increase General Fund revenue by \$27,750 and \$12,250 in fiscal years 1993-94 and 1994-95, respectively.'

A & S.

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STATEMENT OF FACT

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This amendment replaces the word "commission" with "Bureau of Liquor Enforcement" throughout the bill. This correction is consistent with the Bureau of Liquor Enforcement's new role as the licensing authority for agency liquor stores.

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The amendment changes the bidding requirements to establish or replace agency stores by requiring the Bureau of Liquor Enforcement to accept no bids that are less than \$2,000.

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The amendment gives operators of locations that were previously licensed as seasonal agency liquor stores the option of becoming year-round agency liquor stores, instead of limiting the option to only those who were seasonal agency liquor stores in 1992 or 1993. The location requirements in the Maine Revised Statutes, Title 28-A, section 453 do not apply to the previously licensed seasonal agency liquor stores that opt to convert to year-round operation. Those who wish to exercise the option of becoming year-round agency stores must submit a \$2,000 fee to the Bureau of Liquor Enforcement, along with a written statement of intent to become an agency store no later than June 30, 1994.

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The amendment specifies that when a location previously licensed as a seasonal agency liquor store opts to become a year-round agency liquor store and ownership is subsequently transferred, the license becomes void. Pursuant to current law, a temporary license will be issued by the Bureau of Liquor Enforcement and then the bidding and application process for replacement of an agency store occur.

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The amendment also adds a fiscal note to the bill.

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