

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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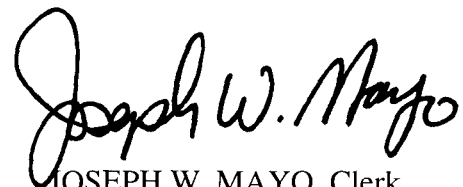
H.P. 1041

House of Representatives, May 2, 1995

**An Act to Privatize the Liquor Industry.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative BARTH of Bethel.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 28-A MRSA §2, sub-§§1 and 14**, as enacted by PL 1987, c.  
5 45, Pt. A, §4, are amended to read:

6 **1. Agency liquor store.** "Agency liquor store" means a  
7 person who is licensed by the commission prior to January 1, 1997  
8 to sell spirits to be consumed off the premises.

10 **14. Licensee.** "Licensee" means the person to whom a license  
11 of any kind is issued by the commission. "Licensee" includes,  
12 but is not limited to, agency liquor stores and certificate of  
13 approval holders.

14 **Sec. 2. 28-A MRSA §2, sub-§15-B** is enacted to read:

16 **15-B. Liquor store.** "Liquor store" means a person who is  
17 licensed by the commission to sell spirits to be consumed off the  
18 premises.

20 **Sec. 3. 28-A MRSA §2, sub-§25-A**, as enacted by PL 1989, c.  
21 526, §§1 and 28, is amended to read:

24 **25-A. Retail employee.** "Retail employee" means any person  
25 employed by a retailer or ~~by the commission~~ to sell liquor in a  
26 licensed establishment or ~~state~~ liquor store. For the purposes  
27 of violations of this Title and rules of the commission, a retail  
28 employee ~~shall be~~ is deemed an agent of the retailer or ~~state~~  
29 liquor store that employs that employee.

30 **Sec. 4. 28-A MRSA §2, sub-§32**, as amended by PL 1993, c. 462,  
31 §4, is further amended to read:

34 **32. State liquor store.** "State liquor store" means a store  
35 operated by the commission prior to January 1, 1997 that sells  
36 spirits and fortified wines to be consumed off the premises.

38 **Sec. 5. 28-A MRSA §62, sub-§1**, as enacted by PL 1987, c. 45,  
39 Pt. A, §4, is amended to read:

40 **1. Supervision of the Bureau of Alcoholic Beverages and**  
41 **Lottery Operations.** To supervise and direct the Director of the  
42 Bureau of Alcoholic Beverages and Lottery Operations relating to  
43 all phases of the merchandising of liquor through ~~state~~ liquor  
44 stores ~~and agency liquor stores~~;

46 **Sec. 6. 28-A MRSA §62, sub-§§5 and 6**, as amended by PL 1993, c.  
47 730, §17, are repealed.  
48



2 A. The commission, after holding a public hearing near the  
3 proposed location, may ~~locate an agency license~~ a liquor  
4 store that is located within 300 feet of a church, chapel,  
5 parish house or post-secondary school when the location has  
6 the unanimous approval of the members of the commission.

7 **Sec. 15. 28-A MRSA §352**, as amended by PL 1993, c. 615, §§2  
8 and 3, is repealed.

9 **Sec. 16. 28-A MRSA §353**, as amended by PL 1993, c. 266, §6,  
10 is further amended to read:

11 **§353. Business hours**

12 ~~State-liquor~~ Liquor stores and ~~agency-liquor-stores~~ may be  
13 open for the sale and delivery of liquor between the hours of 6  
14 a.m. and 1 a.m. in municipalities and unincorporated places that  
15 have voted in favor of the operation of state liquor stores under  
16 local option provisions. Notwithstanding any local option  
17 decisions to the contrary, state liquor stores and ~~agency-liquor~~  
18 stores may be open from noon Sunday to 1 a.m. the next day. The  
19 ~~commission shall establish the hours of operation of each state~~  
20 ~~liquor store.~~

21 **Sec. 17. 28-A MRSA §§354 and 355**, as enacted by PL 1987, c.  
22 45, Pt. A, §4, are amended to read:

23 **§354. Sales to minors or intoxicated persons**

24 ~~No-state~~ A liquor store ~~or agency-liquor-store~~ may not sell  
25 liquor to a minor or to a visibly intoxicated person.

26 **§355. Closed in cases of riots; hurricanes; flood**

27 The Governor or the commission may, in cases of riots,  
28 hurricanes and floods, order any or all state liquor stores ~~or~~  
29 ~~agency-liquor-stores~~ to close.

30 **Sec. 18. 28-A MRSA c. 17**, as amended, is repealed.

31 **Sec. 19. 28-A MRSA c. 19** is amended by repealing the chapter  
32 headnote and enacting the following in its place:

33 **CHAPTER 19**

34 **LIQUOR STORES LICENSING**

35 **Sec. 20. 28-A MRSA §451**, as amended by PL 1993, c. 509, §2,  
36 is further amended to read:

2       **§451. Liquor stores**

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

8           **Sec. 21. 28-A MRSA §452**, as enacted by PL 1987, c. 45, Pt. A,  
10       §4, is amended to read:

12       **§452. Rules governing liquor stores**

14           The commission shall adopt rules for the ~~selection--and~~  
16       operation of ~~agency~~ liquor stores. These rules include, but are  
      not limited to, the following:

18           **1. Location.** Location of ~~agency~~ stores, subject to section  
20       453;

22           **2. Storage facilities.** Storage facilities for liquor;

24           **3. Handling and sale.** The handling and sale of liquor;

26           **4. Hours.** The hours of operation;

28           **5. Separation from other merchandise.** The separation of  
      liquor from other merchandise in the ~~agency~~ liquor stores;

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

34           **7. Other.** Any other rules necessary to carry out the  
36       purposes of this chapter except that the commission has no  
      authority to regulate liquor prices.

38           **Sec. 22. 28-A MRSA §453**, as amended by PL 1993, c. 380, §§1  
40       to 5 and affected by §7, is further amended to read:

42       **§453. Location of stores**

44           **1. Location requirements.** The commission may license an  
46       ~~agency~~ a liquor store only when the following requirements are  
      met.

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

2 C. The proposed agency liquor store is not within 3.5 miles  
4 of an existing state liquor store ~~or an existing agency~~  
~~liquor store that was licensed before May 1, 1993.~~

6 ~~D. If a state liquor store closes, the commission may grant~~  
8 ~~more than one agency store license in a municipality when~~  
10 ~~the commission considers it appropriate. Agency liquor~~  
12 ~~stores licensed before May 1, 1993 that replace closed state~~  
~~liquor stores are exempt from the distance requirement in~~  
~~paragraph C.~~

14 ~~2. Replacement of state or agency liquor stores. The~~  
16 ~~commission may not replace a state or existing agency liquor~~  
18 ~~store that closes with an agency liquor store if there is another~~  
20 ~~state or existing agency liquor store within 3.5 miles. This~~  
~~subsection does not prevent the commission from locating a~~  
~~replacement agency liquor store within 3.5 miles of another~~  
~~replacement agency liquor store for the same town.~~

22 ~~2-A. Replacement of state liquor stores closed in fiscal~~  
24 ~~year 1991-92. The commission may replace a state liquor store~~  
~~closed after July 1, 1990 with 3 agency liquor stores if:~~

26 ~~A. The agency stores are within a 10 mile radius of the~~  
~~location of the closed state liquor store, and~~

28 ~~B. The commission does not issue to a person or corporation~~  
30 ~~more than 2 of the 3 licenses issued to replace a state~~  
32 ~~liquor store. For purposes of this restriction, each~~  
34 ~~partner of a partnership, each corporation that owns an~~  
~~interest in another corporation and each person who owns 20%~~  
~~or more of the shares or other interest in a corporation is~~  
~~deemed to own a license granted to the partnership or~~  
~~corporation.~~

36 **Sec. 23. 28-A MRSA §453-A**, as amended by PL 1993, c. 509,  
38 §§3 and 4, is further amended to read:

40 **§453-A. Issuance of liquor store license**

42 The commission shall issue a license for an agency a liquor  
44 store within a municipality or unincorporated place by the  
following procedure.

46 **1. Bidding to replace state liquor stores.** The Bureau of  
48 Liquor Enforcement shall solicit bids from the general public for  
each agency liquor store license to be issued. For an agency a  
license to replace an existing state store, the Bureau of Liquor  
50 Enforcement may not accept a bid lower than 1% of the taxable

2 retail sales of the store being replaced, determined for the  
3 fiscal year that ended immediately before the closure of the  
4 store.

6 **1-A. Bidding to establish a liquor store or replace agency  
7 liquor stores.** The Bureau of Liquor Enforcement shall solicit  
8 bids from the general public for each ~~agency~~ liquor store license  
9 to be issued. For licenses to establish an ~~agency~~ a liquor store  
10 or replace an existing agency liquor store, the Bureau of Liquor  
11 Enforcement may not accept a bid lower than \$2,000.

12 **2. Public notice and solicitation of bids.** The commission  
13 shall, in accordance with the Maine Administrative Procedure Act,  
14 give public notice that an ~~agency~~ a liquor store may be  
15 established in a particular municipality or unincorporated  
16 place. The commission shall summarize in the public notice the  
17 bidding requirements for the agency liquor store license,  
18 including the minimum bid required. The commission shall request  
19 all parties in the municipality or unincorporated place  
20 interested in bidding on a license to establish an ~~agency~~ a  
21 liquor store there to submit bids and applications to the  
22 commission.

24 **3. Information to applicants.** The commission shall provide  
25 all applicants with the necessary information for the  
26 establishment of an ~~agency~~ a liquor store.

28 **4. Notice to municipality.** Upon receipt of all  
29 applications for an ~~agency~~ a liquor store license in a  
30 municipality and at least 15 days before the final selection of  
31 an applicant or applicants by the commission, the commission  
32 shall notify the municipal officers of that municipality of the  
33 proposed location of each applicant.

34 **5. Licensing decisions.** The commission shall conduct an  
35 investigation to determine the feasibility of the location and  
36 type of facility for the agency liquor store and shall issue the  
37 license to one or more of the applicants, taking into  
38 consideration the bid offered and any other factors the  
39 commission considers appropriate.

42 **5-A. Hearings on applications.** The commission, in  
43 accordance with the provisions of the Maine Administrative  
44 Procedure Act, shall conduct a hearing to take testimony,  
45 consider comment and deliberate on applications. In addition to  
46 giving any notice required by the Maine Administrative Procedure  
47 Act, the commission shall give notice of public hearing in  
48 writing to any existing agency liquor stores located within 5  
49 miles of the applicant's proposed store location by regular mail  
50 at least 15 days prior to the hearing.



2           **6. Denial of application.** The commission shall notify any  
4 applicant denied a license of the reasons for the denial by  
6 certified mail to the mailing address given by the applicant in  
the application for an-agency a liquor store license.

8           **7. Aggrieved applicants.** Any applicant aggrieved by a  
10 decision made by the commission may appeal the decision by filing  
12 a complaint with the Administrative Court and serving a copy of  
the complaint upon the commission. The complaint must be filed  
and served within 15 days of the mailing of the commission's  
decision.

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

18           **Sec. 24. 28-A MRSA §453-B,** as repealed and replaced by PL  
20 1993, c. 509, §5, is repealed.

22           **Sec. 25. 28-A MRSA §454,** as enacted by PL 1987, c. 45, Pt. A,  
§4, is amended to read:

24           **§454. Liquor store in former state liquor store location**

26           Within 72 hours of opening for business, an-agency a liquor  
28 store, occupying premises previously occupied by a state liquor  
store or an agency liquor store, shall remove all signs on the  
30 premises of that store which identify those premises as a state  
liquor store or an agency liquor store.

32           **Sec. 26. 28-A MRSA §§454-A to 454-E** are enacted to read:

34           **§454-A. Applications**

36           Each applicant for a liquor store license must file an  
38 application in the form prescribed by the commission. The  
application is in addition to any other application filed with  
40 the Bureau of Alcoholic Beverages and Lottery Operations  
concerning other liquor licensing privileges.

42           **§454-B. Eligibility**

44           1. Qualification for a license. The commission may issue a  
46 license to operate a liquor store to an applicant only upon a  
finding that the applicant meets the eligibility requirements in  
48 section 601, and that the applicant is of sound judgment and good  
character, subscribes to sound business principles and meets all  
50 requirements of financial responsibility. For purposes of this  
chapter, unless otherwise indicated, the term "applicant" means:

- 2           A. For an applicant who is a natural person, the individual;  
4           B. For an applicant that is a partnership, each person with  
              an interest in the partnership; and  
6  
              C. For an applicant that is a corporation, the officers or  
8           directors of the corporation and each shareholder with a  
              controlling interest in the corporation. In the case of a  
10           publicly owned corporation, "controlling interest" means  
12           direct or indirect ownership of more than 50% of the shares  
              of the corporation.

14           2. Denial of license. Finding any of the following is a  
              ground for license denial:

- 16           A. Conviction of a Class A, Class B or Class C crime, or  
18           any crime of moral turpitude; or  
20           B. Conviction of any local, state or federal tax law  
              violation.

22           §454-C. Bond required

24           A liquor store licensee must furnish a bond with a surety to  
26           the commission before conducting any business under the license.  
              The amount of the bond must be determined by the commission, but  
28           may not exceed \$100,000. The purpose of the bond is to insure  
              the licensee's financial responsibility and to ensure that  
30           sufficient funds are available to satisfy any penalty assessed  
              under this chapter.

32           If a licensee holds more than one license, the commission  
34           may determine that only one bond is required, as long as the bond  
              covers all of the licensed operations of the licensee.

36           §454-D. Issuance of licenses

38           Licenses for sale and distribution of spirits in liquor  
40           stores may be issued by the commission upon application and under  
              such rules as the commission may prescribe. A person licensed  
42           under this section may not sell liquor for consumption on the  
              premises where sold.

44           A license issued by the commission applies only to the  
46           applicant and the premises designated on the application, unless  
              transferred pursuant to section 605, subsection 1.

48           §454-E. Fees

50

2       The fee for a full-year license for the sale of liquor in a  
3       liquor store is \$1,200. The fee for a seasonal license for the  
4       sale of liquor in a liquor store is \$600. The fee for a  
5       temporary license for the sale of liquor in a liquor store is  
6       \$100 per month for the license period.

7               **Sec. 27. 28-A MRSA §455**, as amended by PL 1991, c. 376, §51,  
8       is repealed.

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

11               **Sec. 29. 28-A MRSA §458**, as enacted by PL 1991, c. 782, §1,  
12       is amended to read:

13       **§458. Renewal of liquor store license; selection of alternate**  
14       **licensee**

15               **1. Application by store.** The holder of an agency a liquor  
16       store license shall apply annually to the commission for renewal  
17       of that license. An application for renewal must be submitted on  
18       a form prepared by the bureau.

19               **2. Review by commission.** In reviewing applications for  
20       renewal submitted under subsection 1, the commission shall  
21       consider the following criteria:

22               A. ~~The applicant's sales and inventory of liquor;~~

23               B. ~~The applicant's sales and inventory of groceries and~~  
24       ~~related items;~~

25               C. Any changes in the location of or renovations to the  
26       applicant's premises;

27               D. Any customer complaints of poor service against the  
28       applicant's store;

29               E. Any violations of liquor laws by the applicant; and

30               F. Records of any bad checks rendered to the commission.

31               **3. ~~Rejection of application; selection of alternate~~**  
32       **~~licensee.~~** ~~If the commission denies an application for renewal of~~  
33       ~~an agency liquor store license, the commission may select an~~  
34       ~~alternate licensee in accordance with the criteria set forth in~~  
35       ~~sections 453, 453-A and 453-B. If the alternate licensee held~~  
36       ~~an agency liquor store license in the past, the commission may~~  
37       ~~consider any of the applicable criteria set forth in subsection 2~~

in-considering-whether-to-license-the-alternate-agency-liquor  
store.

4. ~~Purchase of store merchandise by State.~~ If the  
commission does not renew the agency liquor store license, the  
commission shall purchase from the agency liquor store all  
resalable spirits held in inventory by the agency liquor store.  
The purchase price is the cost at which that agency liquor store  
purchased the spirits from the commission, minus 10% of that cost.

5. **Aggrieved applicant.** Any agency liquor store licensee  
aggrieved by a decision of the commission not to renew an agency  
a liquor store license may appeal the decision by filing a  
complaint with the Administrative Court and serving a copy of  
that complaint on the commission. The complaint must be filed  
and served within 15 days of notification of the agency liquor  
store licensee by the commission that the license will not be  
renewed.

Sec. 30. 28-A MRSA §459, as enacted by PL 1993, c. 276, §1,  
is amended to read:

**§459. Delivery of liquor by liquor stores**

Agency liquor stores may deliver liquor to  
establishments that are licensed to serve liquor on premises.

Sec. 31. 28-A MRSA §605, sub-§5, as amended by PL 1987, c.  
623, §7, is further amended to read:

5. **Incorporation of licensee's business.** The incorporation  
of a licensee's business or a change in the form of incorporation  
of a licensee's business are transfers is a transfer within the  
meaning of this section. ~~This subsection does not apply to  
agency liquor stores as long as the licensed agent retains  
control of the corporate stock.~~

Sec. 32. 28-A MRSA §606, as amended by PL 1993, c. 276, §§2  
and 3, is further amended to read:

**§606. Purchase of liquor; sale to government agencies**

1. **Purchase of liquor.** Subject to the restrictions  
provided in subsection 1-A, a A person licensed to sell spirits  
must purchase liquor from a state or agency liquor store  
certificate of approval holder or wholesaler. This subsection  
does not apply to public service corporations operating  
interstate.

~~1-A.-- On premises licensees, purchase from agency store.-- A  
2 person licensed to sell spirits for consumption on the premises  
may purchase spirits from an agency liquor store only in  
4 accordance with this subsection.~~

~~6 A.-- The sale price of spirits sold to a licensee under this  
subsection must equal the price for which a licensee would  
8 purchase liquor at a state store.~~

~~10 B.-- Upon completion of a transaction, the agency liquor  
store and the on-premise licensee shall each retain a copy  
12 of the licensee order form.~~

~~14 1-B.-- Price of sales to agency liquor stores.-- The  
commission shall sell spirits to agency liquor stores for 92% of  
16 the retail sales price set in accordance with chapters 65 and 67.~~

18 **2. On-premise retailers must report purchases.** All persons  
licensed to sell liquor to be consumed on the premises shall  
20 report all liquor purchases to the commission on forms provided  
by the commission.

22 **3. Prospective licensees may order liquor in advance.** Upon  
24 approval of the commission, persons who have been issued a  
license, effective at a future date, may order liquor in advance  
26 of the effective date of the license and may advertise the  
effective date.

~~28 4.-- Discount for agency liquor stores.-- The commission shall  
30 sell spirits to agency liquor stores for a price of 8% less than  
the real price established for the state liquor stores.~~

~~32 5.-- Sale to government instrumentalities.-- The commission  
34 may sell spirits to approved government instrumentalities within  
the State.-- The commission shall set the price which must be  
36 approved by the Governor.~~

~~38 6.-- Sale to airlines and ferry services for consumption  
outside the State.-- The commission may sell spirits not for  
40 consumption within the State to airlines and ferry services or  
their agents as authorized by the commission.-- The commission  
42 shall set the price which must be approved by the Governor.~~

~~44 7.-- Premium must be collected.-- Nothing in this section may  
be construed to permit the commission to sell spirits without  
46 collecting the entire premium assessed under chapter 65.~~

48 **Sec. 33. 28-A MRS §708, sub-§5,** as enacted by PL 1993, c.  
615, §4, is amended to read:

50

5. **Combination packages.** Notwithstanding subsection 3,  
agency liquor store licensees may offer for sale any package or  
combination of packages of spirits that the commission has  
approved for sale ~~in-state-liquor-stores.~~

**Sec. 34. 28-A MRSA §1371, sub-§3, ¶B,** as enacted by PL 1987,  
c. 45, Pt. A, §4, is repealed.

**Sec. 35. 28-A MRSA §1651, sub-§1,** as amended by PL 1993, c.  
615, §5, is repealed.

**Sec. 36. 28-A MRSA §1651, sub-§2,** as amended by PL 1993, c.  
615, §6, is repealed.

**Sec. 37. 28-A MRSA §1651, sub-§4,** as enacted by PL 1987, c.  
45, Pt. A, §4, is repealed.

**Sec. 38. 28-A MRSA §1703,** as amended by PL 1993, c. 462, §9,  
is repealed.

**Sec. 39. 28-A MRSA §2073, sub-§3, ¶B,** as enacted by PL 1987,  
c. 45, Pt. A, §4, is amended to read:

B. For-hire carriers and contract carriers, authorized by  
the Department of Public Safety, may transport liquor to  
state liquor stores, to liquor warehouses, to licensees, to  
purchasers of liquor at state liquor stores and from  
manufacturers to liquor warehouses, state liquor stores and  
to the state line for transportation outside the State.

**Sec. 40. 28-A MRSA §2073, sub-§3, ¶C,** as enacted by PL 1987,  
c. 45, Pt. A, §4, is repealed.

**Sec. 41. 28-A MRSA §2073, sub-§3, ¶F,** as enacted by PL 1987,  
c. 45, Pt. A, §4, is amended to read:

F. The commission may authorize hospitals and state  
institutions to purchase liquor, for medicinal purposes  
only, from wholesale licensees ~~and--state--liquor--stores.~~  
Such authorization must be in writing.

**Sec. 42. 28-A MRSA §2075, sub-§§1 to 3,** as amended by PL 1993,  
c. 730, §47, are further amended to read:

**1. Only a licensee may import spirits; exception.** Except  
as provided in this section, ~~no~~ a person other than the  
~~commission~~ a licensee may not import spirits into the State.

A. An individual may transport into the State and may  
transport from place to place within the State spirits for

2 the individual's personal use in a quantity not greater than  
4 quarts.

4 **2. Transportation of spirits within the State.** No A person  
6 other than a licensee may not transport or cause to be  
8 transported any spirits within the State in a quantity greater  
than 4 quarts unless the spirits were purchased from a ~~state-of~~  
~~agency~~ liquor store in the State.

10 **3. Importation and transportation of spirits for special**  
12 **purposes.** The bureau may, in writing, permit and authorize the  
14 importation of spirits into the State and the transportation of  
spirits from place to place within the State to the following  
16 destinations by persons other than licensees for the specified  
purposes:

18 A. To industrial establishments for use as an ingredient in  
the manufacture of food products, or for use as an  
20 ingredient in the manufacture of commodities that by reason  
of their nature can not be used for beverage purposes, or  
22 for use in the manufacture of commodities unfit for beverage  
purposes;

24 B. To licensed distillers and manufacturers of spirits in  
the State for use as an ingredient in distilling or  
26 manufacturing spirits and other spirituous products that are  
authorized by 27 Code of Federal Regulations; and

28 C. To churches or to the pastor of any church for  
30 sacramental purposes or similar religious rites.

32 **Sec. 43. 28-A MRSA §2076, sub-§1,** as enacted by PL 1987, c.  
45, Pt. A, §4, is amended to read:

34 **1. Delivery of liquor.** Except for a licensee or with the  
36 commission's written permission, ~~no~~ a person may not knowingly  
transport to or cause to be delivered to any person other than  
38 ~~the-commission~~ a licensee any spirits not purchased from a state  
liquor store ~~or-the-commission~~.

40 **Sec. 44. 28-A MRSA §2229, sub-§2,** as enacted by PL 1987, c.  
42 45, Pt. A, §4, is amended to read:

44 **2. Sale of forfeited liquor by commission.** Except as  
provided in paragraph A, the commission shall sell forfeited  
46 liquor ~~in-the-state~~ to liquor stores throughout the State.

48 A. If any liquor is determined by the court to be unfit or  
unsatisfactory for consumption or retail sale, the court may  
50 order the liquor to be destroyed by any officer competent to

2 serve the process on which it was forfeited. The officer  
shall make the return accordingly to the court.

4 (1) The liquor shall must be destroyed by pouring it  
6 upon the ground or into a public sewer.

8 **Sec. 45. 28-A MRSA §2330, sub-§2, ¶B,** as enacted by PL 1993,  
c. 730, §51, is amended to read:

10 B. Secure the liquor for a period of 30 days, after which  
12 time the agency shall transfer the liquor to the bureau.  
The bureau shall dispose of any malt liquor or wine and  
14 shall transfer any spirits to the commission for sale at  
state liquor stores.

16 **Sec. 46. Proposal for orderly withdrawal of existing liquor stores.**

18 The State Liquor and Lottery Commission shall submit a proposal  
for the orderly withdrawal of existing state and agency liquor  
20 stores, either by closing or transfer, effective no later than  
January 31, 1997. The proposal and any necessary legislation  
22 must be submitted by January 31, 1996 to the Joint Standing  
Committee on Legal and Veterans Affairs. This section takes  
effect November 1, 1995.

24 **Sec. 47. Effective date.** This Act takes effect January 1, 1997,  
26 except as otherwise provided.

28

30 **STATEMENT OF FACT**

32 This bill eliminates state and agency liquor stores as well  
as price setting and wholesale activities by the State. The  
State Liquor and Lottery Commission and the Bureau of Liquor  
34 Enforcement maintain the power to collect taxes, issue licenses  
and ensure compliance with the state liquor laws.