

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 996

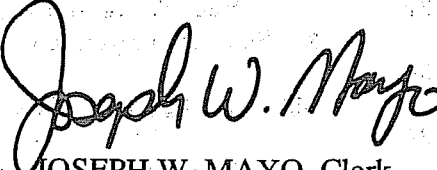
H.P. 738

House of Representatives, March 23, 1993

**An Act to Eliminate Seasonal Liquor Stores.**

(EMERGENCY)

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative STEVENS of Sabattus.

Cosponsored by Representatives: CONSTANTINE of Bar Harbor, GAMACHE of Lewiston, HEINO of Boothbay, KILKELLY of Wiscasset, LINDAHL of Northport, LORD of Waterboro, NICKERSON of Turner, RICKER of Lewiston, ROBICHAUD of Caribou, ST. ONGE of Greene, SWAZEY of Bucksport, ZIRNKILTON of Mount Desert, Senators: BERUBE of Androscoggin, HANDY of Androscoggin.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, currently licensed seasonal liquor stores will be opening for the summer season before that date; and

Whereas, the orderly operation of liquor stores within the State requires that these seasonal stores be eliminated; and

Whereas, in the judgment of the Legislature, these facts 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 safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28-A MRSA §401-A, sub-§6, as enacted by PL 1991, c. 591, Pt. Z, §2, is repealed.

Sec. 2. 28-A MRSA §451, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**§451. Agency liquor stores**

The commission may license and regulate persons as agency liquor stores on an annual, ~~seasonal~~ or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages to be consumed off the premises.

Sec. 3. 28-A MRSA §453-B, as enacted by PL 1991, c. 622, Pt. K, §6, is repealed and the following enacted in its place:

**453-B. Annual license fee**

The annual license fee for an agency liquor store is \$300. The fee must be paid on renewal of the license.

Sec. 4. 28-A MRSA §456-A, as amended by PL 1991, c. 622, Pt. K, §7, is repealed.

Sec. 5. Transition provisions; application to licensees in 1992 and 1993.

1. State liquor stores. Within 30 days the commission shall make a determination whether seasonal state liquor stores that operated under a valid seasonal state liquor license in 1992 or 1993 will become year-round stores or will be eliminated. A decision to convert a seasonal state store to year-round

2 operation will be treated as a designation of location of a state  
3 liquor store and either this decision or a decision to eliminate  
4 must be made in accordance with the notice and hearing procedures  
5 under the Maine Revised Statutes, Title 28-A, section 402. If  
6 the commission decides to eliminate a seasonal store, that store  
7 will not open for the 1993 season, or if already open, will close  
8 immediately upon the decision to eliminate it.

10 2. Agency liquor stores. Persons holding licenses to  
11 operate seasonal agency liquor stores in 1992 or 1993 may convert  
12 seasonal to year-round licenses notwithstanding the location  
13 requirements of the Maine Revised Statutes, Title 28-A, section  
14 453. The seasonal licensee or person that held a seasonal  
15 license in 1992 or 1993 has 30 days from the effective date of  
16 this Act to indicate in writing to the commission the intent to  
17 convert to a year-round agency liquor store. The commission  
18 shall issue year-round licenses to those who choose to convert to  
19 year-round operation. If the seasonal licensee fails to provide  
20 timely written notification of intent to convert to year-round  
21 operation, the licensee's license to operate an agency liquor  
22 store will terminate.

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

## 26 STATEMENT OF FACT

28 This bill eliminates seasonal state and agency liquor  
30 stores. Transition provisions allow seasonal liquor stores  
existing in 1992 or 1993 to convert to year-round operation.