

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

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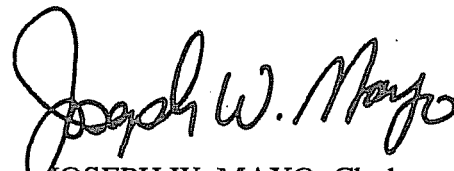
House of Representatives, April 8, 1993

**An Act Concerning the Location and Licensure of Agency Liquor Stores.**

(EMERGENCY)

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.  
Cosponsored by Representative: DiPIETRO of South Portland, Senator: HARRIMAN of  
Cumberland.

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

Whereas, certain liquor stores may be in technical violation of current laws; and

Whereas, it is not in the best interests of the State for the Department of Administrative and Financial Services to enforce the laws; 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 §452, sub-§6, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

6. Size and nature of facilities. The size and nature of the facilities of agency liquor stores for different quantities of liquor to be sold; and

Sec. 2. 28-A MRSA §452, sub-§6-A is enacted to read:

6-A. Seasonal license. The requirements for granting a 6-month seasonal license; and

Sec. 3. 28-A MRSA §453, sub-§1, as amended by PL 1991, c. 591, Pt. E, §34, is further amended to read:

1. Location requirements. The commission may license an agency liquor store only when the following requirements are met.

A. The proposed agency liquor store is located in a municipality or unincorporated place which that has voted in favor of the operation of state liquor stores under local option provisions.

~~B. The proposed agency liquor store is located:~~

~~(1) In a municipality or unincorporated place where there are no state liquor stores; or~~

~~(2) On an island which is within a municipality or unincorporated place where there are state liquor stores, but which is not connected to that municipality~~

2                   er--unincorporated--place--by--bridge--and--which--has--no  
state-liquor-stores-on-it.

4                   C.--The-proposed-agency-liquor-store-is-not-within-10-miles  
of-an-existing-state-liquor-store-or-agency-liquor-store.

6                   D.--If-a-state-liquor-store-closes,-the-commission-may-grant  
8                   more--than-one-agency-store-license-in-a-municipality-when  
the-commission-considers-it-appropriate.

10                   **Sec. 4. 28-A MRSA §453, sub-§2,** as amended by PL 1987, c. 342,  
12                   §22, is repealed.

14                   **Sec. 5. 28-A MRSA §453, sub-§2-A,** as enacted by PL 1991, c.  
16                   622, Pt. K, §3, is repealed.

18                   **Sec. 6. 28-A MRSA §453, sub-§3,** as enacted by PL 1987, c. 45,  
Pt. A, §4, is repealed.

20                   **Sec. 7. 28-A MRSA §453-A, sub-§§1, 2, 4 and 5,** as enacted by PL  
22                   1991, c. 622, Pt. K, §6, are amended to read:

24                   1. **Application.** The commission shall ~~selicit-bids~~ accept  
the-commission-may-not-accept-a-bid-lower-than-1%--of--the--taxable  
26                   retail--sales--of--the--store--being--replaced--determined--for--the  
28                   fiscal--year--that--ended--immediately--before--the--closure--of--the  
store.

30                   2. **Public notice.** The commission shall, in accordance with  
32                   the Maine Administrative Procedure Act, give public notice that  
an agency liquor store may be established in a particular  
34                   municipality or unincorporated place. ~~The--commission--shall~~  
36                   summarize--in--the--public--notice--the--bidding--requirements--for--the  
agency-store-license--including--the--minimum--bid--required--The  
38                   commission--shall--request--all--parties--in--the--municipality--or  
unincorporated--place--interested--in--bidding--on--a--license--to  
40                   establish--an--agency--liquor--store--there--to--submit--bids--and  
applicatiens--to--the--commission.

42                   4. **Notice to municipality.** Upon receipt of all  
44                   applicatiens an application for an agency liquor store license in  
a municipality and at least 15 days before the final selection of  
46                   an applicant ~~or--applicants~~ by the commission, the commission  
shall notify the municipal officers of that municipality of the  
48                   proposed location of each the applicant.

50                   5. **Licensing decisions.** The commission shall conduct an  
investigation to determine the feasibility of the location and

2 type of facility for the agency liquor store and shall issue the  
3 a license to ~~one--or--more--of--the--applicants,--taking--into~~  
4 ~~consideration--the--bid--offered--and--any--other--factors--the~~  
5 ~~commission--considers--appropriate~~ an applicant who meets the  
6 qualifications of section 601 and any rules of the commission  
7 relating to qualifications for an agency store license.

8 **Sec. 8. 28-A MRSA §453-A, sub-§5-A is enacted to read:**

10 5-A. Hearings on applications. The commission, in  
11 accordance with Title 5, chapter 375, subchapter IV, shall  
12 conduct a hearing to take testimony, consider comments and  
13 conduct deliberations on applications. Notice of the public  
14 hearing must include, in addition to any notice required by Title  
15 5, chapter 375, subchapter IV, notice in writing to any existing  
16 agency liquor store located within 5 miles of a license  
17 applicant's proposed store location by regular mail at least 15  
18 days before the hearing.

20 **Sec. 9. 28-A MRSA §453-A, sub-§8 is enacted to read:**

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

26 **Sec. 10. 28-A MRSA §453-B, as enacted by PL 1991, c. 622, Pt.**  
27 **K, §6, is repealed and the following enacted in its place:**

28 **§453-B. License fees**

30 1. Annual license. An initial annual license fee to  
31 operate an agency liquor store is \$3,000 and is effective for 12  
32 months from the date of issuance. The fee to renew an annual  
33 license to operate an agency liquor store is \$750.

36 2. Seasonal license. The initial seasonal license fee to  
37 operate an agency liquor store is \$1,500 and is effective for 6  
38 months from the date of issuance. The fee to renew a seasonal  
39 license to operate an agency liquor store is \$375.

40 **Sec. 11. 28-A MRSA §456-A, as amended by PL 1991, c. 622,**  
41 **Pt. K, §7, is repealed.**

44 **Sec. 12. 28-A MRSA §457, as amended by PL 1987, c. 623, §6,**  
45 **is repealed.**

46 **Sec. 13. 28-A MRSA §457-A is enacted to read:**

48 **§457-A. Nontransferability of agency liquor store license**

