

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

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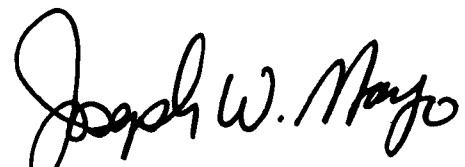
House of Representatives, January 16, 1996

**An Act to Implement the Recommendations of the Task Force on
Alcoholic Beverage Sales.**

(EMERGENCY)

Reported by Representative CHIZMAR for the Task Force on Alcoholic Beverage Sales pursuant to Resolve 1995, chapter 54, section 6.

Reference to the Joint Standing Committee on Legal and Veterans Affairs suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

Whereas, the Task Force on Alcoholic Beverage Sales has
recommended that the State remove itself as expeditiously as
possible from the retail sale of alcoholic beverages; and

Whereas, the schedule recommended by the task force requires
statutory changes to become effective sooner than 90 days
following adjournment in order to permit the closing of state
liquor stores and the licensing of agency liquor stores; 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:

PART A

Sec. A-1. 5 MRSA §281, 3rd ¶, as amended by PL 1991, c. 780,
Pt. Y, §20, is further amended to read:

The department shall coordinate financial planning and
programming activities of departments and agencies of the State
Government for review and action by the Governor, prepare and
report to the Governor and to the Legislature financial data and
statistics and administer under the direction of the State Liquor
and Lottery Commission the laws relating to legalized alcoholic
beverages within this State. The department consists of the
bureaus and organizations referenced in section 947-B, ~~and the
State Liquor Commission, except the Bureau of Liquor Enforcement
and the State Lottery Commission~~ the Bureau of Alcoholic
Beverages and Lottery Operations and the State Liquor and Lottery
Commission.

Sec. A-2. 5 MRSA §283-A is enacted to read:

§283-A. State Liquor and Lottery Commission

1. Commission. The State Liquor and Lottery Commission,
established in Title 5, section 12004-G, subsection 14, consists
of 5 members who must be citizens and residents of this State.
Members are appointed by the Governor and are subject to review
by the joint standing committee of the Legislature having
jurisdiction over legal affairs and to confirmation by the

2 Legislature. No more than 3 members of the commission may be
3 members of the same political party.

4 2. Chair. The commission shall elect a chair from among
5 its members.

6 3. Eligibility of members. A person is not eligible for
7 appointment as a member of the commission or as an employee of
8 the commission, if that person:

9 A. Has any connection with, official, professional or
10 otherwise, or who owns any stock in a corporation interested
11 either directly or indirectly in the manufacture or sale of
12 liquor; or

13 B. Has been convicted or adjudicated guilty of violating
14 any state or federal law regulating the manufacture, sale
15 or transportation of liquor.

16 This subsection is repealed February 1, 1998.

17 4. Terms; vacancies. Members of the commission serve
18 3-year terms. Vacancies must be filled for the unexpired term in
19 the same manner as the original appointment.

20 5. Meetings. The commission shall meet at the call of the
21 chair and at least once each month with the Director of the
22 Bureau of Alcoholic Beverages and Lottery Operations.

23 6. Quorum. An action of the commission is not binding
24 unless taken at a meeting at which at least 3 of the 5 members
25 are present and vote in favor of the action.

26 7. Compensation. Members of the commission are entitled to
27 compensation as provided in Title 5, chapter 379. Members may
28 not be compensated for more than 25 meetings per year, except for
29 the chair who may be compensated for up to 30 meetings per year.

30 8. Removal. A member of the commission may be removed by
31 the Governor on the address of both branches of the Legislature
32 or by impeachment.

33 **Sec. A-3. 5 MRSA §12004-E, sub-§3,** as enacted by PL 1987, c.
34 786, §5, is repealed.

35 **Sec. A-4. 5 MRSA §12004-G, sub-§14,** as enacted by PL 1987, c.
36 786, §5, is amended to read:

37 **14.** State Liquor Legislative 8-MRSA
38 Finance and Lottery Per Diem §351

Commission

5 MRSA
§283-A

2

4

A. The chairman shall chair may receive no more than \$5,000 per year, including per diem and expenses.

6

8

B. The other board members shall may each receive no more than \$3,500 per year, including per diem and expenses.

10

Sec. A-5. 5 MRSA §10051, sub-§3, as amended by PL 1995, c. 140, §1, is further amended to read:

12

3. Appellate jurisdiction. The Administrative Court has exclusive jurisdiction to review disciplinary decisions of occupational licensing boards and commissions taken pursuant to Title 10, section 8003 and licensing decisions of the Bureau of Liquor Enforcement taken pursuant to Title 28-A, sections 453-A 453-C, 458 and 653. The Maine Administrative Procedure Act, chapter 375, subchapter VII, governs these proceedings as far as applicable, substituting "Administrative Court" for "Superior Court."

22

Sec. A-6. 8 MRSA §371, sub-§2, as enacted by PL 1987, c. 505, §2, is amended to read:

24

2. Commission. "Commission" means the State-Lettery- State Liquor and Lottery Commission established in Title 5, section 283-A.

26

28

Sec. A-7. 8 MRSA §373, as amended by PL 1989, c. 503, Pt. B, §49, is repealed.

30

32

Sec. A-8. 8 MRSA §374, sub-§5, as enacted by PL 1995, c. 494, §4, is amended to read:

34

5. Wildlife lottery game. No later than January 30, 1996, the Maine-State-Lettery-Commission commission, in consultation with the Maine Outdoor Heritage Fund Board, shall develop and initiate a wildlife lottery game designed to raise funds for the Maine Outdoor Heritage Fund established pursuant to Title 12, chapter 714. The Maine-State-Lettery-Commission commission shall provide the net proceeds of this wildlife lottery game to the Maine Outdoor Heritage Fund annually. The Maine-State-Lettery-Commission commission shall change the wildlife game ticket periodically throughout the year.

36

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Sec. A-9. 17 MRSA §324, as amended by PL 1991, c. 426, §7, is further amended to read:

48

§324. Games of chance prohibited at "Beano" locations

50

2 No "Beano" game shall may be conducted at any location where
4 any lottery or other game of chance is conducted, nor shall may
6 any lottery or other game of chance be conducted during the
8 period of one hour before the conduct of any "Beano" game at the
specific location of said the "Beano" game, except that the
following lotteries may be conducted during the period of one
hour before the conduct of "Beano" games~~+~~.

10 **1. State lottery tickets.** Lottery tickets issued by the
12 ~~Maine-State-Lottery-Commission~~ commission established in Title 5,
section 283-A may be sold when a valid license certificate issued
14 by said the commission is properly displayed~~+~~.

16 **2. Raffles.** Raffle tickets may be sold in accordance with
chapter 14~~+~~.

18 **3. Lucky seven.** Lucky seven or similar sealed tickets may
20 be sold when that game of chance is licensed by the Chief of the
State Police and when a valid license certificate is properly
22 displayed. Notwithstanding the other provisions of this section
and section 312, Lucky seven games may be conducted during the
24 period beginning 2 hours before and ending 2 hours after any
"Beano" game.

26 A. Notwithstanding any other rule, Lucky seven or other
28 similar sealed tickets may be sold that have a sale value of
\$1 or less.

30 For purposes of this section, "location" ~~shall-mean~~ means
32 that location specified in the location permit.

34 **Sec. A-10. 25 MRSA §3901, sub-§3,** as amended by PL 1993, c.
730, §3, is further amended to read:

36 **3. Eligibility.** The chief and the employees of the bureau
38 are subject to the eligibility requirements of Title 28-A,
section 52 87.

40 **Sec. A-11. 28-A MRSA §2, sub-§§2-A and 8-B** are enacted to read:

42 **2-A. Alcohol bureau.** "Alcohol bureau" means the Bureau of
Alcoholic Beverages and Lottery Operations within the Department
44 of Administrative and Financial Services.

46 **8-B. Commission.** "Commission" means the State Liquor and
Lottery Commission established in Title 5, section 283-A.

48 This subsection is repealed February 1, 1998.

2 **Sec. A-12. 28-A MRSA §2, sub-§32**, as amended by PL 1993, c.
462, §4, is repealed.

4

Sec. A-13. 28-A MRSA §4, sub-§4, as amended by PL 1991, c.
6 591, Pt. PP, §1, is further amended to read:

8 **4. Local option decisions govern.** Except as provided in
10 subsection 1, paragraph B and section 353 ~~461~~, nothing in this
section may be construed to allow the sale of liquor in
12 municipalities in violation of chapter 5.

12

Sec. A-14. 28-A MRSA §6, sub-§1, as enacted by PL 1987, c. 45,
14 Pt. A, §4, is amended to read:

16 **1. Advertising form subject to commission authorization.**
No person may advertise liquor other than spirits within the
18 State, except in the form specifically authorized by the
~~commission~~ bureau. Radio, television, billboards, signs,
20 newspapers, magazines and periodicals may carry advertising
subject to the rules of the ~~commission~~ bureau.

22

Sec. A-15. 28-A MRSA §6, sub-§§1-A and 1-B are enacted to read:

24

1-A. Advertising permitted. Except as otherwise provided
26 in this section, the bureau may not adopt rules prohibiting the
advertising of spirits within the State.

28

1-B. Advertising that is fraudulent, misleading, illegal or
30 likely to encourage illegal behavior. The bureau may adopt rules
restricting advertising that is fraudulent, misleading, illegal
32 or that the bureau determines is likely to encourage illegal
behavior.

34

Sec. A-16. 28-A MRSA §6, sub-§2, as enacted by PL 1987, c. 45,
36 Pt. A, §4, is repealed.

38

Sec. A-17. 28-A MRSA c. 3, as amended, is repealed

40

Sec. A-18. 28-A MRSA c. 3-A is enacted to read:

42

CHAPTER 3-A

44

ADMINISTRATION AND ORGANIZATION

46

§81. State Liquor and Lottery Commission

48

The commission has the following duties.

2 **1. Oversight of Bureau of Alcoholic Beverages and Lottery**
3 **Operations.** The commission shall monitor the operation of the
4 alcohol bureau in its administration of the laws relating to the
5 sale of spirits under this Title.

6 **2. Advice.** The commission shall advise the director of the
7 alcohol bureau regarding the administration of the functions of
8 the alcohol bureau. The commission may advise the Governor and
9 the Legislature regarding issues relating to the operation of the
10 alcohol bureau and the administration of the laws relating to the
11 sale of spirits.

12 This section is repealed February 1, 1998.

13 **§82. Bureau of Liquor Enforcement**

14 The bureau shall establish policies and rules concerning the
15 administration and the enforcement of the liquor laws under its
16 jurisdiction. The bureau shall:

17 **1. General supervision.** Enforce the laws relating to the
18 manufacture, importation, storage, transportation and sale of all
19 liquor and administer those laws relating to licensing and the
20 collection of taxes on malt liquor and wine;

21 **2. Rules.** Adopt rules not inconsistent with this Title or
22 other laws of the State for the administration, clarification,
23 execution and enforcement of all laws concerning liquor and to
24 help prevent violations of those laws. The observance of these
25 rules is a condition precedent to the issuing or renewing of any
26 license to sell liquor. The rules adopted by the commission
27 prior to May 1, 1993 are deemed adopted by the bureau;

28 **3. Licensing.** Issue and renew all licenses as provided by
29 this Title and hold licensing hearings;

30 **4. Prevent sale to minors and others.** Prevent the sale of
31 liquor by licensees to minors and intoxicated persons;

32 **5. Appeals.** Review all appeals from the decisions of
33 municipal officers. The bureau shall appoint a hearings officer
34 to conduct appeal hearings. Except as provided in section 805,
35 the decision of the chief is final. The hearings officer for the
36 bureau is the Director of the Liquor Licensing and Tax Division.

37 The hearings officer may conduct hearings in any licensing matter
38 pending before the bureau. The hearings officer, after holding
39 the hearing, shall file with the bureau all papers connected with

2 the case and report the findings to the chief. The chief shall
render a final decision based upon the record of the hearing.

4 The hearings officer may administer oaths and issue subpoenas for
6 witnesses and subpoenas duces tecum to compel the production of
8 books and papers relating to any license question in dispute
10 before the bureau or to any matter involved in a hearing.
12 Witness fees in all proceedings are the same as for witnesses
14 before the Superior Court and must be paid by the bureau, except
16 that, notwithstanding Title 16, section 253, the bureau is not
18 required to pay the fees before the travel and attendance occur;

20 **6. Food servicing organizations.** Adopt rules permitting
22 food servicing organizations that cater to passengers on
24 international flights and cruises to purchase wine and malt
26 liquor from wholesale outlets or distributors as long as the wine
28 and malt liquor are resold for consumption during international
30 travel. Food servicing organizations include ship chandlers as
32 long as the wine and malt liquor are resold to vessels of foreign
34 registry for consumption after those vessels have left port.
36 Food servicing organizations are not subject to section 2,
38 subsection 15;

40 **7. Recommend revocation of licenses.** Recommend to the
42 Administrative Court that it suspend or revoke, in accordance
44 with sections 802, 803 and 1503, any license issued pursuant to
46 this Title or the rules adopted under this Title; and

48 **8. Publish laws and rules.** Publish a compilation
50 containing this Title, other laws concerning liquor and all rules
adopted under this Title every 4 years.

A. The bureau shall supply a copy of the compilation to
every new licensee at no charge.

B. The bureau shall notify all licensees of changes in the
law and rules within 90 days of adjournment of each regular
session of the Legislature.

(1) The bureau shall supply a copy of the new laws and
rules at no charge when requested by licensees.

(2) The bureau shall supply a copy of the new laws and
rules to persons other than licensees for a reasonable
fee.

C. The bureau may charge a reasonable fee for the
compilation to cover the cost of producing the compilation
to persons other than licensees.

2 **§83. Bureau of Alcoholic Beverages and Lottery Operations**

4 **1. Bureau of Alcoholic Beverages and Lottery Operations;**
6 **rules.** The alcohol bureau shall manage the wholesale
8 distribution of spirits to agency liquor stores and on-premises
10 licensees. The alcohol bureau may establish rules and procedures
12 for the administration of the state liquor laws under its
14 jurisdiction. The day-to-day activities of the alcohol bureau
16 are under the supervision of the Commissioner of Administrative
18 and Financial Services and the director of the alcohol bureau.

20 **2. Listing of items.** The alcohol bureau shall determine
22 which items may be listed for sale in the State. Products listed
24 must be made available by the supplier from wholesale inventory.

26 **3. Pricing.** The alcohol bureau shall determine the
28 wholesale price of all products. Prices must be based on the
30 F.O.B. warehouse price and calculated to produce the revenue from
32 the sale of spirits that is required by sections 1651-A and
34 1703. The alcohol bureau may provide price discounts to
36 reselling agency liquor stores if it determines that discounts
38 are necessary to provide adequate customer access. The alcohol
40 bureau may adopt pricing strategies directed at discouraging
42 out-of-state sales.

44 **4. Notice to delist or stop purchases.** Before any item
46 listed by the alcohol bureau is discontinued or delisted or
48 before the alcohol bureau issues any order to stop purchases of
50 any item listed, the alcohol bureau shall give the vendor of the
52 items reasonable written notice of its intention to delist or
54 stop purchase of the items.

56 **5. Enter into contracts.** Subject to any applicable laws
58 relating to public contracts, the alcohol bureau may enter into
60 contracts or agreements and establish contract performance
62 standards for:

64 **A. The wholesale purchase of alcoholic beverages; and**

66 **B. The operation of wholesale distribution of spirits,**
68 **including but not limited to:**

70 **(1) Ordering;**

72 **(2) Storage;**

74 **(3) Merchandising;**

76 **(4) Transportation;**

2 (5) Billing;

4 (6) Handling of returnable containers; and

6 (7) Data management.

8 **6. Investigate and recommend changes.** The alcohol bureau shall carry on a continuous study and investigation of the sale of alcoholic beverages throughout the State and the operation and administration of state activities and recommend to the Commissioner of Administrative and Financial Services any changes in the laws or rules and methods of operation that are in the best interest of the State.

14 **7. Annual report.** The alcohol bureau shall make an annual report to the Governor of its activities and of the amount of liquor license fees collected by the bureau, together with other information it considers advisable or that the Governor requires.

20 **8. Public meetings.** The alcohol bureau may hold public meetings each year at various locations within the State for the purpose of outlining operations under the liquor laws, receiving suggestions and disseminating information to the public.

24 **§84. Director of the Bureau of Alcoholic Beverages and Lottery**
26 **Operations**

28 The director of the alcohol bureau or the director's designee shall:

30 **1. Manage sale of alcoholic beverages.** Manage the sale of alcoholic beverages to agency stores and licensees in accordance with applicable laws and rules and provide for the operation of wholesale distribution of spirits;

36 **2. Act as chief administrative officer of alcohol bureau.** Act as chief administrative officer of the alcohol bureau, having general charge of the office and records and employ such personnel as necessary to fulfill the purpose of this Title. The personnel must be employed with the approval of the Commissioner of Administrative and Financial Services and subject to the Civil Service Law;

44 **3. Act as executive secretary.** Act as executive secretary of the commission.

46 This subsection is repealed February 1, 1998;

48 **4. Confer with commissioner.** Confer regularly as necessary or desirable and not less than once a month with the Commissioner

of Administrative and Financial Services on the operation and administration of the alcohol bureau and make available for inspection by the Commissioner of Administrative and Financial Services, upon request, all books, records, files and other information and documents of the alcohol bureau; and

5. Certify revenues and expenses. Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of the revenues and expenses for licenses issued by the bureau and liquor sales for the preceding month and, subject to the approval of the Commissioner of Administrative and Financial Services, submit an annual report that includes a complete statement of the revenues and expenses for licenses and liquor sales to the Governor and the Legislature, together with recommendations for changes.

§85. Inventory and working capital

1. Net profits are general revenue. The net profits of the alcohol bureau from operations pursuant to this Title are general revenue of the State.

2. Inventory. The alcohol bureau may keep and have on hand a stock of spirits and fortified wine for sale, the value of which, when priced for resale, must be computed on the delivered case cost F.O.B. liquor warehouse filed by liquor vendors. The inventory value must be based upon actual cost for which payment may be due and may not at any time exceed the amount of working capital authorized. Spirits and fortified wine may not be considered in the inventory until payment has been made for them. The alcohol bureau shall buy spirits directly and not through the State Purchasing Agent. All spirits must be free from adulteration and misbranding.

3. Authorized working capital. The maximum permanent working capital of the alcohol bureau for operations pursuant to this Title is established at \$1,500,000 and permanent advances up to this amount may be authorized by the Governor upon recommendation of the director of the alcohol bureau with the approval of the Commissioner of Administrative and Financial Services. The permanent working capital of the alcohol bureau may be supplemented by temporary loans from other state funds upon recommendation of the director of the alcohol bureau and by approval of the Commissioner of Administrative and Financial Services and the Governor.

§86. Conflict of interest

In addition to the limitations of Title 5, section 18, any member of the commission or any employee of the commission, the

2 bureau or the alcohol bureau may not accept directly or
4 indirectly any samples, gratuities, favors or anything of value
6 from a manufacturer, wholesaler, wholesale licensee or retail
8 licensee or any representative of a manufacturer, wholesaler,
wholesale licensee or retail licensee under circumstances that
might reasonably be construed as influencing or improperly
relating to past, present or future performance of official
duties.

10 **§87. Eligibility of employees**

12 A person is not eligible for employment with the alcohol
14 bureau or the bureau if that person:

16 1. Interest in corporation. Has any connection with,
18 official, professional or otherwise, or owns any stock in a
corporation interested either directly or indirectly in the
manufacture or sale of liquor; or

20 2. Violation of state or federal law. Has been convicted
22 or adjudicated guilty of violating any state or federal law
regulating the manufacture, sale or transportation of liquor.

24 **Sec. A-19. 28-A MRSA c. 9**, as enacted by PL 1987, c. 45, Pt.
26 A, §4, is repealed.

28 **Sec. A-20. 28-A MRSA cc. 15 and 17**, as amended, are repealed.

30 **Sec. A-21. 28-A MRSA §452, first ¶**, as enacted by PL 1987, c.
32 45, Pt. A, §4, is amended to read:

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

36 **Sec. A-22. 28-A MRSA §452, sub-§1**, as enacted by PL 1987, c.
38 45, Pt. A, §4, is amended to read:

40 1. Location. Location of agency stores, subject to section
453 ~~452-A~~;

42 **Sec. A-23. 28-A MRSA §452-A** is enacted to read:

44 **§452-A. Requirements for agency liquor store license**

46 In addition to other requirements provided by law and by
48 rule of the bureau, the following requirements apply to agency
liquor stores.

50 1. Location. The bureau may not license an agency store:

2 A. In a municipality or unincorporated place unless the
3 municipality or unincorporated place has voted in favor of
4 the operation of agency liquor stores under local option
5 provisions; or

6 B. Within 300 feet of any public or private school, church,
7 chapel or parish house. The distance must be measured from
8 the main entrance of the liquor store to the main entrance
9 of the school, school dormitory, church, chapel or parish
10 house.

11 2. Liquor inventory. The agency liquor store shall
12 maintain a minimum inventory of spirits of at least 100 codes.
13 In municipalities with a population of 6,000 or more, the minimum
14 inventory of spirits is \$10,000.

15 3. Other inventory. The agency liquor store shall maintain
16 an inventory of edible merchandise, not including alcohol or
17 tobacco products, with a wholesale value of at least \$5,000.

18 4. Reselling agency liquor stores. Agency liquor stores
19 that have a federal wholesale registration must register with the
20 bureau as reselling agency liquor stores.

21 Sec. A-24. 28-A MRSA §453, as amended by PL 1993, c. 380,
22 §§1 to 5 and affected by §7, is repealed.

23 Sec. A-25. 28-A MRSA §453-A, as amended by PL 1993, c. 509,
24 §§3 and 4, is repealed.

25 Sec. A-26. 28-A MRSA §453-B, as repealed and replaced by PL
26 1993, c. 509, §5, is repealed.

27 Sec. A-27. 28-A MRSA §§453-C, 453-D and 453-E are enacted to
28 read:

29 **§453-C. Issuance of agency liquor store license**

30 The bureau shall issue a license for an agency liquor store
31 within a municipality or unincorporated place by the following
32 procedure.

33 1. Information to applicants. The bureau shall provide all
34 applicants with the necessary information for the establishment
35 of an agency liquor store.

36 2. Notice to municipality. Upon receipt of all
37 applications for an agency liquor store license in a municipality
38 and at least 15 days before issuing a license, the bureau shall

2 notify the municipal officers of that municipality of the
3 proposed location of each applicant.

4 3. Investigation. The bureau shall conduct an
5 investigation of each applicant to determine whether the proposed
6 facility meets the requirements for licensing under this Title.

8 4. Issuance. The bureau shall issue a license to each
9 applicant that the bureau determines meets the requirements of
10 this Title.

12 5. Denial of application. The bureau shall notify any
13 applicant denied a license of the reasons for the denial by
14 certified mail to the mailing address given by the applicant in
15 the application for an agency liquor store license.

16 6. Aggrieved applicants. Any applicant aggrieved by a
17 decision made by the bureau may appeal the decision by filing a
18 complaint with the Administrative Court and serving a copy of the
19 complaint upon the bureau. The complaint must be filed and
20 served within 15 days of the mailing of the bureau's decision.

22 **§453-D. Prices charged by a reselling agency liquor store**

24 A reselling agency liquor store must use the same pricing
25 structure for all sales to agency liquor stores and to
26 on-premises licensees.

28 **§453-E. License fees**

30 License fees for agency liquor stores are as follows.

32 1. Basic agency liquor store; fewer than 3 cash registers.
33 The initial fee for a basic agency liquor store license for a
34 store with fewer than 3 cash registers is \$2,000.

36 2. Basic agency liquor store; 3 or more cash registers.
37 The initial fee for a basic agency liquor store license for a
38 store with 3 or more cash registers is \$3,000.

40 3. Reselling agency liquor stores. The initial fee for a
41 reselling agency liquor store license is \$4,000.

44 4. Renewals. The fee for renewal of any agency liquor
45 store license is \$1,000 less than the initial fee.

46 **Sec. A-28. 28-A MRSA §454, as enacted by PL 1987, c. 45, Pt.**
48 **A, §4, is repealed.**

2 **Sec. A-29. 28-A MRSA §455**, as amended by PL 1991, c. 376,
§51, is further amended to read:

4 **§455. Liquor for agency liquor stores**

6 Agency liquor stores must buy their liquor ~~from--the~~
~~commission as directed by the alcohol bureau~~ under section 606.

8 **Sec. A-30. 28-A MRSA §458**, as enacted by PL 1991, c. 782,
10 §1, is amended to read:

12 **§458. Renewal of agency liquor store license; selection of**
 alternate licensee

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

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

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

26 B. The applicant's sales and inventory of groceries and
related items;

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

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

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

36 F. Records of any bad checks rendered to the ~~commission~~ or
38 bureau.

40 ~~3. --- Rejection -- of -- application; -- selection -- of -- alternate~~
~~licensee. --- If the commission denies an application for renewal of~~
42 ~~an agency liquor store license, the commission may select an~~
~~alternate licensee in accordance with the criteria set forth in~~
44 ~~sections 453, 453-A and 453-B. --- If the alternate licensee held~~
~~an agency liquor store license in the past, the commission may~~
46 ~~consider any of the applicable criteria set forth in subsection 2~~
~~in considering whether to license the alternate agency liquor~~
48 ~~store.~~

2 **4. Purchase of store merchandise by State.** If the
3 ~~commission bureau~~ does not renew the agency liquor store license,
4 ~~the commission shall purchase~~ alcohol bureau shall arrange for
5 the purchase from the agency liquor store of all resalable
6 spirits held in inventory by the agency liquor store. The
7 purchase price is the cost at which that agency liquor store
8 ~~purchased the spirits from the commission~~ can purchase the
9 spirits from the alcohol bureau, minus 10% of that cost.

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

18 **Sec. A-31. 28-A MRSA §§460 to 463** are enacted to read:

19 **§460. Purchase of liquor in agency liquor stores; purchase from**
20 **commission**

21 **1. Methods of payment.** The following methods of payment
22 are permitted for purchases of liquor from agency liquor stores
23 and for purchases of liquor from the alcohol bureau by agency
24 liquor stores.

25 A. An agency liquor store may accept payment for liquor
26 purchases by cash, check or major credit card.

27 B. A licensee buying liquor as directed by the alcohol
28 bureau must pay in cash or by check.

29 C. In addition to the methods of payment permitted in
30 paragraph B, an agency liquor store, when approved by the
31 alcohol bureau, may pay for liquor purchased by mailing a
32 check for payment as required by the alcohol bureau when
33 notified of the amount due or upon receiving a liquor
34 delivery. Payments that are mailed must be received or
35 postmarked within 3 days of receipt of a liquor delivery or
36 notification of the amount due.

37 **2. Checks not honored on presentation; consequences.** If
38 any check is not honored on presentation or if an agency liquor
39 store fails to pay for liquor as prescribed in subsection 1, the
40 bureau shall withhold any license not issued or immediately take
41 back the license if already issued, voiding that license until
42 such time as the check or invoice is paid in full, together with
43 the cost of the check failure or collection procedure. The

2 alcohol bureau or the bureau may order that person to make all
3 payments to the alcohol bureau or the bureau by cash, certified
4 check or money order for a period not to exceed one year.

6 **§461. Business hours**

8 Agency liquor stores may be open for the sale and delivery
9 of liquor between the hours of 6 a.m. and 1 a.m. in
10 municipalities and unincorporated places that have voted in favor
11 of the operation of agency liquor stores under local option
12 provisions. Notwithstanding any local option decisions to the
13 contrary, agency liquor stores may be open from noon Sunday to 1
14 a.m. the next day.

16 **§462. Sales to minors or intoxicated persons**

18 An agency liquor store may not sell liquor to a minor or to
19 a visibly intoxicated person.

20 **§463. Closed in cases of riots; hurricanes; floods**

22 The Governor or the bureau may, in cases of riots,
23 hurricanes and floods, order any or all agency liquor stores to
24 close.

26 **Sec. A-32. 28-A MRSA §606**, as amended by PL 1995, c. 53, §1,
27 is further amended to read:

28 **§606. Purchase of spirits; sale to government agencies**

30 ~~1. --- Purchase --- of --- liquor. --- Subject --- to --- the --- restrictions~~
31 ~~provided --- in --- subsection --- 1 --- A, --- a --- person --- licensed --- to --- sell --- spirits~~
32 ~~must --- purchase --- liquor --- from --- a --- state --- or --- agency --- liquor --- store. --- This~~
33 ~~subsection --- does --- not --- apply --- to --- public --- service --- corporations~~
34 ~~operating --- interstate.~~

36 ~~1-A. --- On --- premises --- licensees, --- purchase --- from --- agency --- store. --- A~~
37 ~~person --- licensed --- to --- sell --- spirits --- for --- consumption --- on --- the --- premises~~
38 ~~may --- purchase --- spirits --- from --- an --- agency --- liquor --- store --- only --- in~~
39 ~~accordance --- with --- this --- subsection.~~

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

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

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

4
6 1-C. Purchase of spirits. Agency liquor stores and
on-premise licensees must buy spirits from the alcohol bureau or
from a reselling agency liquor store.

8
10 2. **On-premise retailers must report purchases.** All persons
licensed to sell liquor to be consumed on the premises shall
12 report all liquor purchases to the commission bureau on forms
provided by the commission bureau.

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

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

24 5. **Sale to government instrumentalities.** The commission
bureau may sell authorize the sale of spirits to approved
26 government instrumentalities within the State. The commission
alcohol bureau shall set the price, which must be approved by the
28 Governor.

30 6. **Sale to airlines and ferry services for consumption**
outside the State. The commission bureau may sell authorize the
32 sale of spirits not for consumption within the State to airlines
and ferry services or their agents as authorized by the
34 commission bureau. The commission alcohol bureau shall set the
price, which must be approved by the Governor.

36 7. **Premium must be collected.** Nothing in this section may
38 be construed to permit the commission to sell permits the sale of
spirits without collecting the entire premium assessed under
40 chapter 65.

42 8. ~~No maximum limit on price.~~ An agency store may sell
liquor at any price equal to or higher than the retail sales
44 price set in accordance with chapters 65 and 67.

46 **Sec. A-33. 28-A MRSA §710, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

48 1. **Advertising outside of licensed premises.** No person,
50 except wholesale licensees and certificate of approval holders,

2 may advertise or permit to be advertised, by more than one sign,
3 on the outside of any licensed premises, or on any building,
4 ground or premises under his that person's control and contiguous
or adjacent to the licensed premises:

6 A. The fact that the licensee has liquor or any brand of
liquor for sale;

8 B. The price at which liquor is sold by the licensee; or

10 C. Any other advertisement ~~which~~ that indicates any
12 reference to liquor.

14 **Sec. A-34. 28-A MRSA §710, sub-§3**, as enacted by PL 1993, c.
16 730, §32, is amended to read:

18 **3. Exception.** Subsection 1 does not prohibit the display
of signs advertising sponsorship of specific sporting events and
20 cultural events or sponsorship of a transportation system for
transporting the public as long as the signs are not displayed
22 on a licensed establishment as defined in section 2, subsection
15. Signs on a licensed establishment advertising sponsorship
may be displayed with prior bureau approval.

24 The bureau shall adopt rules implementing this subsection.

26 **Sec. A-35. 28-A MRSA §710**, as amended by PL 1993, c. 730,
28 §32, is further amended by adding at the end a new paragraph to
read:

30 This section does not apply to advertising of spirits.

32 **Sec. A-36. 28-A MRSA §1201, sub-§3-A**, as enacted by PL 1993,
34 c. 266, §21, is amended to read:

36 **3-A. Sale of liquor for off-premise consumption to retailer**
prohibited. A person licensed under this section, or an agent or
38 employee of the person, may not knowingly sell liquor to another
retailer licensed under this section for resale except as
40 provided in section 606 and the rules adopted pursuant to section
62 82.

42 **Sec. A-37. 28-A MRSA §1651**, as amended by PL 1995, c. 181,
44 §§1 and 2, is repealed.

46 **Sec. A-38. 28-A MRSA §1651-A** is enacted to read:

48 **§1651-A. State liquor tax**

1. Amount of tax. The alcohol bureau shall determine the amount of markup and set a wholesale price for all spirits and fortified wine that the alcohol bureau determines will produce an amount of revenue to be transferred to the General Fund that substantially equals the amount transferred in fiscal year 1994-95. The alcohol bureau may adjust the amount of markup and wholesale prices as necessary to produce the required revenue.

2. Special pricing situations. The alcohol bureau may set prices at different levels in the following special situations.

A. With approval of the Commissioner of Administrative and Financial Services, the alcohol bureau may reduce the price of discontinued items of liquor. The reduced price may not be less than the actual cost of the discontinued liquor items.

B. The commission may establish special sales prices on certain listed liquor items. The reduced price may not be less than the actual cost of the discontinued liquor items.

C. Notwithstanding the other provisions of this section, the commission may reduce, at the expense of the broker or supplier, the price of those test-market items that fail to meet set minimum gross profit standards after a 3-month period.

3. Applicability of tax. Taxes on spirits imposed by the State do not apply to sales of spirits by manufacturers, bottlers and rectifiers holding licenses from the bureau:

A. To any instrumentality of the United States;

B. To any vessel of foreign registry;

C. To industrial establishments for use as an ingredient in the manufacture of food products; or

D. For use as an ingredient in the manufacture of commodities that by reason of their nature can not be used for beverage purposes.

4. Net revenue deposited to General Fund. The alcohol bureau shall deposit all net revenue derived from the tax under this section to the General Fund.

Sec. A-39. 28-A M RSA §2073, sub-§3, ¶¶B to F, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

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

8
10 C. Licensees may transport liquor from state agency liquor
stores to their places of business.

12 D. Manufacturers may transport liquor within the State to
liquor warehouses and state agency liquor stores, to persons
14 authorized under paragraph E and to the state line for
transportation outside the State.

16 E. The ~~commission~~ bureau may permit in writing the
18 importation of liquor into the State and the transportation
of liquor from place to place within the State to the
20 following destinations for the specified purposes:

22 (1) To hospitals and state institutions, for medicinal
purposes only, liquor made available to them from
24 stocks of liquor seized by the Federal Government;

26 (2) To industrial establishments in the State for
industrial uses;

28 (3) To schools, colleges and state institutions for
30 laboratory use only;

32 (4) To any licensed pharmacist in the State for use in
the compounding of prescriptions and other medicinal
34 use, but not for sale by pharmacists unless compounded
with or mixed with other substances; or

36 (5) To any physician, surgeon, osteopath,
38 chiropractor, optometrist, dentist or veterinarian for
medicinal use only.

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

46 **Sec. A-40. 28-A MRSA §2075, sub-§§1 and 2**, as amended by PL
1993, c. 730, §47, are further amended to read:

48 **1. Only the alcohol bureau may import spirits; exception.**
50 Except as provided in this section, no person other than the

2 ~~commission~~ alcohol bureau may import spirits into the State
except at the direction of the alcohol bureau.

4 A. An individual may transport into the State and may
6 transport from place to place within the State spirits for
the individual's personal use in a quantity not greater than
8 4 quarts.

10 **2. Transportation of spirits within the State.** No person
may transport or cause to be transported any spirits within the
12 State in a quantity greater than 4 quarts unless the spirits were
purchased from a ~~state or~~ an agency liquor store.

14 **Sec. A-41. 28-A MRSA §2076, sub-§1,** as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

16 **1. Delivery of liquor.** Except with the ~~commission's~~
18 bureau's written permission, no person may knowingly transport to
or cause to be delivered to any person other than the ~~commission~~
20 alcohol bureau any spirits not purchased from a ~~state liquor~~
~~store or the commission~~ the alcohol bureau.

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

26 **§2229. Disposal of forfeited liquors**

28 **1. Court or judge to order forfeited liquor to be turned**
over to the alcohol bureau. All ~~liquors~~ spirits declared
30 forfeited by a court under this Title shall must, by order of the
court rendering the final judgment, be turned over to the
32 ~~commission~~ alcohol bureau. All malt liquor or wine declared
forfeited by a court under this Title must, by order of the court
34 rendering final judgment, be turned over to the bureau. Liquor
forfeited under this section must be disposed of in the same
36 manner as abandoned liquor under section 2230.

38 ~~2. Sale of forfeited liquor by commission. Except as~~
~~provided in paragraph A, the commission shall sell forfeited~~
40 ~~liquor in the state liquor stores throughout the State.~~

42 ~~A. If any liquor is determined by the court to be unfit or~~
~~unsatisfactory for consumption or retail sale, the court may~~
44 ~~order the liquor to be destroyed by any officer competent to~~
~~serve the process on which it was forfeited. The officer~~
46 ~~shall make the return accordingly to the court.~~

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

50

2 **2-A. Unfit liquor.** If any liquor is determined by the
3 court to be unfit or unsatisfactory for consumption or retail
4 sale, the court may order the liquor to be destroyed by any
5 officer competent to serve the process on which it was
6 forfeited. The officer shall make the return accordingly to the
7 court. The liquor must be destroyed by pouring it upon the
8 ground or into a public sewer.

9 **Sec. A-43. 28-A MRSA §2230, sub-§2, ¶B,** as enacted by PL 1993,
10 c. 730, §51, is amended to read:

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

16 **Sec. A-44. 36 MRSA §172, sub-§1,** as amended by PL 1987, c. 45,
17 Pt. B, §6, is further amended to read:

18 1. **Liquor licensee.** If the taxpayer is a liquor licensee,
19 to the ~~State-Liquor-Commission~~ Bureau of Liquor Enforcement,
20 which shall construe that liability and lack of cooperation to be
21 a ground for denying, suspending or revoking the taxpayer's
22 liquor license in accordance with Title 28-A, section 707 and
23 chapter 33; or
24

25 **Sec. A-45. Closing state liquor stores; transition authority.** The
26 Bureau of Alcoholic Beverages and Lottery Operations shall take
27 any action necessary to close all state liquor stores as
28 expeditiously as possible with the goal of having all state
29 liquor stores closed by August 31, 1996. A state liquor store
30 may not be closed unless there is a reselling agency liquor
31 store, or an agency liquor store that has applied for federal
32 wholesale registration, within 10 miles of the state store being
33 closed or unless the Director of the Bureau of Alcoholic
34 Beverages and Lottery Operations determines that reasonable
35 alternative access is available to persons previously purchasing
36 spirits from the state liquor store being closed. Until all
37 state liquor stores have been closed, the provisions of law
38 applying to state liquor stores on January 1, 1996 continue to
39 apply to the operation of the stores remaining open, and the
40 Bureau of Alcoholic Beverages and Lottery Operations and the
41 Bureau of Liquor Enforcement continue to have authority to act
42 under those laws as if those laws were currently in effect.
43

44 **Sec. A-46. Transition of agency liquor store licenses.** The license
45 fees established by that Part of this Act that enacts the Maine
46 Revised Statutes, Title 28-A, section 453-E apply to any agency
47 liquor store license issued after the effective date of

2 this Act. Agency liquor store licenses in effect on the
effective date of this Act continue in effect until the date of
4 their expiration. At the time of renewal the holders of those
licenses must pay the fee for a license renewal under section
453-E.

6
8 **Sec. A-47. Transition to integrated contract.** The Bureau of
Alcoholic Beverages and Lottery Operations shall develop a
10 process to achieve the contracting of wholesale functions by
February 1, 1998 to coincide with the expiration of current
12 contracts for the bailment warehouse and for transportation of
liquor to state and agency stores. The process must, to the
14 extent feasible, provide for an integrated provider of the
following wholesale services: placing orders with suppliers;
16 processing orders from agency liquor stores and on-premise
licensees; storage; inventory management; distribution; billing
18 purchasers; and disposal of returnable containers. The process
must follow standard state requirements for contracting. During
20 the transition to an integrated contract the Bureau of Alcoholic
Beverages and Lottery Operations may authorize distribution from
the warehouse to on-premise licensees and provide that
22 transportation costs may be charged to purchasers.

24 **Sec. A-48. Assistance to employees.** The State shall provide
assistance, within existing programs, to employees who are laid
26 off as a result of the closing of state liquor stores and the
contracting of wholesale liquor functions. This assistance may
28 include, but is not limited to, retraining, career planning and
assistance in obtaining other employment. Employees who are laid
30 off must be given preference for liquor enforcement positions
created by this Act if they meet the qualifications and
32 requirements of the positions.

34 **Sec. A-49. Revision clause.** Effective February 1, 1998,
wherever in the Maine Revised Statutes the words "State Liquor
36 and Lottery Commission" appear or reference is made to those
words, they are amended to read and mean "State Lottery
38 Commission," and the Revisor of Statutes shall implement this
revision when updating, publishing or republishing the statutes.

40 **Sec. A-50. Appropriation.** The following funds are
42 appropriated from the General Fund to carry out the purposes of
this Part.

44 **1996-97**

46 **PUBLIC SAFETY, DEPARTMENT OF**
48 **Bureau of Liquor Enforcement**

2	Positions	(4)
	Personal Services	\$142,000
4	Capital Expenditures	68,000
	All Other	40,000

6

8 Provides funds for 4 new Liquor Enforcement Agents.

10

12 **DEPARTMENT OF PUBLIC SAFETY**
TOTAL \$250,000

14 **Sec. A-51. Allocation.** The following funds are allocated from
the Alcoholic Beverage Fund to carry out the purposes of this
16 Part.

18 **1996-97**

20 **ADMINISTRATIVE AND FINANCIAL SERVICES,**
22 **DEPARTMENT OF**

24 **Bureau of Alcoholic Beverages and**
Lottery Operations

26 **Alcoholic Beverages - General Operation**

28	Positions - Legislative Count	(-118.5)
	Positions - Other Count	(-7.5)
30	Personal Services	(\$2,471,274)
	Capital Expenditures	50,000
32	All Other	(1,283,542)

34 Provides deallocations of funds as a result
of closing of state liquor stores. Because
36 stores will be closed gradually with a goal
of all stores closing by August 31, 1996,
38 some positions will need to be retained for
a portion of the fiscal year.

40

42 **DEPARTMENT OF ADMINISTRATIVE AND**
FINANCIAL SERVICES
TOTAL (\$3,704,816)

44

46 **PART B**

48 **Sec. B-1. 28-A MRSA §2, sub-§8,** as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

50

2 **8. Certificate of approval holder.** "Certificate of
approval holder" means an instate manufacturer, out-of-state
4 manufacturer or out-of-state wholesaler licensed by the
~~commission~~ bureau.

6 **Sec. B-2. 28-A MRSA, §2, sub-§8-A,** as enacted by PL 1993, c.
730, §5, is amended to read:

8 **8-A. Chief.** "Chief" means the Chief chief of the ~~Bureau-of~~
10 ~~Liquor-Enforcement~~ bureau.

12 **Sec. B-3. 28-A MRSA, §2, sub-§14,** as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

14 **14. Licensee.** "Licensee" means the person to whom a license
16 of any kind is issued by the ~~commission~~ bureau. "Licensee"
includes, but is not limited to, agency liquor stores and
18 certificate of approval holders.

20 **Sec. B-4. 28-A MRSA, §2, sub-§15-A,** as enacted by PL 1993, c.
730, §10, is amended to read:

22 **15-A. Liquor Licensing and Tax Division.** "Liquor Licensing
24 and Tax Division" means the Liquor Licensing and Tax Division
within the ~~Bureau-of-Liquor-Enforcement~~ bureau.

26 **Sec. B-5. 28-A MRSA, §2, sub-§24,** as amended by PL 1993, c.
28 266, §2, is further amended to read:

30 **24. Premises.** "Premises" means all parts of the contiguous
real estate occupied by a licensee over which the licensee has
32 direct or indirect control or interest, ~~which~~ that the licensee
uses in the operation of the licensed business and ~~which~~ that
34 have been approved by the ~~commission~~ bureau as proper places for
the exercise of the license privilege.

36 A. "Premises" includes the place where an incorporated
38 civic organization sells or serves spirits, wine and malt
liquor under a license obtained under section 1071.

40 B. "Premises" includes the place where a B.Y.O.B. sponsor
42 holds or conducts a B.Y.O.B. function under a permit
obtained under section 163.

44 **Sec. B-6. 28-A MRSA, §2, sub-§25-A,** as enacted by PL 1989, c.
46 526, §§1 and 28, is amended to read:

48 **25-A. Retail employee.** "Retail employee" means any person
employed by a retailer ~~or-by-the-commission~~ to sell liquor in a
50 licensed establishment or ~~state~~ in an agency liquor store. For

2 the purposes of violations of this Title and rules of the
3 ~~commission~~ bureau, a retail employee shall-be is deemed an agent
4 of the retailer or state agency liquor store that employs that
employee.

6 **Sec. B-7. 28-A MRSA, §2, sub-§27,** as amended by PL 1987, c.
7 342, §11, is further amended to read:

8
9 **27. Retailer.** "Retailer" means any person licensed by the
10 ~~commission~~ bureau to engage in the purchase and resale of liquor
11 in the original container or by the drink, for consumption on or
12 off the premises where sold. "Retailer" does not include
wholesalers as defined in subsection 35.

14
15 A. "Off-premise retail licensee" means a person licensed to
16 sell liquor in sealed bottles, containers or original
17 packages to be consumed off the premises where sold.

18
19 B. "On-premise retail licensee" means a person licensed to
20 sell liquor to be consumed on the premises where sold.

22 **Sec. B-8. 28-A MRSA, §2, sub-§34,** as enacted by PL 1987, c.
23 45, Pt. A, §4, is amended to read:

24
25 **34. Wholesale licensee.** "Wholesale licensee" means a
26 person licensed by the ~~commission~~ bureau as a wholesaler.

28 **Sec. B-9. 28-A MRSA §3, sub-§1-A,** as enacted by PL 1993, c.
29 730, §13, is amended to read:

30
31 **1-A. Alcohol bureau may accept payment by personal check.**
32 The ~~commission~~ alcohol bureau may accept payment by personal
33 check from licensees for the purchase of liquor.

34
35 **Sec. B-10. 28-A MRSA §3, sub-§2,** as repealed and replaced by
36 PL 1993, c. 730, §13, is amended to read:

38 **2. Checks not honored on presentation; consequences.** If
39 any check is not honored on presentation by the State, the ~~Bureau~~
40 ~~of-Liquor-Enforcement~~ bureau shall withhold the license if not
41 issued, or immediately take back the license if issued, voiding
42 it until the person who paid by personal check has paid all costs
43 of check failure. The ~~commission~~ alcohol bureau or the ~~division~~
44 bureau may order that person to make all payments to the
45 ~~commission~~ alcohol bureau or to the ~~division~~ bureau only by cash,
46 certified check or money order for a period not to exceed one
47 year.

48
49 **Sec. B-11. 28-A MRSA §§8 and 9,** as enacted by PL 1987, c. 45,
50 Pt. A, §4, are amended to read:

2 **§8. Entrances from premises**

4 The ~~e~~ommission bureau may grant written permission to a
6 licensee to maintain entrances, doorways or other apertures
 leading directly from the licensed premises.

8 **§9. Separation of areas**

10 The ~~e~~ommission bureau shall establish rules for the
12 separation of areas where the license privilege may be exercised
14 from areas where it may not be exercised, but complete nonaccess
 between the areas controlled by the licensee need not be required.

16 **Sec. B-12. 28-A MRSA §11, sub-§§1, 3 and 4**, as enacted by PL
 1987, c. 45, Pt. A, §4, are amended to read:

18 **1. Connection with other licensed premises.**
20 Notwithstanding any other law or rule of the ~~e~~ommission bureau,
22 any retailer's licensed premise may be connected with any other
 retailer's licensed premise by a doorway or other apertures that
 are not securely and permanently sealed.

24 **3. Premises operated by licensee identified.** An applicant
26 for a license shall fully describe in the application the part of
28 the premises ~~whieh~~ that the applicant owns, leases or rents. The
 ~~e~~ommission bureau may require the licensee to identify on the
 premises, by an appropriate marking, the area ~~whieh--he~~ the
 licensee owns, rents or leases.

30 **4. Inspection of business premises under common roof of**
32 **licensee.** All persons carrying on any business, except any bank
34 or savings and loan institution, under the common roof and having
36 common entranceways with a licensee shall agree in writing to
 allow reasonable inspection of their premises by authorized
 enforcement agents of the Department of Public Safety and
 authorized representatives of the ~~e~~ommission bureau.

38 **Sec. B-13. 28-A MRSA §12**, as enacted by PL 1987, c. 45, Pt.
40 A, §4, is amended to read:

42 **§12. Inspection of premises**

44 No licensee may refuse the ~~e~~ommission alcohol bureau, its
46 representatives or representatives of the ~~Bureau--of--Liquor~~
 ~~Enforeement~~ bureau the right at any time to inspect the entire
48 licensed premises or to audit the books and records of the
 licensee.

2 **Sec. B-14. 28-A MRSA §121, sub-§3**, as amended by PL 1993, c.
608, §3, is further amended to read:

4 **3. Conduct of election.** Except as provided in this
6 section, the petition process and the voting at elections held in
towns and plantations must be held and conducted in accordance
8 with Title 30-A, sections 2528, 2529 and 2532, even if the town
or plantation has not accepted the provisions of section 2528.
10 The voting at elections held in cities must be held and conducted
in accordance with Title 21-A. No referendum questions except
12 those set out in section 123 may be printed on the ballot. The
municipal clerk shall make a return of the results, certify the
14 results and send it to the office of the Secretary of State. The
Secretary of State shall forward the results to the ~~commission~~
bureau.

16 **Sec. B-15. 28-A MRSA §123**, as amended by PL 1991, c. 94, §§1
18 to 4, is further amended to read:

20 **§123. Local option questions**

22 Any one or more of the following questions may be voted on
in a local option election held under section 121. Each question
24 applies to both full-time and part-time licensed establishments.

26 **1. Sale of liquor for consumption on the premises on days
other than Sunday.** Shall this municipality authorize the State
28 ~~Liquor-Commission~~ to issue licenses for the sale of liquor to be
consumed on the premises of licensed establishments on days other
30 than Sunday?

32 **2. Sale of liquor for consumption off the premises on days
other than Sunday.** Shall this municipality authorize the State
34 ~~Liquor-Commission~~ to permit the operation of ~~state-liquor-stores~~
and agency liquor stores on days other than Sunday?

36 **2-A. Sale of malt liquor and wine for consumption off the
premises on days other than Sunday.** Shall this municipality
38 authorize the State ~~Liquor-Commission~~ to issue licenses for the
sale of malt liquor and wine to be consumed off the premises of
40 licensed establishments on days other than Sunday?

42 **3. Sale of liquor for consumption on the premises on
Sundays.** Shall this municipality authorize the State ~~Liquor~~
44 ~~Commission~~ to issue licenses for the sale of liquor to be
consumed on the premises of licensed establishments on Sundays?
46

48 **4. Sale of liquor for consumption off the premises on
Sundays.** Shall this municipality authorize the State ~~Liquor~~

2 Commission to permit the operation of ~~state-liquor-stores-and~~
agency liquor stores on Sundays?

4 **4-A. Sale of malt liquor and wine for consumption off the**
premises on Sundays. Shall this municipality authorize the State
6 ~~Liquor-Commission~~ to issue licenses for the sale of malt liquor
and wine to be consumed off the premises of licensed
8 establishments on Sundays?

10 **Sec. B-16. 28-A MRSA §124, sub-§1**, as amended by PL 1991, c.
377, §15, is further amended to read:

12 **1. Determination vote.** If the results of an election held
14 under section 121 or 122 show that:

16 A. A majority of the votes cast in any municipality or
unincorporated place on any local option question is in the
18 affirmative, the ~~commission~~ bureau may issue licenses of the
type authorized by the affirmative vote in that municipality
20 or unincorporated place;

22 B. A majority of the votes cast in any municipality or
unincorporated place on any local option question is in the
24 negative, the ~~commission~~ bureau may not issue licenses of
the type denied by the negative vote in that municipality or
26 unincorporated place; or

28 C. The vote is tied on any local option question, the law
~~shall-remain~~ remains as it was before the voting.

30 **Sec. B-17. 28-A MRSA §124, sub-§3**, as enacted by PL 1987, c.
32 45, Pt. A, §4, is amended to read:

34 **3. Existing licenses.** The holder of any license issued and
outstanding on the effective date of the local option vote ~~which~~
36 that denies issuance of that type of license and specifically
indicates that the existing privilege is to be voided shall
38 immediately surrender it to the ~~Bureau-of-Alcoholic-Beverages~~
bureau. The bureau shall refund that portion of the unused fee
40 paid.

42 **Sec. B-18. 28-A MRSA §161, sub-§1**, as amended by PL 1989, c.
816, §1, is further amended to read:

44 **1. Registration.** Each bottle club, as defined in section
46 2, subsection 3, shall register annually with the ~~commission~~
bureau on forms provided by the ~~commission~~ bureau. Registration
48 consists of submission of the information required in paragraph A
and payment of the registration fee established in paragraph B.

50

2 A. The information each bottle club is required to submit
consists of only the following:

4 (1) The name and address of each owner of the bottle
club;

6 (2) The name and address of each operator of the
8 bottle club; and

10 (3) The regular hours of operation.

12 B. The annual fee for registration of a bottle club is \$50.

14 C. Any bottle club which that does not register with the
16 commission bureau commits a Class E crime.

18 **Sec. B-19. 28-A MRSA §161, sub-§1-A**, as enacted by PL 1989, c.
816, §2, is amended to read:

20 **1-A. Eligibility qualifications.** The commission bureau may
not register a bottle club unless each owner or operator of the
22 bottle club meets the eligibility qualifications under section
601, subsection 1.

24 **Sec. B-20. 28-A MRSA §161, sub-§1-B**, as amended by PL 1993, c.
26 730, §§23 and 24, is further amended to read:

28 **1-B. Disqualification.** The commission bureau may not
register a bottle club if the commission bureau determines that:

30 A. An owner or operator of the bottle club is disqualified
32 from receiving a liquor license under section 601,
subsection 2; or

34 C. The purpose of the application is to circumvent the
36 eligibility or disqualification provisions of section 601.

38 The commission bureau shall notify each owner or operator of the
bottle club in writing of its decision to approve or deny
40 registration of the bottle club under this subsection. The
decision of the commission bureau to approve or deny registration
42 of a bottle club is final agency action.

44 **Sec. B-21. 28-A MRSA §163, sub-§§1 and 2**, as enacted by PL
1993, c. 266, §5, are amended to read:

46 **1. Permit required.** A person may not hold a B.Y.O.B.
48 function unless a permit is obtained from the Bureau-of-Liquor
Enforcement bureau.

50

2 **2. Application.** A person must apply for a B.Y.O.B.
3 function permit at least 24 hours prior to the proposed B.Y.O.B.
4 function. The application must be on forms provided by the
5 ~~Bureau of Liquor Enforcement~~ bureau and must be accompanied by a
6 permit fee of \$10 for each day the function is to be held. The
7 application must be signed by the B.Y.O.B. sponsor and must
8 contain the following information:

9 A. Name and address of each person responsible for the
10 B.Y.O.B. function;

11 B. The date and the beginning and ending time of the
12 B.Y.O.B. function;

13 C. The location where the B.Y.O.B. function is to be held;

14 D. The seating capacity of the location;

15 E. Written approval of the municipal officers, or a
16 municipal official designated by the municipal officers, for
17 the B.Y.O.B. function to be held at the location within the
18 municipality; and

19 F. Proof that the B.Y.O.B. sponsor is at least 21 years of
20 age.

21 **Sec. B-22. 28-A MRSA §451**, as amended by PL 1993, c. 509, §2,
22 is further amended to read:

23 **§451. Agency liquor stores**

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

29 **Sec. B-23. 28-A MRSA §457**, as amended by PL 1987, c. 623, §6,
30 is further amended to read:

31 **§457. Transfer of agency liquor store license**

32 If an agency liquor store license is transferred, the new
33 licensee may operate the agency liquor store after notifying the
34 ~~commission~~ bureau of the transfer until a new agent is selected
35 by the ~~commission~~ bureau.

36 **Sec. B-24. 28-A MRSA §601, sub-§2**, as amended by PL 1995, c.
37 192, §1, is further amended to read:

2 **2. Disqualifications.** The ~~commission~~ bureau may not issue
a license to an applicant if:

4 A. Any of the principal officers of the corporation is not
personally eligible because he that officer has had a
6 license for sale of liquor revoked under chapter 33, if the
applicant is a corporation;

8 B. The applicant held a license ~~which~~ that was revoked for
10 a specific period under chapter 33 and the applicant is
applying for a license within that period since revocation;

12 C. The applicant, who was not at the time of the offense
14 the holder of a liquor license, was convicted of violating
any laws of the State or the United States with respect to
16 manufacture, transportation, importation, possession or sale
of liquor within 5 years of applying for the license. For
18 the purposes of this paragraph, any person who sells liquor
of a greater alcohol content than authorized by ~~his~~ that
20 person's license is not considered the holder of a license;

22 D. The applicant was convicted of selling liquor illegally
on Sunday while an employee or agent of a licensee within 5
24 years of applying for the license;

26 E. The applicant's license expired pending an appeal from
conviction of illegally selling liquor on Sunday within 5
28 years of applying for the license;

30 F. A full-time law enforcement officer benefits financially
either directly or indirectly;

32 G. The applicant was denied a license within the 6 months
34 before the application was filed, unless the ~~commission's~~
bureau's denial of the license is overruled by the court
36 under an appeal provided by section 805;

38 H. The applicant is the husband, wife, father, mother,
child or other close relation of a person whose license or
40 application for a license for the same premises was revoked
by the Administrative Court Judge or denied by the
42 ~~commission~~ bureau within the 6 months before the application
was filed;

44 I. The ~~commission~~ bureau determines that the purpose of the
46 application is to circumvent the provisions of this section;
or

48 J. The applicant is a golf club or a restaurant located on
50 the property of a golf club and the Maine Human Rights

2 Commission has found reasonable grounds to believe that the
3 golf club has denied membership to a person in violation of
4 Title 5, chapter 337, subchapter V, and has determined that
5 conciliation efforts under Title 5, chapter 337, section
6 4612, subsection 3 have not succeeded. The Maine Human
7 Rights Commission shall notify the ~~State-Liquor-Commission~~
8 bureau when the golf club has corrected its discriminatory
9 membership practices, after which the applicant ceases to be
10 disqualified under this paragraph.

11 **Sec. B-25. 28-A MRSA §601-A**, as enacted by PL 1989, c. 526,
12 §§2 and 28, is repealed.

13 **Sec. B-26. 28-A MRSA §602, sub-§2**, as enacted by PL 1987, c.
14 45, Pt. A, §4, is amended to read:

15 **2. Bureau must notify licensee of expiration.** The
16 ~~commission~~ bureau shall notify the licensee by the most expedient
17 means available that the license has expired and all sales of
18 liquor must be suspended immediately and remain suspended until
19 the license is properly renewed.

20 **Sec. B-27. 28-A MRSA §605, first ¶**, as amended by PL 1987, c.
21 769, Pt. A, §113, is further amended to read:

22 Except as otherwise provided in this section, no license or
23 any interest in a license may be sold, transferred, assigned or
24 otherwise subject to control by any person other than the
25 licensee. If the business, or any interest in the business, in
26 connection with which a licensed activity is conducted is sold,
27 transferred or assigned, the license holder shall immediately
28 send to the ~~commission~~ bureau the license and a sworn statement
29 showing the name and address of the purchaser. The ~~commission~~
30 bureau is not required to refund any portion of the licensee fee
31 if the license is surrendered before it expires.

32 **Sec. B-28. 28-A MRSA §605, sub-§1**, as enacted by PL 1987, c.
33 45, Pt. A, §4, is amended to read:

34 **1. Transfer within same municipality.** Upon receipt of a
35 written application, the ~~commission~~ bureau may transfer any
36 retail liquor license from one place to another within the same
37 municipality. If the approval of the municipal officers was
38 required for the original license, the transfer ~~can~~ may be made
39 only with the approval of the municipal officers. No transfer
40 may be made to premises for which the license could not have been
41 originally legally issued.

42 **Sec. B-29. 28-A MRSA §605, sub-§2, ¶¶A and B**, as enacted by PL
43 1987, c. 45, Pt. A, §4, are amended to read:

2 A. Personal representatives, receivers or trustees may
operate the premise themselves or through a manager for a
4 year from the date of their appointment for the benefit of
the estate.

6 (1) The license must be renewed upon the expiration
8 date at the regular license fee.

10 (2) If the license or renewed license is not
transferred within one year from the date of
12 appointment, it becomes void and must be returned to
the commission bureau for cancellation.

14 (3) Any suspension or revocation of the license by the
16 Administrative Court Judge for any violation applies
against both the manager and the personal
18 representative, receiver or trustee.

20 (4) No personal representative, receiver, trustee or
duly appointed manager may operate under the license
22 unless approved by the commission bureau.

24 B. If a licensee dies, the following persons, with the
written approval of the commission bureau, may continue the
26 operation of the license for not more than 60 days pending
appointment of a personal representative of the estate:

28 (1) The surviving spouse;

30 (2) A person who has filed a petition for appointment
32 as executor or administrator for the estate of the
deceased licensee;

34 (3) Any sole heir of the deceased licensee; or

36 (4) Any person designated by all of the heirs of the
38 deceased licensee.

40 **Sec. B-30. 28-A MRSA §605, sub-§3**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

42 **3. Guardians and conservators.** Duly appointed and
44 qualified guardians and conservators of the estate of a licensee
may take over, operate and renew licenses of their wards during
46 their term of office if they or their managers are approved by
the commission bureau.

48 A. Guardians and conservators, except in the case of
50 off-premise retail licensees approved by the municipal

2 officers in their municipality, may not transfer their
wards' licenses and must renew licenses each year.

4 B. Penalties for violations apply to both guardians or
conservators and their managers in the same manner as
6 executors or administrators and their managers in subsection
2.

8
10 **Sec. B-31. 28-A MRSA §607**, as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

12 **§607. Licensees closed in case of riots, hurricanes or floods**

14 The Governor or the ~~commission~~ bureau may, in cases of
riots, hurricanes and floods, order any or all licensees not to
16 sell any liquor.

18 **Sec. B-32. 28-A MRSA §651, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

20 **1. File application with bureau.** An applicant for a liquor
22 license shall file an application in the form required by the
~~commission~~ bureau.

24 **Sec. B-33. 28-A MRSA §651, sub-§2, ¶¶A and B**, as enacted by PL
26 1987, c. 45, Pt. A, §4, are amended to read:

28 A. Each applicant shall disclose the entire ownership or
any interest in the establishment for which a license is
30 sought. If the applicant is a purchaser by contract, he the
applicant shall also disclose the terms of the contract.

32 B. Every applicant for a license for sale of liquor to be
34 consumed on the premises where sold shall include in the
application a description of the premises to be licensed and
36 ~~shall~~ provide any other material information, description or
plan of that part of the premises where the applicant
38 proposes to keep or sell liquor as the ~~commission~~ bureau
requires.

40 **Sec. B-34. 28-A MRSA §652, sub-3**, as enacted by PL 1987, c.
42 45, Pt. A, §4, is amended to read:

44 **3. Renewal.** Licenses may be renewed upon application for
renewal and payment of the annual fee, subject to ~~commission~~
46 bureau rules.

48 **Sec. B-35. 28-A MRSA §654**, as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

50

2
3 **§654. Additional considerations for licensure**

4 **1. Character; location; operation of business.** In issuing
5 or renewing licenses, the ~~e~~ommission bureau, the municipal
6 officers or the county commissioners, as the case may be, shall
7 give consideration to:

8 A. The character of any applicant;

10 B. The location of the place of business;

12 C. The manner in which ~~it~~ the business has been operated;
14 and

16 D. Whether the operation has endangered the safety of
17 persons in or on areas surrounding the place of business.

18 **2. Qualifications of corporations.** The ~~e~~ommission bureau,
19 the municipal officers or the county commissioners, as the case
20 may be, may refuse to issue licenses to corporations when any of
21 its officers, directors or stockholders do not possess the
22 qualifications required of unincorporated persons under this
23 section.

24 **3. Areas primarily for minors.** Without limitation of its
25 other powers, the ~~e~~ommission bureau may not approve as a proper
26 place for the exercise of the license privilege amusement areas
27 primarily for minors, beaches or any other area designed
28 primarily for use by minors.

30 **Sec. B-36. 28-A MRSA §701**, as amended by PL 1987, c. 342,
32 §33, is further amended to read:

34 **§701. Proximity to schools; exception**

36 **1. Location within 300 feet of schools.** Except as provided
37 in paragraphs A and B, the ~~e~~ommission bureau may not issue a new
38 license for the ~~the~~ sale of liquor to be consumed on the premises
39 to new premises within 300 feet of a public or private school, or
40 school dormitory, ~~church, chapel or parish house~~ in existence as
41 such at the time the application for the new license is made.

42 B. The ~~e~~ommission bureau may issue licenses to premises
43 which that are either in or within 300 feet of a ~~church,~~
44 ~~ehapel,--parish--house--or~~ post-secondary school when ~~--the~~
45 ~~application-has-the-unanimous-approval-of-the-members-of-the~~
46 ~~e~~ommission.

48 **2. Method of measurement.** The distance must be measured
49 from the main entrance of the premises to the main entrance of
50

2 the school, ~~or school dormitory, church, chapel or parish house~~
by the ordinary course of travel.

4 **Sec. B-37. 28-A MRSA §703**, as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

6 **§703. Employment of violators prohibited**

8
10 No licensee may employ as a manager or leave in charge of
the licensed premises any person who, by reason of conviction of
12 violation of any liquor laws within the last 5 years or because
of ~~having had his~~ a revocation of that person's license for sale
14 of liquor ~~revoked~~ within the last 5 years, is not eligible for a
liquor license.

16 **Sec. B-38. 28-A MRSA §703-A, sub-§2**, as amended by PL 1993, c.
254, §1, is further amended to read:

18
20 **2. Affidavit required.** Retail licensees shall require a
person applying for employment as a retail employee to furnish to
22 the licensee an affidavit stating that the applicant has not been
convicted of a first offense of violating section 2078 or section
24 2081, subsection 1, paragraph A or B, within 2 years of the date
of the affidavit. Retail licensees shall require a person
26 applying for employment as a retail employee to furnish to the
licensee an affidavit stating that the applicant has not been
convicted of a 2nd offense of violating section 2078 or section
28 2081, subsection 1, paragraph A or B, within 5 years of the date
of the affidavit. The affidavit must be executed at the time of
30 application. The ~~Bureau of Liquor Enforcement~~ bureau shall
develop the affidavit required by this section and make single
32 copies of that affidavit available to retailers.

34 **Sec. B-39. 28-A MRSA §704**, as amended by PL 1993, c. 266, §§7
and 8, is further amended to read:

36 **§704. Employment of minors**

38
40 **1. Licensee may not hire employee under 17; employees who**
are 17. No licensee for the sale of liquor to be consumed on
42 licensed premises may employ any person under the age of 17 years
in the serving or selling of liquor on the premises where the
44 liquor is sold. ~~The licensee may employ a person who is 17 years~~
~~of age in the serving or selling of liquor on the premises where~~
~~the liquor is sold only if an employee who is at least 18 years~~
~~of age is present in a supervisory capacity. Effective January~~
46 ~~1, 1994, an~~ An employee who is at least 17 years of age but less
48 than 21 years of age may serve or sell liquor only in the
presence of an employee who is at least 21 years of age and is in
50 a supervisory capacity or who was at least 18 years of age as of

January 1, 1994 and was employed in a supervisory capacity by the employer before that date.

Sec. B-40. 28-A MRSA §707, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Licensee not to be indebted. Except as provided by section 1363, the ~~commission~~ bureau may not issue any license to or renew the license of a person who is indebted in any manner, directly or indirectly:

A. To any other person for liquor;

B. To the State for any tax, other than property tax, assessed and considered final under Title 36 ~~which that~~ the State Tax Assessor certifies, in accordance with Title 36, section 172, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of that tax; or

C. For any contributions assessed and considered final under Title 26, section 1225, when the Director of Unemployment Compensation certifies that the amount remains unpaid for a period greater than 60 days, after the applicant or licensee has received notice of the finality of that tax.

Sec. B-41. 28-A MRSA §708, sub-§5, as enacted by PL 1993, c. 615, §4, is amended to read:

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~~ bureau has approved for sale ~~in-state-liquor-stores~~.

Sec. B-42. 28-A MRSA §713, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Sales or deliveries only to licensees. Sales or deliveries ~~must~~ may be made only to licensees of the ~~commission~~ bureau.

Sec. B-43. 28-A MRSA §751, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Retail licensee must keep separate records. Except as provided in paragraph A, a retail licensee shall keep the records required by subsection 1 separate and apart from records relating to any other transactions in which he the licensee engages.

2 A. Malt liquor, wine and soft drinks may be listed on the
3 same wholesale licensee's invoice if each product is
4 separately listed.

6 **Sec. B-44. 28-A MRSA §754**, as enacted by PL 1987, c. 45, Pt.
7 A, §4, is amended to read:

8

§754. Records open for inspection

10

11 **1. Records open for inspection.** All records required to be
12 kept under this chapter are open for inspection to the ~~commission~~
13 alcohol bureau, its representatives or representatives of the
14 ~~Bureau-of-Liquor-Enforcement~~ bureau at any time. The ~~commission~~
15 alcohol bureau, its representatives or representatives of the
16 ~~Bureau-of-Liquor-Enforcement~~ bureau may make copies of records
17 which that may be used as evidence of violation of this chapter.

18

19 **2. Refusal of access.** No licensee may refuse to allow the
20 ~~commission~~ alcohol bureau, its representatives or representatives
21 of the ~~Bureau-of-Liquor-Enforcement~~ bureau to audit the books and
22 records of the licensee.

24 **Sec. B-45. 28-A MRSA §801, sub-§1**, as amended by PL 1989, c.
25 526, §§5 and 28, is further amended to read:

26

27 **1. Jurisdiction.** The Administrative Court Judge, as
28 designated in Title 5, chapter 375, shall conduct hearings on all
29 matters concerning violations by licensees and their agents or
30 employees of any federal or state law or regulation relating to
31 liquor or violations of any rule ~~issued~~ adopted by the ~~commission~~
32 bureau. Notwithstanding Title 5, chapter 375, subchapter VI, the
33 Administrative Court Judge has exclusive jurisdiction over all
34 violations of this Title by licensees and their agents or
35 employees when no criminal penalty is provided.

36

37 **Sec. B-46. 28-A MRSA §802, sub-§1**, as enacted by PL 1987, c.
38 45, Pt. A, §4, is amended to read:

39 **1. Violation of law or infraction of rule.** Violation of
40 any federal or state law, rule or regulation relating to liquor
41 or substantial infraction of any rule ~~issued~~ adopted by the
42 ~~commission~~ bureau.

44

45 A. This subsection does not require the Administrative
46 Court Judge to hold licensees who sold liquor to minors who
47 furnished fraudulent proof of age liable administratively;

48

49 **Sec. B-47. 28-A MRSA §802, sub-§3, ¶A**, as enacted by PL 1987,
50 c. 45, Pt. A, §4, is amended to read:

2 A. For this offense the Administrative Court Judge may
suspend licenses for an indefinite period of time until he
4 the Administrative Court Judge is satisfied that the
licensee has conformed to all qualifications required for
6 licensing.

8 **Sec. B-48. 28-A MRSA §803, sub-§1**, as amended by PL 1987, c.
342, §51, is further amended to read:

10 **1. Violation of law or rule.** Upon discovering a violation
12 of federal or state law, rule or regulation relating to liquor,
or an infraction of a rule issued adopted by the ~~commission~~
14 bureau, the Director of the Bureau of Liquor Enforcement chief,
or the ~~director's~~ chief's designee, shall:

- 16 A. Report the violation to the Administrative Court Judge
18 in a signed complaint; or
- 20 B. Issue warnings to the licensees involved.

22 **Sec. B-49. 28-A MRSA §803, sub-§2**, as amended by PL 1987, c.
342, §52, is further amended to read:

24 **2. Notice and hearing.** Except as provided under subsection
26 6, upon receipt of a signed complaint prepared under subsection
1, paragraph A, the Administrative Court Judge shall notify the
28 licensee and hold a hearing according to the following
procedures.

30 A. The Administrative Court Judge shall notify the licensee
32 by serving on ~~him~~ the licensee a copy of the complaint and a
notice stating the time and place of the hearing and that he
34 the licensee may appear in person or by counsel at the
hearing. Service of the complaint and hearing notice is
36 sufficient if sent by registered or certified mail at least
7 days before the date of the hearing to the address given
38 by the licensee at the time of ~~his~~ the licensee's
application for a license.

40 B. The Administrative Court Judge shall conduct a hearing
42 limited to the facts, the law and rules of the ~~commission~~
bureau, as specified in the complaint.

44 C. The Administrative Court Judge shall conduct the hearing
46 in the following manner.

48 (1) The Administrative Court Judge may subpoena and
examine witnesses, administer oaths and subpoena and

2 compel the attendance of parents and legal guardians of
unemancipated minors.

4 (a) The commission bureau shall pay to the
witnesses the legal fees for travel and
6 attendance, except that, notwithstanding Title 16,
section 253, the commission bureau is not required
8 to pay the fees before the travel and attendance
occur.

10 (2) Hearsay testimony is not admissible during the
12 hearing. The licensees named in the complaint have the
right to have all witnesses testify in person at the
14 hearing.

16 (3) The Administrative Court Judge shall conduct
hearings in one or more designated places which that
18 are the most convenient and economical for all parties
concerned in the hearing.

20 D. The Administrative Court Judge shall state in writing
22 his the findings and decision in each case, based upon the
facts, the law and the rules of the commission bureau. The
24 findings shall must specify the facts found and the law or
rules found to be violated.

26 **Sec. B-50. 28-A MRSA §803, sub-§5**, as enacted by PL 1987, c.
28 45, Pt. A, §4, is amended to read:

30 **5. Term of suspension or revocation.** Except as provided by
section 802, subsection 3, suspensions must be for a definite
32 period of time. If the Administrative Court Judge revokes a
license, he the Administrative Court Judge shall specify that the
34 commission bureau may not issue a license to the person whose
license is revoked for a period of not less than one nor more
36 than 5 years from the date of such revocation.

38 **Sec. B-51. 28-A MRSA §803, sub-§6**, as amended by PL 1987, c.
342, §54, is further amended to read:

40 **6. Warnings.** Upon the written recommendation of the
42 ~~Director of the Bureau of Liquor Enforcement~~ chief, or the
~~director's~~ chief's designee, the Administrative Court Judge,
44 instead of notifying a licensee against whom a complaint is
pending to appear for hearing, may send the licensee a warning.
46 Warnings must be sent by registered or certified mail and contain
a copy of the complaint. A licensee to whom a warning is sent may
48 demand a hearing by notifying the Administrative Court Judge by
registered or certified mail within 10 days from the date the
50 warning was mailed.

2 **Sec. B-52. 28-A MRSA §804**, as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

4
6 **§804. Record of proceedings and transcript**

8 The Administrative Court Judge shall keep a full and
complete record of all proceedings ~~before him~~ on the revocation
and suspension of any license issued by the ~~commission~~ bureau.
10 The Administrative Court Judge is not required to have a
transcript of the testimony prepared unless required for
12 rehearing or appeal.

14 **Sec. B-53. 28-A MRSA §805**, as enacted by PL 1987, c. 45, Pt.
A, §4, is amended by repealing and replacing the headnote to read:

16 **§805. Appeal from decision of Administrative Court Judge or**
18 **bureau**

20 **Sec. B-54. 28-A MRSA §805, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

22 **1. Aggrieved person may appeal within 30 days.** Any person
aggrieved by the decision of the Administrative Court Judge in
24 revoking or suspending any license issued by the ~~commission~~
bureau or by refusal of the ~~commission~~ bureau to issue any
26 license applied for may, within 30 days of the decision or
refusal, appeal to the Superior Court by filing a complaint.

30 A. The 30-day period for appeal begins on:

32 (1) In the case of license revocation or suspension,
the effective date of the suspension or revocation; or

34 (2) In the case of refusal by the ~~commission~~ bureau to
36 issue a license, on the day when the ~~commission~~ bureau
sends by registered or certified mail notice to the
38 applicant at the address of ~~his~~ the applicant's
business given in ~~his~~ the applicant's application for a
40 license.

42 **Sec. B-55. 28-A MRSA §806**, as amended by PL 1989, c. 526, §§6
and 28, is further amended to read:

44 **§806. Records**

46 **1. Limitation on maintenance of records.** Except as
48 provided in subsection 2, the ~~commission~~ bureau shall maintain a

2 record of each violation, revocation or suspension for not more
than 5 years.

4 **2. Records of Class A, B and C convictions.** The ~~commission~~
bureau shall maintain records of convictions for Class A, B and C
6 crimes for at least 5 years, and may maintain them longer
according to the policy of the ~~commission~~ bureau.

8
10 **3. Notice of violators.** The Administrative Court clerk
shall provide the ~~Bureau-of-Liquor-Enforcement~~ bureau with the
12 names and dates of final adjudication of all persons found in
violation of this Title or the rules of the ~~commission~~ bureau.

14 **Sec. B-56. 28-A MRSA §1051, sub-§1,** as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

16
18 **1. Licenses for sale of liquor to be consumed on the**
premises where sold. Subject to subsection 2, the ~~commission~~
bureau may issue licenses for the sale of spirits, wine and malt
20 liquor to be consumed on the premises where sold to qualified
applicants upon payment of fees provided.

22 **Sec. B-57. 28-A MRSA §1051, sub-§3, ¶A,** as enacted by PL 1987,
24 c. 45, Pt. A, §4, is amended to read:

26 A. Subject to law and the rules of the ~~commission~~ bureau,
hotel licensees may sell liquor in the original packages to
28 bona fide registered room guests.

30 **Sec. B-58. 28-A MRSA §1052, sub-§4,** as amended by PL 1987, c.
342, §77, is further amended to read:

32 **4. Application.** The licensee must apply for an off-premise
34 catering license by filing a written application with the
~~commission~~ bureau at least 24 hours before the event or
36 gathering. The application must include the following:

38 A. Title and purpose of the event;

40 B. Date, time and duration;

42 C. Location;

44 D. Approximate number of persons to be accommodated;

46 E. Name and address of sponsoring person, organization or
association;

48

50 F. If food is to be served, the name and address of food
caterer, if other than the licensee; and

2 G. Approval by the municipal officers, or a municipal
3 official designated by the municipal officers, of the
4 municipality in which the proposed additional licensed
5 premises are located, which, notwithstanding section 653,
6 may be granted without public notice.

8 **Sec. B-59. 28-A MRSA §1052, sub-§5**, as amended by PL 1987, c.
9 342, §78, is further amended to read:

10

11 **5. Ruling on application.** Upon receipt of the application,
12 the ~~e~~ommission bureau may immediately approve or deny the
13 application. The ~~e~~ommission bureau shall advise the applicant
14 that the license and the off-premise sales license may be revoked
15 and suspended under chapter 33.

16

17 **Sec. B-60. 28-A MRSA §1052, sub-§6**, as enacted by PL 1987, c.
18 45, Pt. A, §4, is amended to read:

20

21 **6. Local option questions.** The ~~e~~ommission bureau may not
22 grant approval for the sale of liquor at events to be held in
23 areas where the voters have voted in the negative concerning the
24 pertinent local option questions.

24

25 **Sec. B-61. 28-A MRSA §1052-A, sub-§§3 and 4**, as enacted by PL
26 1993, c. 259, §1, are amended to read:

28

29 **3. Application.** The licensee must apply for a special
30 taste-testing festival license by filing a written application
31 with the ~~e~~ommission bureau at least 24 hours before the event.
32 The application must include the following:

32

33 A. Name and address of the applicant;

34

35 B. Title and purpose of the event;

36

37 C. Date, time and duration;

38

39 D. Location; and

40

41 E. Approval by the municipal officers or a municipal
42 official designated by the municipal officers of the
43 municipality where the proposed special taste-testing
44 festival will be located, which, notwithstanding section
45 653, may be granted without public notice.

46

47 **4. Ruling on application.** Upon receipt of the application,
48 the ~~e~~ommission bureau may immediately approve or deny the
49 application. The ~~e~~ommission bureau shall advise the applicant
50 that the license may be revoked and suspended under chapter 33.

2 **Sec. B-62. 28-A MRSA §1062, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

4
6 **1. Issuance of licenses.** The commission bureau may issue
licenses under this section for the sale of wine and malt liquor
to be consumed on the premises to restaurants, as defined in
8 section 2, subsection 15, paragraph Q.

10 **Sec. B-63. 28-A MRSA §1062, sub-§3, ¶A**, as enacted by PL 1987,
c. 45, Pt. A, §4, is amended to read:

12
14 A. The commission bureau may not renew any license for the
sale of wine or malt liquor unless the licensee furnishes
proof to the commission bureau that the previous year's
16 business conformed to the income requirement of this
subsection.

18 **Sec. B-64. 28-A MRSA §1062, sub-§4**, as enacted by PL 1987, c.
20 342, §87, is amended to read:

22 **4. Bureau determines who would probably qualify.** The
commission bureau may issue the license if it determines that the
24 applicant for a new license would probably meet the requirements
of subsection 3.

26 **Sec. B-65. 28-A MRSA §1065, sub-§1**, as enacted by PL 1987, c.
28 45, Pt. A, §4, is amended to read:

30 **1. Issuance of licenses.** The commission bureau may issue
licenses under this section for the sale of spirits, wine and
32 malt liquor to be consumed on the premises to Class A lounges as
defined in section 2, subsection 15, paragraph L.

34 **Sec. B-66. 28-A MRSA §1066-A, sub-§1**, as enacted by PL 1987,
36 c. 342, §93, is amended to read:

38 **1. Issuance of licenses.** The commission bureau may issue
licenses under this section for the sale of malt liquor to be
40 consumed on the premises to taverns as defined in section 2,
subsection 16, paragraph T-1.

42 **Sec. B-67. 28-A MRSA §1068, sub-§1**, as enacted by PL 1987, c.
44 45, Pt. A, §4, is amended to read:

46 **1. Issuance of licenses.** The commission bureau may issue
licenses under this section for the sale of spirits, wine and
48 malt liquor to be consumed on the premises to performing arts
centers as defined in section 2, subsection 15, paragraph N.

50

2 **Sec. B-68. 28-A MRSA §1069-A, sub-§1**, as enacted by PL 1989,
c. 158, §9, is amended to read:

4 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
6 licenses under this section for the sale of spirits, wine and
malt liquor to be consumed on the premises to auditoriums, as
defined in section 2, subsection 15, paragraph B.

8 **Sec. B-69. 28-A MRSA §1070, sub-§1**, as enacted by PL 1987, c.
10 45, Pt. A, §4, is amended to read:

12 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
14 licenses under this section for the sale of spirits, wine and
malt liquor to civic auditoriums as defined in section 2,
subsection 15, paragraph C.

16 **Sec. B-70. 28-A MRSA §1070, sub-§4**, as amended by PL 1987, c.
18 342, §95, is further amended to read:

20 **4. Licensee must notify bureau.** The civic auditorium
licensee shall give written notice to the ~~Bureau--of--Liquor~~
22 ~~Enforcement~~ bureau at least 24 hours before a function or event.

24 **Sec. B-71. 28-A MRSA §1071, sub-§1**, as enacted by PL 1987, c.
26 45, Pt. A, §4, is amended to read:

28 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
licenses under this section for the sale of spirits, wine and
30 malt liquor to be consumed on the premises to incorporated civic
organizations, as defined in section 2, subsection 15, paragraph
I.

32 **Sec. B-72. 28-A MRSA §1071, sub-§3**, as repealed and replaced
by PL 1987, c, 151, §2, is amended to read:

34 **3. Length of licenses.** One license issued under this
36 section to each incorporated civic organization is valid for up
to 7 consecutive days. The other 4 licenses for which the
38 incorporated civic organization is eligible are valid for one day
each. The ~~commission~~ bureau may not issue separate licenses
40 under this section to the same incorporated civic organization
for events or gatherings held on consecutive days.

42 **Sec. B-73. 28-A MRSA §1071, sub-§5**, as enacted by PL 1987, c.
44 45, Pt. A, §4, is amended to read:

46 **5. Ruling on application.** The ~~commission~~ bureau shall
approve or deny the application and shall immediately notify the
48 applicant of its decision. The ~~commission~~ bureau shall advise
the applicant that the license may be revoked and suspended under
50 chapter 33.

2 **Sec. B-74. 28-A MRSA §1072, sub-§§1 and 4**, as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

4
6 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
licenses under this section for the sale of spirits, wine and
8 malt liquor to be consumed on the premises to clubs, as defined
in section 2, subsection 15, paragraph D.

10 **4. Register of club members.** Every club shall keep and
maintain a register of the name, identity and address of each
12 member of the club. The club shall allow any liquor enforcement
officer or other authorized agent of the ~~commission~~ bureau to
14 inspect the register at any reasonable time.

16 **Sec. B-75. 28-A MRSA §1073, sub-§§1 and 3**, as amended by PL
1989, c. 244, §6, are further amended to read:

18
20 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
licenses under this section for the sale of spirits, wine and
22 malt liquor to be consumed on the premises to bowling centers,
golf clubs, indoor ice skating clubs and indoor racquet clubs as
24 defined in section 2, subsection 15, paragraphs B-1, G, J and K
respectively.

26 **3. Separate area for sale of food and liquor.** The licensee
shall set aside a separate area for the sale and consumption of
28 food and liquor in accordance with the rules of the ~~commission~~
bureau. For bowling centers, that separate area may not include
30 the area in which the game of bowling is conducted.

32 **Sec. B-76. 28-A MRSA §1074, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

34
36 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
licenses under this section for the sale of wine and malt liquor
to be consumed on the premises to outdoor stadiums, as defined in
38 section 2, subsection 15, paragraph M.

40 **Sec. B-77. 28-A MRSA §1077, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

42
44 **1. Licenses.** The ~~commission~~ bureau may issue licenses
under this section for the sale of spirits, wine and malt liquor
46 by vessel, railroad and airline corporations in their boats, cars
and aircraft.

48 **Sec. B-78. 28-A MRSA §1077, sub-§2, ¶¶A and B**, as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

50

2 A. The ~~commission~~ bureau may not require that the vessels
be equipped to supply food or provide food service.

4 B. Except as provided in ~~sub-paragraph~~ subparagraph (1),
6 licenses issued under this section to vessel companies
operating boats within the State authorize the licensees to
8 sell liquor in the boats after leaving and before reaching
ports within the State.

10 (1) A licensee may sell liquor for consumption on
board a vessel ~~which~~ that is in port, only if prior
12 approval for the sale is obtained from the ~~commission~~
bureau under the license application procedure in
14 section 653. A separate approval must be obtained for
each port location from which on-board sales of liquor
16 are to be made.

18 **Sec. B-79. 28-A MRSA §1079, sub-§1**, as repealed and replaced
by PL 1987, c. 342, §101, is amended to read:

20 **1. Issuance of license to operators of air terminals.** The
22 ~~commission~~ bureau may issue licenses under this section for the
sale of spirits, wine and malt liquor to be consumed on the
24 premises to operators of international air terminals, as defined
in section 2, subsection 15, or their agent or concessionaire.

26 **Sec. B-80. 28-A MRSA §1201, sub-§§1 and 2**, as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

30 **1. Licenses for sale of malt liquor and table wine.** The
~~commission~~ bureau may issue licenses under this section for the
32 sale and distribution of malt liquor or wine to off-premise
retail licensees, as defined in section 2, subsection 27,
34 paragraph A.

36 **2. Ineligible as licensee.** The ~~commission~~ bureau may not
issue a license for the sale of malt liquor or wine to any person
38 who is not engaged in a bona fide retail business other than the
sale of malt liquor or wine at retail.

40 **Sec. B-81. 28-A MRSA §1201, sub-§5**, as amended by PL 1987, c.
42 342, §102, is further amended to read:

44 **5. Qualifications.** The ~~commission~~ bureau may not issue any
licenses for new premises unless:

46 A. The premise has been in operation for a period of at
48 least 3 months immediately before the date of the
application; or

50

2 B. The applicant proves to the satisfaction of the
3 commission bureau that all proper standards and requirements
4 of laws and rules of the commission bureau have been met and
5 he that the applicant is a resident of the State.

6 **Sec. B-82. 28-A MRSA §1202, sub-§2**, as amended by PL 1993, c.
7 266, §22, is further amended to read:

8
9 **2. Employees who are 17.** An ~~employee who is 17 years of~~
10 ~~age may accept payment only if an employee who is at least 18~~
11 ~~years old is present in the off-premise retail licensee's~~
12 ~~establishment in a supervisory capacity. Effective January 1,~~
13 ~~1994,~~ an employee who is at least 17 years of age but less than
14 21 years of age may accept payment only in the presence of an
15 employee who is at least 21 years of age and is in a supervisory
16 capacity or who was at least 18 years of age on January 1, 1994
17 and was employed in a supervisory capacity by the employer before
18 that date.

19 **Sec. B-83. 28-A MRSA §1204, sub-§1**, as enacted by PL 1987, c.
20 342, §106, is amended to read:

21
22 **1. Issuance of licenses.** The commission bureau may issue
23 licenses under this section for the sale of malt liquor and table
24 wine to be consumed off the premises to ship chandlers, as
25 defined in section 2, subsection 15, paragraph S.

26
27 **Sec. B-84. 28-A MRSA §1205, sub-§1**, as amended by PL 1995, c.
28 30, §4, is further amended to read:

29
30 **1. Taste testing on off-premise retail licensee's premises;**
31 **fine wine stores.** Subject to the conditions in subsection 2, the
32 commission bureau may authorize an off-premise retail licensee,
33 50% or more of whose gross income is derived from the sale of
34 wine or malt liquor, or a fine wine store to conduct taste
35 testings of wine on that licensee's premises. Any other
36 consumption of alcoholic beverages on an off-premise retail
37 licensee's premises is prohibited.

38
39 **Sec. B-85. 28-A MRSA §1205, sub-§2, ¶G**, as enacted by PL 1989,
40 c. 488, is amended to read:

41
42 G. The retail licensee must obtain the written permission
43 of the commission bureau before conducting any taste-testing
44 activity;

45
46 **Sec. B-86. 28-A MRSA §1351**, as enacted by PL 1987, c. 45, Pt.
47 A, §4, is amended to read:

48
49 **§1351. Certificate of approval**

2 **1. Certificate of approval required.** All in-state
3 manufacturers, out-of-state manufacturers and out-of-state
4 wholesalers must obtain a certificate of approval from the Bureau
5 of Alcoholic-Beverages bureau.

6 **Sec. B-87. 28-A MRSA §1355, sub-§3, ¶C,** as amended by PL 1993,
7 c. 730, §46, is further amended to read:

8 C. A holder of a farm winery license, upon application to
9 and approval of the commission bureau and payment of the
10 license fee, may obtain a license for one additional
11 location other than the winery licensed under this
12 subsection. The holder of the license is not required to
13 conduct any bottling or production of wine at the 2nd
14 licensed location but may conduct all activities permitted
15 by this section at the winery.

16 **Sec. B-88. 28-A MRSA §1356,** as amended by PL 1987, c. 342,
17 §108, is further amended to read:

18 **§1356. Illegal manufacture**

19 **1. Illegal manufacture; penalty.** Any person not licensed
20 by the commission bureau who manufactures for sale any liquor,
21 and any person who sells any liquor manufactured by him that
22 person without a license in the State, commits a Class E crime.

23 **Sec. B-89. 28-A MRSA §1361, sub-§§1 and 3,** as enacted by PL
24 1987, c. 45, Pt. A, §4, are amended to read:

25 **1. Certificate of approval required.** No manufacturer or
26 foreign wholesaler of malt liquor or wine may hold for sale, sell
27 or offer for sale in intrastate commerce, or transport or cause
28 to be transported into the State for resale, any malt liquor or
29 wine unless the manufacturer or foreign wholesaler has obtained
30 from the commission bureau a certificate of approval.

31 **3. Conditions on certificate of approval.** The certificate
32 of approval is subject to the laws of the State and the rules of
33 the commission bureau.

34 A. Any violation of the rules of the commission bureau is
35 ground for suspension or revocation of the certificate at
36 the discretion of the Administrative Court Judge.

37 **Sec. B-90. 28-A MRSA §1361, sub-§4,** as amended by PL 1993, c.
38 507, §1, is further amended to read:

2 **2. File monthly reports.** All certificate of approval
holders shall furnish a monthly report on or before the 10th day
4 of each calendar month in the form prescribed by the ~~e~~mission
bureau.

6 **3. Certification that excise tax paid.** No certificate of
8 approval holder may ship or cause to be transported into the
State any malt liquor or wine until the ~~e~~mission bureau has
10 certified that:

12 A. The excise tax has been paid; or

14 B. The Maine wholesale licensee, to whom shipment is to be
made, has filed a bond to guarantee payment of the excise
16 tax as provided in section 1405.

18 **4. Reports of low-alcohol spirits products.** Each
certificate of approval holder that manufactures low-alcohol
20 spirits products shall submit to the ~~e~~mission bureau, on or
before the 10th day of each calendar month, a form specifying the
22 number of gallons of low-alcohol spirits product sold to
wholesale licensees in the State with a copy of each invoice
24 relating to each such sale.

26 **Sec. B-94. 28-A MRSA §1365**, as enacted by PL 1991, c. 591,
Pt. VV, §6, is amended to read:

28 **§1365. Low-alcohol spirits product tax**

30 In addition to any tax or premium paid under section 1652 or
32 section 1703, each certificate of approval holder that
manufactures low-alcohol spirits products shall pay a tax of 30¢
34 on each gallon of low-alcohol spirits product sold to a wholesale
licensee in the State. In addition to the forms filed pursuant
36 to section 1364, a certificate of approval holder that
manufactures low-alcohol spirits products shall file with the
38 ~~e~~mission bureau a monthly report on the number of gallons of
low-alcohol spirits product sold to wholesale licensees in the
40 State. The certificate of approval holder must enclose payment
for the tax due under this section on the reported sales.

42 **Sec. B-95. 28-A MRSA §1371, sub-§1**, as amended by PL 1989, c.
44 183, is further amended to read:

46 **1. Certificate of approval for special storage facilities.**
Notwithstanding the importation restrictions of sections 2073 and
48 2077, the ~~e~~mission bureau may issue certificates of approval
authorizing the direct importation of malt liquor, wine or
50 spirits from suppliers located in foreign countries or other

2 states into special warehouse storage facilities located within
3 the State that are under the direct supervision and control of
4 the certificate of approval holder or into a public warehouse
5 with the approval of the ~~commission~~ bureau.

6 **Sec. B-96. 28-A MRSA §1371, sub-§3, ¶¶B and C**, as enacted by PL
7 1987, c. 45, Pt. A, §4, are amended to read:

8
9 B. The ~~State-Liquor-Commission~~ alcohol bureau may withdraw
10 spirits from special warehouse storage facilities.

11 C. Out-of-state purchasers authorized by the ~~commission~~
12 bureau may withdraw spirits, wine and malt liquor from
13 special warehouse storage facilities. The authorization
14 allows the out-of-state purchasers to directly transport the
15 spirits, wine and malt liquor to the state border for
16 delivery out-of-state. Products withdrawn by authorized
17 out-of-state purchasers for delivery outside of the State
18 are not subject to the state excise tax or premium.

19
20 **Sec. B-97. 28-A MRSA §1401, sub-§§1, 4 and 5**, as enacted by PL
21 1987, c. 45, Pt. A, §4, are amended to read:

22
23 1. **Issuance of licenses.** The ~~commission~~ bureau may issue
24 licenses under this section for the sale and distribution of malt
25 liquor or wine at wholesale.

26
27 4. **Temporary permits.** The ~~commission~~ bureau may issue
28 special permits, upon application in writing, for the temporary
29 storage of malt liquor or wine under terms and upon conditions
30 prescribed by the ~~commission~~ bureau.

31
32 5. **Qualifications.** The ~~commission~~ bureau may not issue a
33 wholesale license to an applicant unless:

34
35 A. If the applicant is a person, the applicant has been a
36 resident of the State for at least 6 months; or

37
38 B. If the applicant is a corporation, the applicant has
39 conducted business in this State for at least 6 months.

40
41 **Sec. B-98. 28-A MRSA §1402, sub-§§1 and 2**, as amended by PL
42 1987, c. 342, §110, are further amended to read:

43
44 1. **Taste testing on wholesale licensee's premises.** With
45 the ~~commission's~~ bureau's written permission, a wholesale
46 licensee may designate a special area or room on the wholesale
47 licensee's premises for the specific purpose of taste testing
48 wine or malt liquor products.

49
50

2 **2. Taste testing on retail licensee's premises.** With the
3 ~~commission's~~ bureau's written permission, a wholesale licensee
4 may rent or lease an area or room from an on-premise retail
5 licensee for the purpose of inviting retail licensees to taste
6 test wine or malt liquor products.

7 **Sec. B-99. 28-A MRSA §1403, sub-§1,** as enacted by PL 1987, c.
8 45, Pt. A, §4, is amended to read:

9 **1. No purchases other than from certificate of approval**
10 **holder.** No wholesale licensee may purchase or cause to be
11 transported into the State any malt liquor or wine from any
12 person to whom the ~~commission~~ bureau has not issued a certificate
13 of approval.

14 **Sec. B-100. 28-A MRSA §1403, sub-§1-A,** as enacted by PL 1987,
15 c. 342, §111, is amended to read:

16 **1-A. Wholesale licensee may purchase from wholesale**
17 **licensee.** The ~~commission~~ bureau may give written permission to a
18 wholesale licensee to purchase malt liquor or wine from another
19 wholesale licensee.

20 **Sec. B-101. 28-A MRSA §1403, sub-§4,** as enacted by PL 1987, c.
21 45, Pt. A, §4, is amended to read:

22 **4. Monthly report.** By the 10th day of each calendar month,
23 each wholesale licensee shall furnish to the ~~commission~~ bureau,
24 in the form prescribed by the ~~commission~~ bureau, a monthly report
25 of all malt liquor or wine purchased and sold during the
26 preceding month.

27 **Sec. B-102. 28-A MRSA §1404, sub-§1, ¶¶A, B, C, D, E and F,** as
28 enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

29 A. The ~~commission~~ bureau shall furnish all purchase order
30 forms.

31 B. The unbonded wholesale licensee shall complete the forms
32 in ~~quintuplicate~~ quintuplicate.

33 C. The unbonded wholesale licensee ordering malt liquor or
34 wine shall mail 3 copies of the form to the ~~commission~~ bureau
35 with a check for the amount of excise taxes required
36 to cover the amount of the order.

37 D. The unbonded wholesale licensee may mail the original
38 copy of the order to the brewery or winery or wholesaler
39 with whom he the licensee wishes to place the order.

2 E. On receipt of the 3 copies and a check for excise taxes,
the ~~commission~~ bureau shall promptly process the copies and
4 return one copy to the wholesale licensee and send one to
the brewery, winery or foreign wholesaler designated to
6 receive the order. The ~~commission~~ bureau shall keep the 3rd
copy on file.

8 F. No brewery, winery or foreign wholesaler may ship or
release malt liquor or wine for delivery in Maine until
10 notified by the ~~commission~~ bureau that the excise tax has
been paid in accordance with this section.

12 **Sec. B-103. 28-A MRSA §1405, sub-§1, ¶¶A and D**, as enacted by
14 PL 1987, c. 45, Pt. A, §4, are amended to read:

16 A. The ~~commission~~ bureau shall furnish all purchase order
forms.

18 D. The bonded wholesale licensee shall then mail to the
20 ~~commission~~ bureau one copy of the form and retain one copy
for ~~his~~ the licensee's files.

22 **Sec. B-104. 28-A MRSA §1405, sub-§2**, as enacted by PL 1987, c.
24 45, Pt. A, §4, is amended to read:

26 **2. Corporate security bond.** To secure payment of the
excise tax and premium, each wholesale licensee shall file with
28 the ~~commission~~ bureau a corporate surety bond guaranteeing
payment of the proper excise tax and premium due the State ~~from~~
30 him.

32 A. The ~~commission~~ bureau shall fix the amount and terms of
the bond, subject to the following ~~restrictions~~ restrictions.

34 (1) The bond must be equal to the highest monthly
36 excise tax and premium paid by the wholesale licensee
during the period of ~~his~~ the prior year license, plus
38 10% of the highest month.

40 (2) New licensees desiring to furnish bond under this
section shall furnish a corporate surety bond in an
42 amount to be determined by the ~~commission~~ bureau.

44 (3) All bonds ~~shall be~~ are provided and effective only
for each licensed year.

46 B. Failure to pay the excise tax and premium when due is
48 grounds for suspension of the license of the wholesale
licensee.

50

2 **Sec. B-105. 28-A MRSA §1405, sub-§3, ¶B**, as enacted by PL
1987, c. 45, Pt. A, §4, is amended to read:

4 B. At the time of payment of the excise tax and premium,
6 each Maine wholesale licensee shall file with the commission
bureau in the form prescribed by the commission bureau:

8 (1) A verified monthly report of all malt liquor or
10 wine purchased or imported based on the date of
shipment invoice during the preceding calendar month;
and

12 (2) Any additional information the commission bureau
14 requires to compute and ensure the accuracy of the
excise tax and premium payment accompanying the report.

16 **Sec. B-106. 28-A MRSA §1406**, as enacted by PL 1987, c. 45,
18 Pt. A, §4, is amended to read:

20 **§1406. Report of changes in wholesale licensees and certificate**
22 **of approval holders to bureau**

24 **1. Certificate of approval holders must list wholesale**
26 **licensees with bureau; changes.** Each certificate of approval
holder shall:

28 A. File with the commission bureau a list of the wholesale
licensees who distribute their products in the State; and

30 B. ~~Certificate of approval holders shall give~~ Give written
32 notice to the commission bureau and the wholesale licensee
affected at least 90 days before any change in:

34 (1) Its wholesale licensees; or

36 (2) The territory of its wholesale licensee in the
State.

38 **2. Wholesale licensees must list certificate of approval**
40 **holders with bureau; changes.** Each wholesale licensee shall:

42 A. File with the commission bureau:

44 (1) A list of the certificate of approval holders for
46 whom it distributes malt liquor or wine in the State;
and

48 (2) A statement of the boundaries of its territories; and
50 and

2 B. ~~Wholesale licensees shall give~~ Give written notice to
the ~~commission~~ bureau and the certificate of approval holder
affected at least 90 days before any change in:

4 (1) Its territory; or

6 (2) The distribution of its products.

8
10 **3. Shortened waiting period before change.** The ~~commission~~
bureau may shorten the waiting period before a change is made in
the following situations.

12 A. A certificate of approval holder or a wholesale licensee
14 may request a hearing before the ~~commission~~ bureau to
shorten the waiting period before a change is made. The
16 ~~commission~~ bureau may, for cause, shorten the waiting period
before approving a change in either the wholesale licensee
18 or the wholesale licensee's territory.

20 B. If both the certificate of approval holder and the
wholesale licensee affected waive the 90-day waiting period
22 by giving the ~~commission~~ bureau written notice, then the
~~commission~~ bureau may immediately approve a change in either
24 the wholesale licensee or the wholesale licensee's territory.

26 **Sec. B-107. 28-A MRSA §1408, sub-§4, ¶A,** as enacted by PL
1987, c. 342, §113, is amended to read:

28 A. The ~~commission~~ bureau may give written permission to
30 certificate of approval holders, manufacturers or wholesale
licensees to reduce the notice period for price changes in
32 specific instances.

34 **Sec. B-108. 28-A MRSA §1501,** as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

36 **§1501. Lists of officers, partners and sales representatives**

38 All persons selling liquor to the State shall furnish to the
40 ~~commission~~ alcohol bureau and the bureau a list of all officers
and directors, if a corporation, or a list of all partners, if a
42 partnership, and the name of the sales representatives of the
person within the State.

44 **Sec. B-109. 28-A MRSA §1502, first ¶,** as enacted by PL 1987, c.
46 45, Pt. A, §4, is amended to read:

48 The sales representatives shall apply to the ~~commission~~
bureau for a license disclosing the person, firm or corporation
50 represented.

2 **Sec. B-110. 28-A MRSA §1503**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

4 **§1503. Revocation of license**

6 Licenses issued by the ~~e~~ommission bureau under this chapter
8 ~~shall~~ must be revoked for the violation of the liquor laws or any
rule adopted by the ~~e~~ommission bureau.

10 **Sec. B-111. 28-A MRSA §1652, sub-§3**, as enacted by PL 1987, c.
12 45, Pt. A, §4, is amended to read:

14 **3. General Fund.** The ~~e~~ommission bureau shall immediately
deposit all money received under this section to be credited to
16 the General Fund.

18 **Sec. B-112. 28-A MRSA §1652, sub-§4**, as amended by PL 1991, c.
20 791, §3, is further amended to read:

22 **4. Excise tax accounts and adjustments.** The ~~e~~ommission
bureau shall open an excise tax account with all manufacturers,
wholesale licensees and certificate of approval holders and make
24 the following adjustments when appropriate.

26 A. The ~~e~~ommission bureau may grant credits and make tax
adjustments that it determines the wholesale licensee or
28 certificate of approval holder is entitled to upon the
filing of affidavits in the form prescribed by the
30 ~~e~~ommission bureau.

32 B. The ~~e~~ommission bureau shall refund all excise tax and
premium paid by the wholesale licensee or certificate of
34 approval holder on all malt liquor or wine caused to be
destroyed by a supplier as long as the quantity and size are
36 verified by the bureau and the destruction is witnessed by
an authorized representative of the bureau.

38 C. If a wholesale licensee's inventories are destroyed by
40 fire, flood or other natural disaster, the ~~e~~ommission bureau
may refund the excise tax and premium on the wholesale
42 licensee's inventories.

44 D. Any wholesale licensee selling malt liquor or wine to an
instrumentality, a licensee for resale to an airline, a
46 training site or a ship chandler shall present proof of that
sale to the ~~e~~ommission bureau. The ~~e~~ommission bureau shall
48 grant to the wholesale licensee a credit of all state excise
tax and premium paid in connection with that sale under the
50 following conditions.

2 (1) The ~~e~~mission bureau shall grant a credit for the
4 excise tax and premium on malt liquor or wine sold by
wholesale licensees to any instrumentality of the
6 United States or any Maine National Guard state
training site exempted by the ~~e~~mission bureau.

8 (2) The ~~e~~mission bureau shall grant a credit for the
excise tax and premium on malt liquor or wine sold to
10 any ship chandler, provided that the malt liquor and
wine are resold to vessels of foreign registry for
12 consumption after that vessel has left port or are
resold for consumption on board vessels of United
14 States registry that are destined for a foreign port.

16 (3) The ~~e~~mission bureau shall grant a credit for the
excise tax and premium on malt liquor and table wine
18 sold to a licensee registered with the bureau for
resale to licensed airlines or to unlicensed airlines
20 for their international flights.

22 **Sec. B-113. 28-A MRSA §1703, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

24 **1. Spirits.** The ~~e~~mission bureau shall sell all spirits,
26 at a price which that will produce, in addition to any other tax
or charge imposed under state or federal law, a premium in the
28 amount specified in subsection 3.

30 **Sec. B-114. 28-A MRSA §1703, sub-§2, ¶A**, as enacted by PL
1987, c. 45, Pt. A, §4, is amended to read:

32 A. The ~~e~~mission bureau shall open a premium account with
34 all manufacturers and importing wholesalers.

36 **Sec. B-115. 28-A MRSA §1703, sub-§2, ¶C**, as amended by PL
1991, c. 591, Pt. VV, §9, is further amended to read:

38 C. Premiums must be paid to the ~~e~~mission bureau by the
40 Maine manufacturer or importing wholesaler.

42 **Sec. B-116. 28-A MRSA §1703, sub-§2, ¶E**, as enacted by PL
1987, c. 45, Pt. A, §4, is amended to read:

44 E. The ~~e~~mission bureau shall grant credits and make
46 adjustments under this subsection on the same terms and
conditions as provided in section 1652.

48 **Sec. B-117. 28-A MRSA §1703, sub-§4**, as amended by PL 1989, c.
50 934, Pt. C, §4, is further amended to read:

2 **4. Payment to General Fund.** The ~~commission~~ alcohol bureau
and bureau shall immediately pay all premiums ~~it collects~~ they
4 collect under this section to the Treasurer of State to be
credited to the General Fund.

6 **Sec. B-118. 28-A MRSA §1703, sub-§5,** as enacted by PL 1989, c.
8 934, Pt. C, §5, is amended to read:

10 **5. Appropriation.** The amount of funds appropriated from
the General Fund to the Office of Substance Abuse, as established
12 in Title 5, chapter 521, may not be less than the dollar amount
collected or received by the ~~commission~~ alcohol bureau and bureau
14 under this section.

16 **Sec. B-119. 28-A MRSA §1704,** as amended by PL 1989, c. 700,
Pt. A, §116, and repealed by PL 1989, c. 934, Pt. C, §6, is
18 repealed.

20 **Sec. B-120. 28-A MRSA §2051, sub-§2, ¶A,** as amended by PL
1987, c. 426, is further amended to read:

22 A. When a person is adjudged to have committed ~~his~~ a first
24 offense under this section, the judge shall inform that
person that the forfeitures for the 2nd and subsequent
26 offenses are mandatory and cannot be suspended, except as
provided in paragraph B. Failure to inform the first
28 offender that subsequent forfeitures are mandatory is not a
ground for suspension of any subsequent forfeiture.

30 **Sec. B-121. 28-A MRSA §2051, sub-§4,** as enacted by PL 1987, c.
32 45, Pt. A, §4, is amended to read:

34 **4. Illegal possession and illegal transportation.** If a
minor is charged with illegal possession under this section, he
36 the minor may not be charged with illegal transportation under
section 2052.

38 **Sec. B-122. 28-A MRSA §2052, sub-§1, ¶A,** as enacted by PL
40 1987, c. 45, Pt. A, §4, is amended to read:

42 A. A minor may transport liquor or permit liquor to be
transported in a motor vehicle if in the scope of ~~his~~ the
44 minor's employment, or at the request of ~~his~~ the minor's
parent, legal guardian or custodian, as defined in Title 22,
46 section 4002.

48 **Sec. B-123. 28-A MRSA §2052, sub-§2,** as enacted by PL 1987, c.
50 45, Pt. A, §4, is amended to read:

2 **2. No conviction if liquor not within minor's section.** No
3 minor may be found in violation of any offense under this section
4 if liquor is found outside the passenger or driver's section of a
5 motor vehicle under ~~his~~ the minor's control, unless the minor has
6 actual knowledge of the presence of the liquor. The trunk or
7 locked glove compartment of any vehicle shall may not be
8 construed under this section to be within the passenger or
9 driver's section of the motor vehicle.

10 **Sec. B-124. 28-A MRSA §2054**, as enacted by PL 1987, c. 45,
11 Pt. A, §4, is amended to read:

12 **§2054. Execution of suspension stayed during appeal**
13

14 If any person adjudicated to be in violation of section 2052
15 appeals from the judgment of the trial court, the execution of
16 any suspension imposed on ~~his~~ that person's license, right to
17 obtain a license, and right to operate a motor vehicle in the
18 State shall ~~be~~ is stayed pending appeal and shall ~~begin~~ begins
19 when and if the judgment is upheld or the appeal is withdrawn.
20

21 **Sec. B-125. 28-A MRSA §2071**, as enacted by PL 1987, c. 45,
22 Pt. A, §4, is amended by repealing and replacing the headnote to
23 read:
24

25 **§2071. Failure to appear before the bureau**
26

27 **Sec. B-126. 28-A MRSA §2071, sub-§1**, as enacted by PL 1987, c.
28 45, Pt. A, §4, is amended to read:
29

30 **1. Failure to appear when summoned.** It is illegal for a
31 person who is summoned as a witness by ~~a member of the commission~~
32 the bureau to appear before the ~~commission bureau~~, to fail to
33 appear without reasonable cause at the time and place designated
34 in the subpoena or summons.
35

36 **Sec. B-127. 28-A MRSA §2072, sub-§1**, as enacted by PL 1987, c.
37 45, Pt. A, §4, is amended to read:
38

39 **1. Illegal deposit or possession.** No person may deposit or
40 have in ~~his~~ that person's possession any liquor:
41

42 A. With intent to sell the liquor in the State in violation
43 of law;
44

45 B. With intent that the liquor shall be sold in the State
46 in violation of law by any person; or
47

48 C. With intent to aid or assist any person in an illegal
49 sale.
50

2 **Sec. B-128. 28-A MRSA §2073, sub-§3, ¶A**, as enacted by PL
1987, c. 45, Pt. A, §4, is amended to read:

4 A. Upon application, the ~~commission~~ bureau may grant to an
6 individual a permit to transport liquor purchased for ~~his~~
that person's own personal use.

8 **Sec. B-129. 28-A MRSA §2077-A, sub-§1**, as enacted by PL 1993,
10 c. 60, §2, is amended to read:

12 **1. Receipt.** Notwithstanding section 2077, a person may
14 apply to the ~~commission~~ bureau and be issued a permit to receive,
for personal use and not for resale, a shipment of malt liquor or
16 wine from another state. For receipt of each shipment the
following requirements must be satisfied.

18 A. The receiver may not be under 21 years of age.

20 B. The total amount of malt liquor received may not exceed
2.4 gallons per month per individual, and the total amount
22 of wine received may not exceed 2.4 gallons per month per
individual.

24 C. The receiver may not be a licensee or licensed
26 establishment.

28 D. The receiver must obtain a \$5 permit for every shipment
of malt liquor that is received and a \$10 permit for every
30 shipment of wine that is received.

32 **Sec. B-130. 28-A MRSA §2077-A, sub-§2, ¶F**, as enacted by PL
1993, c. 60, §2, is amended to read:

34 F. Shipments must be made in accordance with rules adopted
36 by the ~~commission~~ bureau.

38 **Sec. B-131. 28-A MRSA §2079**, as amended by PL 1987, c. 342,
§122, is further amended to read:

40 **§2079. Aiding children in illegal possession or sale**

42 Any person who personally or by ~~his~~ that person's employee
44 or agent, directly or indirectly, employs or permits any child
under the age of 16 years to assist ~~him~~ that person in the
46 illegal possession or the illegal sale of liquor commits a Class
E crime, and ~~shall~~ must be punished accordingly in addition to
48 the penalties otherwise provided against the illegal possession
for sale or illegal sale of liquor.

50

2 **Sec. B-132. 28-A MRSA §2202**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

4 **§2202. Bail after failure to comply with terms of bond**

6 In any prosecution for violation of the laws relating to
manufacture or sale of liquor, a defendant who has failed to
8 comply with the term of any bond entered into by ~~him~~ the
defendant in that case may not again be admitted to bail in that
10 case or upon arrest on any warrant issued in that case, except by
a justice of the court in which that prosecution is pending.

12 **Sec. B-133. 28-A MRSA §2221-A, sub-§5, ¶D**, as enacted by PL
14 1987, c. 342, §128, is amended to read:

16 D. The Department of Public Safety is responsible for
maintaining a centralized record of property seized, held by
18 an order to the department. At least quarterly, the
department shall provide a report of the disposition of
20 property previously held by the department and ordered by
the court to any governmental entity to the Commissioner of
22 Finance Administrative and Financial Services and the Office
of Fiscal and Program Review for review. These records must
24 include an estimate of the fair market value of items seized.

26 **Sec. B-134. 28-A MRSA §2507, sub-§3**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

28 **3. Reckless conduct.** Service of liquor is reckless if a
30 server intentionally serves liquor to an individual when the
server knows that the individual being served is a minor or is
32 visibly intoxicated and the server consciously disregards an
obvious and substantial risk that serving liquor to that
34 individual will cause physical harm to the drinker or to others.

36 For purposes of this Act, the disregard of the risk, when viewed
in light of the nature and purpose of the server's conduct and
38 the circumstances known to ~~him~~ the server, must involve a gross
deviation from the standard of conduct that a reasonable and
40 prudent person would observe in the same situation.

42 **Sec. B-135. 28-A MRSA §2518**, as enacted by PL 1987, c. 45,
Pt. A, §4, is repealed.

44 **Sec. B-136. 28-A MRSA §2519, sub-§1**, as amended by PL 1993, c.
46 266, §34, is further amended to read:

48 **1. Approval of alcohol server education courses.** The
~~Commissioner of Public Safety~~ commissioner shall approve alcohol
50 server education courses for a period of 2 years that meet the

2 criteria developed under this section. The commissioner may
3 renew approval provided the course meets the criteria applicable
4 at the time of renewal.

5 Course providers may request renewal by submitting current course
6 material at least 60 days prior to the date of expiration.

7 **Sec. B-137. 28-A MRSA §2519, sub-§5,** as amended by PL 1993, c.
8 266, §35, is further amended to read:

9 **5. Fee.** The fee for enrollment in a ~~Bureau-of-Liquor~~
10 ~~Enforcement~~ bureau alcohol server education course is \$28 per
11 participant.

12 **Sec. B-138. 28-A MRSA §2519, sub-§§6 and 7,** as amended by PL
13 1993, c. 730, §52, are further amended to read:

14 **6. Instructor training.** Each instructor providing
15 instruction in an approved alcohol server education course shall
16 biennially attend a seminar on the liquor laws of the State
17 provided by an employee of the ~~Bureau-of-Liquor-Enforcement~~
18 bureau. There is a \$5 fee for the seminar to offset expenses
19 incurred in carrying out this subsection. The instructor of each
20 course provided shall supply the ~~Bureau-of-Liquor-Enforcement~~
21 bureau with the name, address and telephone number of each
22 attendant.

23 **7. Course accountability.** The chief may appoint an
24 employee of the bureau to monitor each alcohol server education
25 course to ensure that the course presents proper training and
26 meets the approved criteria. The ~~Bureau-of-Liquor-Enforcement~~
27 bureau shall maintain a record of the participants who have
28 completed an alcohol server training course. Each instructor of
29 an approved course shall provide the chief with the names,
30 addresses, dates of birth and social security numbers of students
31 who complete the course and the date of completion. The
32 instructors shall forward \$3 of the enrollment fee to the ~~Bureau~~
33 ~~of-Liquor-Enforcement~~ bureau for every name submitted. The
34 amounts collected must be retained by the ~~Bureau-of-Liquor~~
35 ~~Enforcement~~ bureau to cover costs incurred in carrying out this
36 subsection.

37 **Sec. B-139. 28-A MRSA §2519, sub-§8,** as enacted by PL 1993, c.
38 266, §36, is amended to read:

39 **8. Alcohol server education courses; approval; suspension;**
40 **revocation.** The ~~Commissioner-of-Public-Safety~~ commissioner may
41 refuse to issue or renew approval for an alcohol server education
42 course. The ~~Commissioner-of-Public-Safety~~ commissioner may
43 suspend or revoke approval for an alcohol server education course
44

2 upon the recommendation of the advisory committee after reviewing
the report of the monitor. The following are grounds for an
4 action to refuse to issue or renew approval or to suspend or
revoke approval.

6 A. The advisory committee finds that an alcohol server
education course does not meet the criteria listed in
8 subsection 3 or specific criteria determined by the
committee.

10 B. The course, when presented, does not follow specific
12 criteria determined by the advisory committee before
issuance of approval.

14 C. The instructor of the course does not provide
16 information or access to the monitor as required by
subsection 7.

18 D. Fraud or deceit is used to obtain course approval or in
20 providing the course or issuing certificates.

22 A person aggrieved by a decision of the ~~Commissioner of Public~~
Safety commissioner to refuse to issue or renew approval or to
24 suspend or revoke approval for an alcohol server education course
may, within 30 days of receipt of that decision, appeal the
26 decision to the Administrative Court.

28 **Sec. B-140. 28-A MRS §2520**, as amended by PL 1991, c. 837,
Pt. A, §60, is further amended to read:

30 **§2520. Liquor service education**

32 The ~~Bureau of Liquor Enforcement~~ bureau shall provide
34 educational services regarding retail liquor sales as follows.

36 **1. Seminars.** The ~~Bureau of Liquor Enforcement~~ bureau
shall, from time to time, conduct seminars throughout the State
38 to provide retailers and their employees with information on
changes in the laws governing retail sales of liquor.

40 **2. Informational signs.** The ~~Bureau of Liquor Enforcement~~
42 bureau shall develop informational signs, which may be located
in retail establishments. These signs shall must outline
44 requirements of state law regarding proper identification for
retail sales and other information to enhance compliance with
46 state liquor laws.

48 **3. Legal pamphlet.** The ~~Bureau of Liquor Enforcement~~ bureau
shall prepare a pamphlet summarizing state laws governing retail

2 liquor sales. The bureau shall make single copies of this
pamphlet available to retailers.

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

8 STATEMENT OF FACT

10 This bill implements the unanimous recommendations of the
Task Force on Alcoholic Beverage Sales.

12
14 The bill requires the State to move as expeditiously as
possible to close all state liquor stores with the goal of
16 completing that process by August 31, 1996. Before a state store
may be closed, there must be at least one reselling agency store
within a 10-mile radius of the store being closed.

18
20 The task force recommends that the transition to full
privatization of delivery of wholesale and distribution functions
be completed by February 1, 1998 through contracting with a
22 private provider of integrated services. The Bureau of Alcoholic
Beverages is directed to develop contract performance standards
24 and manage the bidding process. The State would retain control
of approving products that are listed for sale in Maine,
26 determination of the wholesale price, oversight of contracts with
private service providers and management of revenue collection.
28 The recommendations of the task force are intended to generate
the same amount of revenue from the sale of alcoholic beverages
30 as was generated in fiscal year 1994-95.

32 The bill requires the State to provide retraining and
outplacement assistance to displaced state employees, consistent
34 with assistance that is being made available to other dislocated
state employees in connection with the work of the Productivity
36 Realization Task Force.

38 The bill removes limitations on the number of agency stores
beginning April 1, 1996. Requirements in current law regarding
40 proximity to existing stores are eliminated. Proximity
requirements regarding churches and schools are retained.

42
44 The bill provides that any agent that is federally
registered as a wholesale dealer may resell to another agent or
to an on-premises licensee. These reselling agents are required
46 to register with the Bureau of Liquor Enforcement to aid
enforcement. The Bureau of Alcoholic Beverages and Lottery
48 Operations is permitted to develop wholesale purchase discounts
that may be made available to reselling agents. License fees are
50 changed to reflect the new privatized structure.

2 The bill removes all limitations on product and price
advertising.

4
6 The bill provides that during the transition to full
privatization, the State may authorize the warehouse to
8 distribute to on-premises licensees on the same basis as to
agency stores. Transportation costs are charged separately and
not included in the wholesale price.

10
12 The bill provides funds for 4 additional liquor enforcement
agents in the Bureau of Liquor Enforcement.

14 The bill provides that when privatization is complete, the
liquor-related functions of the State Liquor and Lottery
16 Commission be repealed.

18 The bill updates statutory provisions to reflect changes
made in Public Law 1993, chapter 410, Parts XX and ZZ regarding
20 the combination of the State Liquor Commission and the State
Lottery Commission into the State Liquor and Lottery Commission
22 and the transfer of the licensing and taxation responsibilities
to the Department of Public Safety.

24
26