

MAINE STATE LEGISLATURE

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DATE: May 2, 1997

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LEGAL AND VETERANS AFFAIRS

Reported by: Senator Daggett

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 510, L.D. 1572, Bill, "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages"

Amend the bill in section 10 by striking out all of the first line (page 4, line 5 in L.D.) and inserting in its place the following:

'Sec. 10. 28-A MRSA §2, sub-§2-A is enacted to read:

Further amend the bill in section 40 in that part designated "**§353.**" in the first paragraph in the 3rd line from the end (page 18, line 24 in L.D.) by striking out the following: "noon" and inserting in its place the following: 'noon 9 a.m.'

Further amend the bill by striking out all of section 58 and inserting in its place the following:

'Sec. 58. 28-A MRSA §606, as amended by PL 1997, c. 24, Pt. L, §§1 to 4, is further amended to read:

§606. Liquor bought from commission; sale to government agencies

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

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

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

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

14 1-C. Price of state liquor sales to licensees. The
commission may offer discounts below the list price to licensees.
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18 2. On-premise retailers must report purchases. All persons
licensed to sell liquor to be consumed on the premises shall
report all liquor purchases to the commission on forms provided
20 by the commission.

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

28 4. Discount for agency liquor stores. The commission
alcohol bureau shall sell spirits and fortified wines to agency
30 liquor stores for a price of at least 8% less than the list price
established for the state liquor stores.

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

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

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

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2 8. **Limits on price.** An agency liquor store may not sell
spirits and fortified wine for less than 103% of the price paid
4 by the agency liquor store. An agency liquor store may not sell
spirits to persons other than on-premises licensees for more than
the list price set in accordance with chapters 65 and 67.'

6
8 Further amend the bill by striking out all of section 64 and
inserting in its place the following:

10 'Sec. 64. 28-A MRSA §701, as amended by PL 1987, c. 342, §33,
is further amended to read:

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

14 1. **Location within 300 feet of churches and schools.**
16 Except as provided in paragraphs--A--and paragraph B, the
commission bureau may not issue a new license for the the sale of
18 liquor to be consumed on the premises to new premises within 300
feet of a public or private school, school dormitory, church,
20 chapel or parish house in existence as such at the time the
application for the new license is made.

22 B. The commission bureau may after holding a public hearing
24 near the proposed location issue licenses to premises which
that are either in or within 300 feet of a church, chapel,
26 parish house or post-secondary postsecondary school when-the
application-has-the-unanimous-approval-of-the-members-of-the
28 commission.

30 2. **Method of measurement.** The distance must be measured
from the main entrance of the premises to the main entrance of
32 the school, school dormitory, church, chapel or parish house by
the ordinary course of travel.'

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36 **SUMMARY**

38 This amendment incorporates in the bill changes that were
made in the Maine Revised Statutes, Title 28-A, section 606 by
40 Public Law 1997, chapter 24. It also corrects references in the
original bill to the incorrect bureau in Title 28-A, section
42 606. In addition, the bill makes several other technical changes.