

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1572

S.P. 510

In Senate, March 18, 1997

**An Act to Make Technical Changes in the Laws Relating to the Sale of
Alcoholic Beverages.**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

Cosponsored by Representative TUTTLE of Sanford and

Senator FERGUSON of Oxford, Representatives: CHIZMAR of Lisbon, TRUE of Fryeburg.

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

2
4 **Sec. 1. 5 MRSA §281, last ¶**, as amended by PL 1991, c. 780, Pt. Y, §20, is further amended to read:

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

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

18 **§283-A. State Liquor and Lottery Commission**

20 **1. Commission.** The State Liquor and Lottery Commission,
22 established in Title 5, section 12004-G, subsection 14, consists
24 of 5 members who must be residents of this State. Members are
26 appointed by the Governor and are subject to review by the joint
28 standing committee of the Legislature having jurisdiction over
30 legal and veterans affairs and to confirmation by the
32 Legislature. No more than 3 members of the commission may be
34 members of the same political party.

30 **2. Chair.** The commission shall elect a chair from among
32 its members.

32 **3. Eligibility of members.** A person is not eligible for
34 appointment as a member of the commission or as an employee of
36 the commission if that person:

36 A. Has any official, professional or other connection with
38 or owns any stock in a corporation interested either
40 directly or indirectly in the manufacture or sale of liquor;
42 or

42 B. Has been convicted or adjudicated guilty of violating
44 any state or federal law regulating the manufacture, sale or
46 transportation of liquor.

46 **4. Terms; vacancies.** Members of the commission serve
48 3-year terms. Vacancies must be filled for the unexpired term in
50 the same manner as the original appointment.

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

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

10 7. Compensation. Members of the commission are entitled to
11 compensation as provided in chapter 379. Members may not be
12 compensated for more than 25 meetings per year, except for the
13 chair who may be compensated for up to 30 meetings per year.

14 8. Removal. A member of the commission may be removed by
15 the Governor on the address of both branches of the Legislature
16 or by impeachment.

18 **Sec. 3. 5 MRSA §12004-E, sub-§3,** as enacted by PL 1987, c.
19 786, §5, is repealed.

20 **Sec. 4. 5 MRSA §12004-G, sub-§14,** as enacted by PL 1987, c.
21 786, §5, is amended to read:

24 14. State Liquor Legislative 8-MRSA
25 Finance and Lottery Per Diem §351
26 Commission 5 MRSA
27 §283-A

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

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

34 **Sec. 5. 8 MRSA §371, sub-§2,** as enacted by PL 1987, c. 505,
35 §2, is amended to read:

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

38 **Sec. 6. 8 MRSA §373,** as amended by PL 1989, c. 503, Pt. B,
39 §49, is repealed.

40 **Sec. 7. 8 MRSA §374, sub-§5,** as enacted by PL 1995, c. 494,
41 §4, is amended to read:

42 5. **Wildlife lottery game.** No later than January 30, 1996,
43 the ~~Maine--State--Lottery--Commission~~ commission, in consultation
44

2 with the Maine Outdoor Heritage Fund Board, shall develop and
4 initiate a wildlife lottery game designed to raise funds for the
6 Maine Outdoor Heritage Fund established pursuant to Title 12,
8 chapter 714. The ~~Maine-State-Lottery-Commission~~ commission shall
provide the net proceeds of this wildlife lottery game to the
Maine Outdoor Heritage Fund annually. The ~~Maine-State-Lottery-Commission~~ commission shall change the wildlife game ticket
periodically throughout the year.

10 **Sec. 8. 17 MRSA §324**, as amended by PL 1991, c. 426, §7, is
12 further amended to read:

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

16 No "Beano" game shall ~~may~~ be conducted at any location where
18 any lottery or other game of chance is conducted, nor shall ~~may~~
20 any lottery or other game of chance be conducted during the
22 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~~+~~.

24 **1. State lottery tickets.** Lottery tickets issued by the
26 Maine State Liquor and Lottery Commission may be sold when a
valid license certificate issued by said ~~the~~ commission is
properly displayed~~+~~.

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

32 **3. Lucky seven.** Lucky seven or similar sealed tickets may
34 be sold when that game of chance is licensed by the Chief of the
36 State Police and when a valid license certificate is properly
displayed. Notwithstanding ~~the other provisions of~~ this section
and section 312, Lucky seven games may be conducted during the
"Beano" game.

38 A. Notwithstanding any other rule, Lucky seven or other
40 similar sealed tickets may be sold that have a sale value of
42 \$1 or less.

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

46 **Sec. 9. 25 MRSA §3901, sub-§3**, as amended by PL 1993, c. 730,
48 §3, is further amended to read:

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

4 **Sec. 10. 28-A §2, sub-§2-A** is enacted to read:

6 **2-A. Alcohol bureau.** "Alcohol bureau" means the Department
8 of Administrative and Financial Services, Bureau of Alcoholic
Beverages and Lottery Operations.

10 **Sec. 11. 28-A MRSA §2, sub-§8,** as enacted by PL 1987, c. 45,
12 Pt. A, §4, is amended to read:

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

18 **Sec. 12. 28-A MRSA §2, sub-§8-A,** as enacted by PL 1993, c.
20 730, §5, is amended to read:

22 **8-A. Chief.** "Chief" means the Chief chief of the Bureau-of
Liquor-Enforcement bureau.

24 **Sec. 13. 28-A MRSA §2, sub-§8-B** is enacted to read:

26 **8-B. Commission.** "Commission" means the State Liquor and
28 Lottery Commission established in Title 5, section 12004-G,
subsection 14.

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

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

38 **Sec. 15. 28-A MRSA §2, sub-§15-A,** as enacted by PL 1993, c.
40 730, §10, is amended to read:

42 **15-A. Liquor Licensing and Tax Division.** "Liquor Licensing
and Tax Division" means the Liquor Licensing and Tax Division
44 within the Bureau-of-Liquor-Enforcement bureau.

46 **Sec. 16. 28-A MRSA §2, sub-§24,** as amended by PL 1993, c. 266,
§2, is further amended to read:

48 **24. Premises.** "Premises" means all parts of the contiguous
50 real estate occupied by a licensee over which the licensee has

2 direct or indirect control or interest, ~~which~~ that the licensee
3 uses in the operation of the licensed business and ~~which~~ that
4 have been approved by the ~~commission~~ bureau as proper places for
the exercise of the license privilege.

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

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

14 **Sec. 17. 28-A MRSA §2, sub-§25-A**, as enacted by PL 1989, c.
15 526, §§1 and 28, is amended to read:

16 **25-A. Retail employee.** "Retail employee" means any person
17 employed by a retailer or by the ~~commission~~ alcohol bureau to
18 sell liquor in a licensed establishment or state or agency liquor
19 store. For the purposes of violations of this Title and rules of
20 the ~~commission~~ bureau, a retail employee ~~shall be~~ is deemed an
21 agent of the retailer or state or agency liquor store that
22 employs that employee.

24 **Sec. 18. 28-A MRSA §2, sub-§27**, as amended by PL 1987, c. 342,
25 §11, is further amended to read:

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

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

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

40 **Sec. 19. 28-A MRSA §2, sub-§32**, as amended by PL 1993, c. 462,
41 §4, is further amended to read:

44 **32. State liquor store.** "State liquor store" means a store
45 operated by the ~~commission~~ alcohol bureau that sells spirits and
46 fortified wines to be consumed off the premises.

48 **Sec. 20. 28-A MRSA §2, sub-§34**, as enacted by PL 1987, c. 45,
49 Pt. A, §4, is amended to read:

2 **34. Wholesale licensee.** "Wholesale licensee" means a
person licensed by the commission bureau as a wholesaler.

4 **Sec. 21. 28-A MRSA §3, sub-§1-A,** as amended by PL 1993, c.
730, §13, is further amended to read:

6 **1-A. Alcohol bureau may accept payment by personal check.**
8 The commission alcohol bureau may accept payment by personal
check from licensees for the purchase of liquor.

10 **Sec. 22. 28-A MRSA §3, sub-§2,** as repealed and replaced by PL
12 1993, c. 730, §13, is amended to read:

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

24 **Sec. 23. 28-A MRSA §6, sub-§§1 and 2,** as enacted by PL 1987, c.
26 45, Pt. A, §4, are amended to read:

28 **1. Advertising form subject to bureau authorization.** No
person may advertise liquor within the State, except in the form
30 specifically authorized by the commission bureau. Radio,
television, billboards, signs, newspapers, magazines and
32 periodicals may carry advertising subject to the rules of the
commission bureau.

34 **2. Bureau may adopt rules governing advertising brand names**
36 **in local option areas.** The commission bureau may adopt rules
restricting the advertising of any type of liquor by brand names
38 during the period when such sales are prohibited in any
municipality which that has voted in any particular local option
40 election against the sale of all types of liquor.

42 **Sec. 24. 28-A MRSA §§8 and 9,** as enacted by PL 1987, c. 45,
Pt. A, §4, are amended to read:

44 **§8. Entrances from premises**

46 The commission bureau may grant written permission to a
48 licensee to maintain entrances, doorways or other apertures
leading directly from the licensed premises.

50

2 **§9. Separation of areas**

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

8 **Sec. 25. 28-A MRSA §11, sub-§§1, 3 and 4**, as enacted by PL 1987,
 c. 45, Pt. A, §4, are amended to read:

10 **1. Connection with other licensed premises.**
12 Notwithstanding any other law or rule of the ~~e~~ommission bureau,
14 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.

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

24 **4. Inspection of business premises under common roof of**
26 **licensee.** All persons carrying on any business, except any bank
 or savings and loan institution, under the common roof and having
28 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
30 authorized representatives of the ~~e~~ommission bureau.

32 **Sec. 26. 28-A MRSA §12**, as enacted by PL 1987, c. 45, Pt. A,
34 §4, is amended to read:

36 **§12. Inspection of premises**

38 No licensee may refuse ~~the commission, its representatives~~
 ~~or~~ representatives of the ~~Bureau of Liquor Enforcement~~ bureau the
40 right at any time to inspect the entire licensed premises or to
 audit the books and records of the licensee.

42 **Sec. 27. 28-A MRSA c. 3**, as amended, is repealed.

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

46 CHAPTER 3-A

48 ADMINISTRATION AND ORGANIZATION

50 §81. State Liquor and Lottery Commission

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

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

14 3. Listing of items. The commission shall determine which
16 items may be listed for sale in the State. Products listed must
 be made available by the supplier at a warehouse designated by
 the commission.

18 4. Notice to delist or stop purchases. Before any item
20 listed by the commission is discontinued or delisted or before
22 the commission issues any order to stop purchases of any item
24 listed, the commission shall give the vendor of the items
 reasonable written notice of its intention to delist or stop
 purchase of the items.

26 §82. Bureau of Liquor Enforcement

28 The bureau shall establish policies and rules concerning the
30 administration and the enforcement of the liquor laws under its
 jurisdiction. The bureau shall:

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

36 2. Rules. Adopt rules consistent with this Title or other
38 laws of the State for the administration, clarification,
40 execution and enforcement of all laws concerning liquor and to
42 prevent violations of those laws. Rules adopted under this
44 section are routine technical rules pursuant to Title 5, chapter
 375, subchapter II-A. The observance of these rules is a
 condition precedent to the issuing or renewing of any license to
 sell liquor. The rules adopted by the commission before May 1,
 1993 are deemed adopted by the bureau;

46 3. Licensing. Issue and renew all licenses as provided by
48 this Title and hold licensing hearings;

2 4. Prevent sale to minors and others. Prevent the sale of
3 liquor by licensees to minors and intoxicated persons;

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

10 The hearings officer may conduct hearings in any licensing matter
11 pending before the bureau. The hearings officer, after holding
12 the hearing, shall file with the bureau all papers connected with
13 the case and report the findings to the chief. The chief shall
14 render a final decision based upon the record of the hearing.

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

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

34 7. Recommend revocation of licenses. Recommend to the
35 Administrative Court that it suspend or revoke, in accordance
36 with sections 802, 803 and 1503, any license issued pursuant to
37 this Title or the rules adopted under this Title;

40 8. Publish laws and rules. Publish a compilation
41 containing this Title, other laws concerning liquor and all rules
42 adopted under this Title every 4 years.

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

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

50

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

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

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

10 9. Certification. Certify monthly to the Treasurer of
11 State and the Commissioner of Administrative and Financial
12 Services a complete statement of revenues and expenses for
13 licenses issued and for revenues collected by the bureau and
14 submit, in conjunction with the alcohol bureau, an annual report
15 that includes a complete statement of the revenues and expenses
16 for the alcohol bureau and the bureau to the Governor and the
17 Legislature, together with recommendations for changes in this
18 Title.

19 §83. Bureau of Alcoholic Beverages and Lottery Operations

20 1. Bureau of Alcoholic Beverages and Lottery Operations;
21 rules. The alcohol bureau shall manage the sale, distribution
22 and merchandising of spirits through state liquor stores, agency
23 liquor stores and licensees. The alcohol bureau may establish
24 rules and procedures for the administration of the state liquor
25 laws under its jurisdiction. The rules adopted under this
26 section are routine technical rules pursuant to Title 5, chapter
27 375, subchapter II-A. The day-to-day activities of the alcohol
28 bureau are under the supervision of the Commissioner of
29 Administrative and Financial Services and the director of the
30 alcohol bureau.

31 2. Purchase. The alcohol bureau may buy and have in its
32 possession spirits for sale to the public. The alcohol bureau
33 shall buy spirits directly and not through the State Purchasing
34 Agent. All spirits must be free from adulteration and
35 misbranding.

36 3. Sell at retail. The alcohol bureau may sell at retail
37 in state liquor stores in original packages, either over the
38 counter or by shipment to points within the State, spirits of all
39 kinds for consumption off the premises of state liquor stores
40 operated under the direction of the alcohol bureau.

41 4. Enter into contracts. Subject to any applicable laws
42 relating to public contracts, the alcohol bureau may enter into

2 contracts or agreements and establish contract performance
3 standards for the wholesale purchase of alcoholic beverages.

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

12 6. Certification; annual report. The alcohol bureau shall
13 certify monthly to the Treasurer of State, the commission and the
14 Commissioner of Administrative and Financial Services a complete
15 statement of the revenues and expenses for liquor sales for the
16 preceding month. The alcohol bureau shall make an annual report
17 to the Governor of its activities and of the amount of liquor
18 license fees collected by the bureau, together with other
19 information it considers advisable or that the Governor requires.

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

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

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

32 1. Manage sale of alcoholic beverages. Manage the sale of
33 alcoholic beverages through state liquor stores, agency liquor
34 stores and licensees in accordance with applicable laws and rules
35 that provide for the operation of wholesale distribution of
36 spirits;

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

46 3. Act as executive secretary. Act as executive secretary
47 of the commission;

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

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

8 **5. Certification.** Certify monthly to the Treasurer of
State and the Commissioner of Administrative and Financial
10 Services a complete statement of revenues and expenses for liquor
sales for the preceding month and submit, in conjunction with the
12 alcohol bureau, an annual report that includes a complete
statement of the revenues and expenses for the alcohol bureau and
14 the bureau to the Governor and the Legislature, together with
recommendations for changes in this Title.

16 **§85. Inventory and working capital**

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

22 **2. Inventory.** The alcohol bureau may keep and have on hand
a stock of spirits and fortified wine for sale, the value of
24 which, when priced for resale must be computed on the delivered
case cost F.O.B. liquor warehouse designated by the commission
26 filed by liquor suppliers. The inventory value must be based
upon actual cost for which payment may be due and may not at any
28 time exceed the amount of working capital authorized. Spirits
and fortified wine may not be considered in the inventory until
30 payment has been made for them.

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

44 **§86. Conflict of interest**

46 In addition to the limitations set forth in Title 5, section
18, any member of the commission or any employee of the
48 commission, the bureau or the alcohol bureau may not accept
directly or indirectly any samples, gratuities, favors or
50 anything of value from a manufacturer, wholesaler, wholesale

licensee or retail licensee or any representative of a
2 manufacturer, wholesaler, wholesale licensee or retail licensee
4 under circumstances that may reasonably be construed as
influencing or improperly relating to past, present or future
6 performance of official duties.

8 **§87. Eligibility of employees**

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

12 1. Interest in corporation. Has any official, professional
14 or other connection with or owns any stock in a corporation
interest either directly or indirectly in the manufacture or sale
16 of liquor; or

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

22 **Sec. 29. 28-A MRSA §121, sub-§3,** as amended by PL 1993, c.
608, §3, is further amended to read:

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

36 **Sec. 30. 28-A MRSA §123,** as amended by PL 1991, c. 95, §§1 to
38 4, is further amended to read:

40 **§123. Local option questions**

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

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

2 **2. Sale of liquor for consumption off the premises on days**
3 **other than Sunday.** Shall this municipality authorize the State
4 **Liquor-Commission** to permit the operation of state liquor stores
5 and agency liquor stores on days other than Sunday?
6

7 **2-A. Sale of malt liquor and wine for consumption off the**
8 **premises on days other than Sunday.** Shall this municipality
9 authorize the State **Liquor-Commission** to issue licenses for the
10 sale of malt liquor and wine to be consumed off the premises of
11 licensed establishments on days other than Sunday?
12

13 **3. Sale of liquor for consumption on the premises on**
14 **Sundays.** Shall this municipality authorize the State **Liquor**
15 **Commission** to issue licenses for the sale of liquor to be
16 consumed on the premises of licensed establishments on Sundays?
17

18 **4. Sale of liquor for consumption off the premises on**
19 **Sundays.** Shall this municipality authorize the State **Liquor**
20 **Commission** to permit the operation of state liquor stores and
21 agency liquor stores on Sundays?
22

23 **4-A. Sale of malt liquor and wine for consumption off the**
24 **premises on Sundays.** Shall this municipality authorize the State
25 **Liquor-Commission** to issue licenses for the sale of malt liquor
26 and wine to be consumed off the premises of licensed
27 establishments on Sundays?
28

29 **Sec. 31. 28-A MRSA §124, sub-§1,** as amended by PL 1991, c.
30 377, §15, is further amended to read:

31 **1. Determination vote.** If the results of an election held
32 under section 121 or 122 show that:
33

34 A. A majority of the votes cast in any municipality or
35 unincorporated place on any local option question is in the
36 affirmative, the ~~commission~~ bureau may issue licenses of the
37 type authorized by the affirmative vote in that municipality
38 or unincorporated place;
39

40 B. A majority of the votes cast in any municipality or
41 unincorporated place on any local option question is in the
42 negative, the ~~commission~~ bureau may not issue licenses of
43 the type denied by the negative vote in that municipality or
44 unincorporated place; or
45

46 C. The vote is tied on any local option question, the law
47 ~~shall remain~~ remains as it was before the voting.
48

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

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

12 **Sec. 33. 28-A MRSA §161, sub-§1**, as amended by PL 1989, c.
815, §1, is further amended to read:

14 **1. Registration.** Each bottle club, as defined in section
16 2, subsection 3, shall register annually with the ~~commission~~
bureau on forms provided by the ~~commission~~ bureau. Registration
18 consists of submission of the information required in paragraph A
and payment of the registration fee established in paragraph B.

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

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

26 (2) The name and address of each operator of the
28 bottle club; and

30 (3) The regular hours of operation.

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

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

36 **Sec. 34. 28-A MRSA §161, sub-§1-A**, as enacted by PL 1989, c.
38 816, §2, is amended to read:

40 **1-A. Eligibility qualifications.** The ~~commission~~ bureau may
not register a bottle club unless each owner or operator of the
42 bottle club meets the eligibility qualifications under section
601, subsection 1.

44 **Sec. 35. 28-A MRSA §161, sub-§1-B**, as amended by PL 1993, c.
46 730, §§23 and 24, is further amended to read:

48 **1-B. Disqualification.** The ~~commission~~ bureau may not
register a bottle club if the ~~commission~~ bureau determines that:

50

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

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

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

14 **Sec. 36. 28-A MRSA §163, sub-§§1 and 2**, as enacted by PL 1993,
16 c. 266, §5, are amended to read:

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

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

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

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

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

36 D. The seating capacity of the location;

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

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

48 **Sec. 37. 28-A MRSA §201, last ¶**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

2 The Bureau--of--Alcoholic--Beverages alcohol bureau shall
compensate the Maine Turnpike Authority for the full cost of
erecting the guidepost.

4
6 **Sec. 38. 28-A MRSA §351, sub-§1**, as amended by PL 1987, c.
342, §20, is amended to read:

8 **1. State or agency liquor store may not be located within**
9 **300 feet of school or church.** The ~~commission~~ alcohol bureau may
10 not establish a state liquor store or the bureau may not license
11 an agency liquor store within 300 feet of any public or private
12 school, church, chapel or parish house.

14 A. The ~~commission~~ bureau, after holding a public hearing
15 near the proposed location, may locate an agency liquor
16 store within 300 feet of a church, chapel, parish house or
17 ~~post-secondary~~ postsecondary school ~~when the location has~~
18 ~~the unanimous approval of the members of the commission.~~

20 **Sec. 39. 28-A MRSA §352**, as amended by PL 1993, c. 615, §§2
21 and 3, is further amended to read:

22 **§352. Purchase of liquor in state and agency liquor stores;**
23 **purchase from alcohol bureau**

24
26 **1. Methods of payment.** This subsection governs the methods
27 of payment permitted for purchases of liquor from state or agency
28 liquor stores and for purchases of liquor from the ~~commission~~
29 alcohol bureau by agency liquor stores.

30
31 A. An agency liquor store may accept payment for liquor
32 purchases by cash, check or major credit card.

33 B. A person, other than a licensee, buying liquor at a
34 state liquor store must pay in cash or by major credit card.

35 C. A licensee buying liquor at a state liquor store or from
36 the ~~commission~~ alcohol bureau must pay in cash or by check.

37 D. In addition to the methods of payment permitted in
38 paragraph C, an agency liquor store, when approved by the
39 ~~commission~~ alcohol bureau, may pay for liquor purchased from
40 the ~~commission~~ alcohol bureau by mailing a check for payment
41 to the ~~commission~~ alcohol bureau when notified of the amount
42 due or upon receiving a liquor delivery. Payments that are
43 mailed must be received or postmarked within 3 days of
44 receipt of a liquor delivery or notification of the amount
45 due.
46
47
48

2 **2. Checks not honored on presentation; consequences.** If
3 any check is not honored on presentation or if an agency liquor
4 store fails to pay for liquor as prescribed in subsection 1, the
5 bureau shall withhold any license not issued or immediately take
6 back the license if already issued, voiding that license until
7 such time as the check or invoice is paid in full, together with
8 the cost of the check failure or collection procedure. The
9 ~~commission~~ alcohol bureau or bureau may order that person to make
10 all payments to the ~~commission~~ alcohol bureau or bureau by cash,
11 certified check or money order for a period not to exceed one
12 year.

13 **Sec. 40. 28-A MRSA §353**, as amended by PL 1993, c. 266, §6,
14 is further amended to read:

15 **§353. Business hours**

16 State liquor stores and agency liquor stores may be open for
17 the sale and delivery of liquor between the hours of 6 a.m. and 1
18 a.m. in municipalities and unincorporated places that have voted
19 in favor of the operation of state liquor stores under local
20 option provisions. Notwithstanding any local option decisions to
21 the contrary, state liquor stores and agency liquor stores may be
22 open from noon Sunday to 1 a.m. the next day. The ~~commission~~
23 alcohol bureau shall establish the hours of operation of each
24 state liquor store.
25

26 **Sec. 41. 28-A MRSA §355**, as enacted by PL 1987, c. 45, Pt. A,
27 §4, is amended to read:

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

29 The Governor or the ~~commission~~ alcohol bureau may, in cases
30 of riots, hurricanes and floods, order any or all state liquor
31 stores or agency liquor stores to close.
32

33 **Sec. 42. 28-A MRSA §401-A, sub-§§1 to 4**, as enacted by PL 1991,
34 c. 591, Pt. Z, §2, are amended to read:

35 **1. State store locations.** The ~~commission~~ alcohol bureau
36 shall operate state liquor stores for the retail sale of liquor
37 in the following municipalities. The ~~commission~~ alcohol bureau
38 may not operate a state liquor store in any municipality not
39 designated in this section.
40

41 **A.** In each of the following municipalities, the ~~commission~~
42 alcohol bureau shall operate one state liquor store:

43 (1)--Ashland,
44

45

2 (2) Auburn;
4 (3) Augusta;
6 ~~(4) --Bar-Harbor;~~
8 ~~(5) --Bath;~~
10 (6) Belfast;
12 ~~(7) --Biddeford;~~
14 ~~(8) --Boothbay-Harbor;~~
16 (9) Brewer;
18 (10) Bridgton;
20 (11) Brunswick;
22 ~~(12) --Bucksport;~~
24 (13) Calais;
26 ~~(14) --Camden;~~
28 (15) Caribou;
30 (16) Damariscotta;
32 ~~(17) --Dexter;~~
34 (18) Dover-Foxcroft;
36 (19) Ellsworth;
38 (20) Fairfield;
40 ~~(21) --Falmouth;~~
42 (22) Farmington;
44 ~~(23) --Fort-Fairfield;~~
46 ~~(24) --Fort-Kent;~~
48 ~~(25) --Gardiner;~~
50 ~~(26) --Greenville;~~

2 (27) Houlton;
4 (28) Kennebunk;
6 (29) Kittery;
8 {30}--Limestone;
10 {31}--Lincoln;
12 {32}--Lisbon-Falls;
14 {33}--Livermore-Falls;
16 {34}--Machias;
18 {35}--Madawaska;
20 {36}--Madison;
22 {37}--Mechanic-Falls;
24 (38) Mexico;
26 {39}--Milbridge;
28 {40}--Millinocket;
30 {41}--Mile;
32 {42}--Newport;
34 (43) North Windham;
36 (44) Old Orchard Beach;
38 (45) Old Town;
40 {46}--Patten;
42 {47}--Pittsfield;
44 (48) Presque Isle;
46 {49}--Rangeley;
48 (50) Rockland; and
50 {51}--Sanford;

- 2 (52) Skowhegan;
- 4 (53) --South-Paris;
- 6 (54) --Stonington;
- 8 (55) --Van-Buren;
- 10 (56) --Waldoboro;
- 12 (57) --Winslow;
- 14 (58) --Winthrop; and
- 16 (59) --Woodland.

18 B. In each of the following municipalities, the commission alcohol bureau shall operate at least one state liquor store:

- 20 (1) Lewiston;
- 22 (2) Portland;
- 24 (3) South Portland; and
- 26 (4) Waterville.

28 C. In the following municipality, the commission alcohol bureau shall operate at least 2 state liquor stores:

- 30 (1) Bangor.

32 **2. Location within municipality.** The commission alcohol bureau may determine the location of a store within each of the municipalities designated in subsection 1. The commission alcohol bureau may relocate a store within a municipality in accordance with section 402.

38 **3. Temporary cessation of operations.** The commission alcohol bureau may temporarily close a state liquor store if the occurrence of an event beyond the control of the commission alcohol bureau renders the store inoperable. Events beyond the control of the commission alcohol bureau include natural disasters, other physical destruction or unanticipated termination of the lease for the store. If the event rendering the store inoperable occurs during a regular session of the Legislature, the temporary closing may extend until adjournment sine die of that legislative session. If the event rendering the store inoperable occurs while the Legislature is not in session, the temporary closing may extend until the adjournment sine die

of the regular session of the Legislature beginning immediately
after the event.

4. Alcohol bureau may lease and equip facilities; location. The ~~commission~~ alcohol bureau may lease and equip, in the name of the State, stores, warehouses and other merchandising facilities for the sale of liquor that are necessary to carry out the purposes of this Title. The ~~commission~~ alcohol bureau shall designate where the facilities will be located, in accordance with this section.

Sec. 43. 28-A MRSA §402, sub-§§2, 4 and 5, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

2. Hearing. If requested by the municipal officers, the alcohol bureau and the commission shall hold a public hearing in the affected municipality at least 10 days before designating that location or relocation.

4. Notice to lessor to terminate or not renew. If the ~~commission~~ alcohol bureau intends to terminate or not renew a lease or contract for occupancy of a building for a state liquor store, it shall give written notice of that intention to the lessor of the building. Notice must be given:

A. Within the time limits required by the lease or contract for the lessor to notify the ~~commission~~ alcohol bureau of his the lessor's intention to terminate or not renew; or

B. At least 30 days before the termination or nonrenewal if there is no lease or contract provision establishing the time period for the lessor to notify the ~~commission~~ alcohol bureau.

5. Exception for certain leases. If the ~~commission's~~ alcohol bureau's occupancy of a state liquor store location is terminated under a lease or contract in a manner that prevents compliance with subsection 1 or 3, the ~~commission~~ alcohol bureau shall immediately notify the municipal officers of that termination. If requested by the municipal officers, the alcohol bureau and the commission shall hold a hearing within a reasonable time before designating a new location.

Sec. 44. 28-A MRSA §451, as amended by PL 1993, c. 509, §2, is further amended to read:

§451. Agency liquor stores

The ~~Bureau of Liquor Enforcement~~ bureau may license and regulate persons as agency liquor stores on an annual or

2 temporary basis for the purposes of selling liquor in sealed
3 bottles, containers or original packages to be consumed off the
4 premises.

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

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

12 **Sec. 46. 28-A MRSA §453**, as amended by PL 1993, c. 380, §§1
13 to 5 and affected by §7, is further amended to read:

14 **§453. Location of agency stores**

16 **1. Location requirements.** The ~~commission~~ bureau may
17 license an agency liquor store only when the following
18 requirements are met.

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

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

30 D. If a state liquor store closes, the ~~commission~~ bureau
31 may grant more than one agency store license in a
32 municipality when the ~~commission~~ bureau considers it
33 appropriate. Agency liquor stores licensed before May 1,
34 1993 that replace closed state liquor stores are exempt from
35 the distance requirement in paragraph C.

36 **2. Replacement of state or agency liquor stores.** The
37 ~~commission~~ alcohol bureau may not replace a state ~~or~~ liquor store
38 and the bureau may not replace an existing agency liquor store
39 that closes with an a new agency liquor store if there is another
40 state or existing agency liquor store within 3.5 miles. This
41 subsection does not prevent the ~~commission~~ bureau from locating a
42 replacement agency liquor store within 3.5 miles of another
43 replacement agency liquor store for the same town.

46 **2-A. Replacement of state liquor stores closed in fiscal**
47 **year 1991-92.** The ~~commission~~ bureau may replace a state liquor
48 store closed after July 1, 1990 with 3 agency liquor stores if:

2 A. The agency stores are within a 10-mile radius of the
location of the closed state liquor store; and

4 B. The ~~commission~~ bureau does not issue to a person or
6 a state liquor store. For purposes of this restriction,
8 each partner of a partnership, each corporation that owns an
interest in another corporation and each person who owns 20%
10 or more of the shares or other interest in a corporation is
deemed to own a license granted to the partnership or
corporation.

12 **Sec. 47. 28-A MRSA §453-A**, as amended by PL 1993, c. 509,
14 §§3 and 4, is further amended to read:

16 **§453-A. Issuance of agency liquor store license**

18 The ~~commission~~ bureau shall issue a license for an agency
liquor store within a municipality or unincorporated place by the
20 following procedure.

22 **1. Bidding to replace state liquor stores.** The ~~Bureau-of-~~
~~Liquor--Enforcement~~ bureau shall solicit bids from the general
24 public for each agency liquor store license to be issued. For an
agency license to replace an existing state store, the ~~Bureau-of-~~
~~Liquor--Enforcement~~ bureau may not accept a bid lower than 1% of
26 the taxable retail sales of the store being replaced, determined
for the fiscal year that ended immediately before the closure of
28 the store.

30 **1-A. Bidding to establish or replace agency liquor stores.**
32 The ~~Bureau-of-Liquor--Enforcement~~ bureau shall solicit bids from
the general public for each agency liquor store license to be
34 issued. For licenses to establish an agency liquor store or
replace an existing agency liquor store, the ~~Bureau-of-Liquor~~
~~Enforcement~~ bureau may not accept a bid lower than \$2,000.
36

38 **2. Public notice and solicitation of bids.** The ~~commission~~
bureau shall, in accordance with the Maine Administrative
40 Procedure Act, give public notice that an agency liquor store may
be established in a particular municipality or unincorporated
42 place. The ~~commission~~ bureau shall summarize in the public
notice the bidding requirements for the agency store license,
44 including the minimum bid required. The ~~commission~~ bureau shall
request all parties in the municipality or unincorporated place
46 interested in bidding on a license to establish an agency liquor
store there to submit bids and applications to the ~~commission~~
bureau.
48

2 **3. Information to applicants.** The commission bureau shall
provide all applicants with the necessary information for the
establishment of an agency liquor store.

4
6 **4. Notice to municipality.** Upon receipt of all
applications for an agency liquor store license in a municipality
and at least 15 days before the final selection of an applicant
8 or applicants by the commission bureau, the commission bureau
shall notify the municipal officers of that municipality of the
10 proposed location of each applicant.

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

18
20 **5-A. Hearings on applications.** The commission bureau, in
accordance with the provisions of the Maine Administrative
22 Procedure Act, shall conduct a hearing to take testimony,
consider comment and deliberate on applications. In addition to
24 giving any notice required by the Maine Administrative Procedure
Act, the commission bureau shall give notice of public hearing in
writing to any existing agency liquor stores located within 5
26 miles of the applicant's proposed store location by regular mail
at least 15 days prior to the hearing.

28
30 **6. Denial of application.** The commission bureau shall
notify any applicant denied a license of the reasons for the
denial by certified mail to the mailing address given by the
32 applicant in the application for an agency liquor store license.

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

40
42 **8. Measurement of distance.** All distances described in
this section must be determined by the most reasonable direct
route of travel.

44
46 **Sec. 48. 28-A MRSA §455**, as amended by PL 1991, c. 376, §51,
is further amended to read:

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

2 Agency liquor stores must buy their liquor from the
3 commission alcohol bureau under section 606.

4 **Sec. 49. 28-A MRSA §457**, as amended by PL 1987, c. 623, §6,
5 is further amended to read:

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

7
8 If an agency liquor store license is transferred, the new
9 licensee may operate the agency liquor store after notifying the
10 commission bureau of the transfer until a new agent is selected
11 by the commission bureau.

12
13 **Sec. 50. 28-A MRSA §458**, as enacted by PL 1991, c. 782, §1,
14 is amended to read:

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

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

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

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

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

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

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

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

34 F. Records of any bad checks rendered to the commission or
35 bureau.

36
37 **3. Rejection of application; selection of alternate**
38 **licensee.** If the commission bureau denies an application for
39 renewal of an agency liquor store license, the commission bureau
40 may select an alternate licensee in accordance with the criteria
41 set forth in sections 453, 453-A and 453-B. If the alternate
42 licensee held an agency liquor store license in the past, the
43
44

2 eemmission bureau may consider any of the applicable criteria set
forth in subsection 2 in considering whether to license the
4 alternate agency liquor store.

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

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

22 **Sec. 51. 28-A MRSA §601, sub-§2,** as amended by PL 1995, c.
192, §1, is further amended to read:

24 **2. Disqualifications.** The eemmission bureau may not issue
26 a license to an applicant if:

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

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

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

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

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

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

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

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

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

24 J. The applicant is a golf club or a restaurant located on
the property of a golf club and the Maine Human Rights
26 Commission has found reasonable grounds to believe that the
golf club has denied membership to a person in violation of
28 Title 5, chapter 337, subchapter V, and has determined that
conciliation efforts under Title 5, chapter 337, section
30 4612, subsection 3 have not succeeded. The Maine Human
Rights Commission shall notify the ~~State-Liquor-Commission~~
32 bureau when the golf club has corrected its discriminatory
membership practices, after which the applicant ceases to be
34 disqualified under this paragraph.

36 **Sec. 52. 28-A MRSA §601-A**, as enacted by PL 1989, c. 526,
§§2 and §28, is repealed.

38 **Sec. 53. 28-A MRSA §602, sub-§2**, as enacted by PL 1987, c. 45,
40 Pt. A, §4, is amended to read:

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

48 **Sec. 54. 28-A MRSA §605, first ¶**, as amended by PL 1987, c.
769, Pt. A, §113, is further amended to read:

50

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

12 **Sec. 55. 28-A MRSA §605, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

14
1. **Transfer within same municipality.** Upon receipt of a
16 written application, the ~~commission~~ bureau may transfer any
retail liquor license from one place to another within the same
18 municipality. If the approval of the municipal officers was
required for the original license, the transfer ~~can~~ may be made
20 only with the approval of the municipal officers. No transfer
may be made to premises for which the license could not have been
22 originally legally issued.

24 **Sec. 56. 28-A MRSA §605, sub-§2, ¶¶A and B**, as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

26
A. Personal representatives, receivers or trustees may
28 operate the ~~premise~~ premises themselves or through a manager
for a year from the date of their appointment for the
30 benefit of the estate.

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

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

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

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

48
B. If a licensee dies, the following persons, with the
50 written approval of the ~~commission~~ bureau, may continue the

2 operation of the license for not more than 60 days pending
appointment of a personal representative of the estate:

4 (1) The surviving spouse;

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

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

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

14 **Sec. 57. 28-A MRSA §605, sub-§3**, as enacted by PL 1987, c. 45,
16 Pt. A, §4, is amended to read:

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

24 A. Guardians and conservators, except in the case of
off-premise retail licensees approved by the municipal
26 officers in their municipality, may not transfer their
wards' licenses and must renew licenses each year.

28 B. Penalties for violations apply to both guardians or
30 conservators and their managers in the same manner as
executors or administrators and their managers in subsection
32 2.

34 **Sec. 58. 28-A MRSA §606**, as amended by PL 1995, c. 53, §1, is
further amended to read:

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

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

44 **1-A. On-premises licensees; purchase from agency store.** A
46 person licensed to sell spirits for consumption on the premises
may purchase spirits from an agency liquor store only in
48 accordance with this subsection.

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

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

10 **1-B. Price of sales to agency liquor stores.** The
commission alcohol bureau shall sell spirits to agency liquor
12 stores for 92% of the retail sales price set in accordance with
chapters 65 and 67.

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

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

24 **4. Discount for agency liquor stores.** The commission
alcohol bureau shall sell spirits to agency liquor stores for a
26 price of 8% less than the real price established for the state
liquor stores.

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

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

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

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

2 **Sec. 59. 28-A MRSA §607**, as enacted by PL 1987, c. 45, Pt. A,
§4, is amended to read:

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

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

10 **Sec. 60. 28-A MRSA §651, sub-§1**, as enacted by PL 1987, c. 45,
12 Pt. A, §4, is amended to read:

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

18 **Sec. 61. 28-A MRSA §651, sub-§2, ¶¶A and B**, as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

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

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

34 **Sec. 62. 28-A MRSA §652, sub-§3**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

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

40 **Sec. 63. 28-A MRSA §654**, as enacted by PL 1987, c. 45, Pt. A,
42 §4, is amended to read:

44 **§654. Additional considerations for licensure**

46 **1. Character; location; operation of business.** In issuing
or renewing licenses, the commission bureau, the municipal
48 officers or the county commissioners, as the case may be, shall
give consideration to:

- 2 A. The character of any applicant;
4 B. The location of the place of business;
6 C. The manner in which it the business has been operated;
and
8 D. Whether the operation has endangered the safety of
10 persons in or on areas surrounding the place of business.

12 **2. Qualifications of corporations.** The ~~commission~~ bureau,
the municipal officers or the county commissioners, as the case
14 may be, may refuse to issue licenses to corporations when any of
its officers, directors or stockholders do not possess the
16 qualifications required of unincorporated persons under this
section.

18 **3. Areas primarily for minors.** Without limitation of its
other powers, the ~~commission~~ bureau may not approve as a proper
20 place for the exercise of the license privilege amusement areas
primarily for minors, beaches or any other area designed
22 primarily for use by minors.

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

26 **§701. Proximity to schools; exception**
28

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

38 B. The ~~commission~~ bureau may issue licenses to premises
which that are either in or within 300 feet of a ~~church,~~
40 ~~chapel,--parish--house--or--post--secondary~~ postsecondary school
when--the--application--has--the--unanimous--approval--of--the
42 ~~members--of--the--commission.~~

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

48 **Sec. 65. 28-A MRSA §703**, as enacted by PL 1987, c. 45, Pt. A,
50 §4, is amended to read:

2
3 **§703. Employment of violators prohibited**

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

10 **Sec. 66. 28-A MRSA §703-A, sub-§2**, as amended by PL 1993, c.
11 254, §1, is further amended to read:

12 **2. Affidavit required.** Retail licensees shall require a
13 person applying for employment as a retail employee to furnish to
14 the licensee an affidavit stating that the applicant has not been
15 convicted of a first offense of violating section 2078 or section
16 2081, subsection 1, paragraph A or B, within 2 years of the date
17 of the affidavit. Retail licensees shall require a person
18 applying for employment as a retail employee to furnish to the
19 licensee an affidavit stating that the applicant has not been
20 convicted of a 2nd offense of violating section 2078 or section
21 2081, subsection 1, paragraph A or B, within 5 years of the date
22 of the affidavit. The affidavit must be executed at the time of
23 application. The ~~Bureau--of--Liquor--Enforcement~~ bureau shall
24 develop the affidavit required by this section and make single
25 copies of that affidavit available to retailers.

28 **Sec. 67. 28-A MRSA §704, sub-§1**, as amended by PL 1993, c.
29 266, §7, is further amended to read:

30 **1. Licensee may not hire employee under 17; employees who**
31 **are 17.** No A licensee for the sale of liquor to be consumed on
32 licensed premises may not employ any person under the age of 17
33 years in the serving or selling of liquor on the premises where
34 the liquor is sold. ~~The licensee may employ a person who is 17~~
35 ~~years of age in the serving or selling of liquor on the premises~~
36 ~~where the liquor is sold only if an employee who is at least 18~~
37 ~~years of age is present in a supervisory capacity. Effective~~
38 ~~January 1, 1994, an An~~ employee who is at least 17 years of age
39 but less than 21 years of age may serve or sell liquor only in
40 the presence of an employee who is at least 21 years of age and
41 is in a supervisory capacity ~~or who was at least 18 years of age~~
42 ~~as of January 1, 1994 and was employed in a supervisory capacity~~
43 ~~by the employer before that date.~~

46 **Sec. 68. 28-A MRSA §707, sub-§1**, as enacted by PL 1987, c. 45,
47 Pt. A, §4, is amended to read:

48 **1. Licensee not indebted.** Except as provided by section
49 1363, the ~~commission~~ bureau may not issue any license to or renew

2 the license of a person who is indebted in any manner, directly
or indirectly:

4 A. To any other person for liquor;

6 B. To the State for any tax, other than property tax,
8 assessed and considered final under Title 36 which that the
State Tax Assessor certifies, in accordance with Title 36,
10 section 172, as remaining unpaid in an amount exceeding
or licensee has received notice of the finality of that tax;
12 or

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

20 **Sec. 69. 28-A MRSA §710, sub-§1**, as enacted by PL 1987, c. 45,
22 Pt. A, §4, is amended to read:

24 **1. Advertising outside of licensed premises.** No A person,
except wholesale licensees and certificate of approval holders,
26 may not advertise or permit to be advertised, by more than one
sign, on the outside of any licensed premises, or on any
28 building, ground or premises under his that person's control and
contiguous or adjacent to the licensed premises:

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

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

36 C. Any other advertisement which that indicates any
reference to liquor.

38 **Sec. 70. 28-A MRSA §713, sub-§4**, as enacted by PL 1987, c. 45,
40 Pt. A, §4, is amended to read:

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

46 **Sec. 71. 28-A MRSA §751, sub-§2**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

48 **2. Retail licensee to keep separate records.** Except as
50 provided in paragraph A, a retail licensee shall keep the records

2 required by subsection 1 separate and apart from records relating
to any other transactions in which he the licensee engages.

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

8 **Sec. 72. 28-A MRSA §754**, as enacted by PL 1987, c. 45, Pt. A,
10 §4, is amended to read:

12 **§754. Records open for inspection**

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

22 2. **Refusal of access.** No A licensee may not refuse to
24 allow the ~~commission~~ alcohol bureau, its representatives or
representatives of the ~~Bureau of Liquor Enforcement~~ bureau to
audit the books and records of the licensee.

26 **Sec. 73. 28-A MRSA §801, sub-§1**, as amended by PL 1989, c.
28 526, §§5 and 28, is further amended to read:

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

38 **Sec. 74. 28-A MRSA §802, sub-§1**, as enacted by PL 1987, c. 45,
40 Pt. A, §4, is amended to read:

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

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

50

2 **Sec. 75. 28-A MRSA §802, sub-§3, ¶A**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

10 **Sec. 76. 28-A MRSA §803, sub-§1**, as amended by PL 1987, c.
342, §51, is further amended to read:

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

18 A. Report the violation to the Administrative Court Judge
20 in a signed complaint; or

22 B. Issue warnings to the licensees involved.

24 **Sec. 77. 28-A MRSA §803, sub-§2**, as amended by PL 1987, c.
342, §52, is further amended to read:

26 **2. Notice and hearing.** Except as provided under subsection
28 6, upon receipt of a signed complaint prepared under subsection
29 1, paragraph A, the Administrative Court Judge shall notify the
30 licensee and hold a hearing according to the following
procedures.

32 A. The Administrative Court Judge shall notify the licensee
34 by serving on ~~him~~ the licensee a copy of the complaint and a
35 notice stating the time and place of the hearing and that he
36 the licensee may appear in person or by counsel at the
37 hearing. Service of the complaint and hearing notice is
38 sufficient if sent by registered or certified mail at least
39 7 days before the date of the hearing to the address given
40 by the licensee at the time of ~~his~~ the licensee's
application for a license.

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

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

2 (1) The Administrative Court Judge may subpoena and
3 examine witnesses, administer oaths and subpoena and
4 compel the attendance of parents and legal guardians of
unemancipated minors.

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

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

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

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

25 **Sec. 78. 28-A MRS §803, sub-§5**, as enacted by PL 1987, c. 45,
26 Pt. A, §4, is amended to read:

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

34 **Sec. 79. 28-A MRS §803, sub-§6**, as amended by PL 1987, c.
35 342, §54, is further amended to read:

36 **6. Warnings.** Upon the written recommendation of the
37 ~~Director of the Bureau of Liquor Enforcement~~ chief, or the
38 ~~director's~~ chief's designee, the Administrative Court Judge,
39 instead of notifying a licensee against whom a complaint is
40 pending to appear for hearing, may send the licensee a warning.
41 Warnings must be sent by registered or certified mail and contain
42 a copy of the complaint. A licensee to whom a warning is sent
43 may demand a hearing by notifying the Administrative Court Judge

2 by registered or certified mail within 10 days from the date the
warning was mailed.

4 **Sec. 80. 28-A MRSA §804**, as enacted by PL 1987, c. 45, Pt. A,
§4, is amended to read:

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

8
10 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.
12 The Administrative Court Judge is not required to have a
transcript of the testimony prepared unless required for
14 rehearing or appeal.

16 **Sec. 81. 28-A MRSA §805**, as enacted by PL 1987, c. 45, Pt. A,
§4, is amended by repealing and replacing the headnote to read:

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

22 **Sec. 82. 28-A MRSA §805, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

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

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

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

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

44 B. Filing the complaint in the Superior Court stops the
running of the limitation period.

46 **Sec. 83. 28-A MRSA §806**, as amended by PL 1989, c. 526, §§6
48 and 28, is further amended to read:

50

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

§806. Records

1. **Limitation on maintenance of records.** Except as provided in subsection 2, the commission bureau shall maintain a record of each violation, revocation or suspension for not more than 5 years.

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

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

Sec. 84. 28-A MRSA §1052, sub-§5, as amended by PL 1987, c. 342, §78, is further amended to read:

5. **Ruling on application.** Upon receipt of the application, the commission bureau may immediately approve or deny the application. The commission bureau shall advise the applicant that the license and the off-premise sales license may be revoked and suspended under chapter 33.

Sec. 85. 28-A MRSA §1052, sub-§6, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

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

Sec. 86. 28-A MRSA §1052-A, sub-§§3 and 4, as enacted by PL 1993, c. 259, §1, are amended to read:

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

- A. Name and address of the applicant;
- B. Title and purpose of the event;
- C. Date, time and duration;
- D. Location; and

2 E. Approval by the municipal officers or a municipal
official designated by the municipal officers of the
4 municipality where the proposed special taste-testing
festival will be located, which, notwithstanding section
6 653, may be granted without public notice.

8 **4. Ruling on application.** Upon receipt of the application,
the ~~commission~~ bureau may immediately approve or deny the
10 application. The ~~commission~~ bureau shall advise the applicant
that the license may be revoked and suspended under chapter 33.

12 **Sec. 87. 28-A MRSA §1062, sub-§1,** as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

20 **Sec. 88. 28-A MRSA §1062, sub-§3, ¶A,** as enacted by PL 1987,
c. 45, Pt. A, §4, is amended to read:

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

28 **Sec. 89. 28-A MRSA §1062, sub-§4,** as enacted by PL 1987, c.
30 342, §87, is amended to read:

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

36 **Sec. 90. 28-A MRSA §1065, sub-§1,** as enacted by PL 1987, c.
38 45, Pt. A, §4, is amended to read:

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

44 **Sec. 91. 28-A MRSA §1066-A, sub-§1,** as enacted by PL 1987, c.
46 342, §93, is amended to read:

48 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
licenses under this section for the sale of malt liquor to be

consumed on the premises to taverns as defined in section 2,
subsection 16, paragraph T-1.

Sec. 92. 28-A MRSA §1068, sub-§1, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

Sec. 93. 28-A MRSA §1069-A, sub-§1, as enacted by PL 1989, c.
158, §9, is amended to read:

1. Issuance of licenses. The ~~commission~~ bureau may issue
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.

Sec. 94. 28-A MRSA §1070, sub-§1, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

1. Issuance of licenses. The ~~commission~~ bureau may issue
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.

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

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

Sec. 96. 28-A MRSA §1071, sub-§1, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

Sec. 97. 28-A MRSA §1071, sub-§3, as repealed and replaced by
PL 1987, c. 151, §2, is amended to read:

3. Length of licenses. One license issued under this
section to each incorporated civic organization is valid for up
to 7 consecutive days. The other 4 licenses for which the
incorporated civic organization is eligible are valid for one day

2 each. The ~~commission~~ bureau may not issue separate licenses
under this section to the same incorporated civic organization
for events or gatherings held on consecutive days.

4 **Sec. 98. 28-A MRSA §1071, sub-§5**, as enacted by PL 1987, c.
6 45, Pt. A, §4, is amended to read:

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

14 **Sec. 99. 28-A MRSA §1072, sub-§§1 and 4**, as enacted by PL 1987,
c. 45, Pt. A, §4, are amended to read:

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

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

28 **Sec. 100. 28-A MRSA §1073, sub-§3**, as amended by PL 1989, c.
244, §6, is further amended to read:

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

36 **Sec. 101. 28-A MRSA §1074, sub-§1**, as amended by PL 1995, c.
38 558, §6, is further amended to read:

40 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
licenses under this section for the sale of wine and malt liquor
42 to be consumed on the premises to outdoor stadiums, as defined in
section 2, subsection 15, paragraph M. A concessionaire or
44 lessee may be issued a license under this section, regardless of
whether it controls the premises, as long as that concessionaire
46 or lessee complies with the notice provisions applicable to
qualified catering services in section 1076, subsection 7 prior
48 to exercising the license.

2 **Sec. 102. 28-A MRSA §1077, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

8 **Sec. 103. 28-A MRSA §1077, sub-§2, ¶¶A and B**, as enacted by PL
10 1987, c. 45, Pt. A, §4, are amended to read:

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

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

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

28 **Sec. 104. 28-A MRSA §1079, sub-§1**, as repealed and replaced by
30 PL 1987, c. 342, §101, is amended to read:

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

38 **Sec. 105. 28-A MRSA §1201, sub-§§1 and 2**, as enacted by PL
40 1987, c. 45, Pt. A, §4, are amended to read:

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

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

2 **Sec. 106. 28-A MRSA §1201, sub-§3-A**, as enacted by PL 1993, c.
266, §21, is amended to read:

4
6 **3-A. Sale of liquor for off-premise consumption to retailer**
7 **prohibited.** A person licensed under this section, or an agent or
8 employee of the person, may not knowingly sell liquor to another
9 retailer licensed under this section for resale except as
10 provided in section 606 and the rules adopted pursuant to section
62 82.

12 **Sec. 107. 28-A MRSA §1201, sub-§5**, as amended by PL 1987, c.
342, §102, is further amended to read:

14
16 **5. Qualifications.** The ~~commission~~ bureau may not issue any
licenses for new premises unless:

18 A. The ~~premise has~~ premises have been in operation for a
19 period of at least 3 months immediately before the date of
20 the application; or

22 B. The applicant proves to the satisfaction of the
23 ~~commission~~ bureau that all proper standards and requirements
24 of laws and rules of the ~~commission~~ bureau have been met and
25 ~~he that the applicant~~ is a resident of the State.

26 **Sec. 108. 28-A MRSA §1202, sub-§2**, as amended by PL 1993, c.
266, §22, is further amended to read:

30 **2. Employees who are 17.** ~~An employee who is 17 years of~~
31 ~~age may accept payment only if an employee who is at least 18~~
32 ~~years old is present in the off-premise retail licensee's~~
33 ~~establishment in a supervisory capacity. Effective January 1,~~
34 ~~1994, an~~ An employee who is at least 17 years of age but less
35 than 21 years of age may accept payment only in the presence of
36 an employee who is at least 21 years of age and is in a
37 supervisory capacity ~~or who was at least 18 years of age on~~
38 ~~January 1, 1994 and was employed in a supervisory capacity by the~~
39 ~~employer before that date.~~

40 **Sec. 109. 28-A MRSA §1204, sub-§1**, as enacted by PL 1987, c.
41 342, §106, is amended to read:

44 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
45 licenses under this section for the sale of malt liquor and table
46 wine to be consumed off the premises to ship chandlers, as
47 defined in section 2, subsection 15, paragraph S.

48 **Sec. 110. 28-A MRSA §1205, sub-§1**, as amended by PL 1995, c.
50 30, §4, is further amended to read:

2 **1. Taste testing on off-premise retail licensee's premises;**
3 **fine wine stores.** Subject to the conditions in subsection 2, the
4 ~~commission~~ bureau may authorize an off-premise retail licensee,
5 50% or more of whose gross income is derived from the sale of
6 wine or malt liquor, or a fine wine store to conduct taste
7 tastings of wine on that licensee's premises. Any other
8 consumption of alcoholic beverages on an off-premise retail
9 licensee's premises is prohibited.

10 **Sec. 111. 28-A MRSA §1205, sub-§2, ¶G,** as enacted by PL 1989,
11 c. 488, is amended to read:

12 G. The retail licensee must obtain the written permission
13 of the ~~commission~~ bureau before conducting any taste-testing
14 activity;

15 **Sec. 112. 28-A MRSA §1351,** as enacted by PL 1987, c. 45, Pt.
16 A, §4, is amended to read:

17 **§1351. Certificate of approval**

18 **1. Certificate of approval required.** All in-state
19 manufacturers, out-of-state manufacturers and out-of-state
20 wholesalers must obtain a certificate of approval from the ~~Bureau~~
21 ~~of-Alcoholic-Beverages~~ bureau.

22 **Sec. 113. 28-A MRSA §1355, sub-§3, ¶C,** as amended by PL 1993,
23 c. 730, §46, is further amended to read:

24 C. A holder of a farm winery license, upon application to
25 and approval of the ~~commission~~ bureau and payment of the
26 license fee, may obtain a license for one additional
27 location other than the winery licensed under this
28 subsection. The holder of the license is not required to
29 conduct any bottling or production of wine at the 2nd
30 licensed location but may conduct all activities permitted
31 by this section at the winery.

32 **Sec. 114. 28-A MRSA §1356, sub-§1,** as enacted by PL 1987, c.
33 45, Pt. A, §4, is amended to read:

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

38 **Sec. 115. 28-A MRSA §1361, sub-§§1 and 3,** as enacted by PL
39 1987, c. 45, Pt. A, §4, are amended to read:

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

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

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

Sec. 116. 28-A MRSA §1361, sub-§4, as amended by PL 1993, c. 507, §1, is further amended to read:

4. **No sales of malt liquor or wine to person without wholesale license.** No certificate of approval holder, except a small Maine brewery or Maine farm winery licensee allowed to sell directly to retailers, may sell or cause to be transported into the State any malt liquor or wine to any person to whom a Maine wholesale license has not been issued by the commission bureau. Malt liquor or wine must be delivered to the place of business of the wholesaler as shown in the wholesaler's license, must be unloaded and inventoried at the wholesaler's premises upon the wholesaler's receipt of the shipment and must come to rest before delivery is made to any retailer to enable the bureau to inspect and inventory wholesale warehouses for the purpose of verifying taxes that are required to be paid on malt liquor and wine purchased by importers.

Sec. 117. 28-A MRSA §1362, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§1362. Disposal of fees

The commission bureau shall deposit the fees collected under section 1361 to the credit of the General Fund.

Sec. 118. 28-A MRSA §1363, sub-§2, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

B. A manufacturer or holder of a certificate of approval may furnish a wholesale licensee materials and equipment for the use of the wholesale licensee or his the wholesale licensee's employees, such as:

- (1) Painting the wholesale licensee's vehicles;

2 (2) Supplying legal advertising signs used by the
4 wholesale licensee in the course of his the wholesale
licensee's business; and

6 (3) Supplying uniforms for the employees of the
8 wholesale licensee.

10 **Sec. 119. 28-A MRSA §1364**, as amended by PL 1991, c. 591, Pt.
VV, §5, is further amended to read:

12 **§1364. Invoices and reports**

14 **1. Furnish invoices.** All certificate of approval holders
16 shall promptly file with the ~~e~~ commission bureau a copy of every
18 invoice sent to wholesale licensees and the original copy of the
Maine purchase order. The invoice must include the licensee's
name and the purchase number.

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

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

30 A. The excise tax has been paid; or

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

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

44 **Sec. 120. 28-A MRSA §1365**, as enacted by PL 1991, c. 591, Pt.
46 VV, §6, is amended to read:

48 **§1365. Low-alcohol spirits product tax**

50 In addition to any tax or premium paid under section 1652 or
section 1703, each certificate of approval holder that

2 manufactures low-alcohol spirits products shall pay a tax of 30¢
3 on each gallon of low-alcohol spirits product sold to a wholesale
4 licensee in the State. In addition to the forms filed pursuant
5 to section 1364, a certificate of approval holder that
6 manufactures low-alcohol spirits products shall file with the
7 ~~commission~~ bureau a monthly report on the number of gallons of
8 low-alcohol spirits product sold to wholesale licensees in the
9 State. The certificate of approval holder must enclose payment
10 for the tax due under this section on the reported sales.

11 **Sec. 121. 28-A MRSA §1371, sub-§1**, as amended by PL 1989, c.
12 183, is further amended to read:

13 **1. Certificate of approval for special storage facilities.**
14 Notwithstanding the importation restrictions of sections 2073 and
15 2077, the ~~commission~~ bureau may issue certificates of approval
16 authorizing the direct importation of malt liquor, wine or
17 spirits from suppliers located in foreign countries or other
18 states into special warehouse storage facilities located within
19 the State that are under the direct supervision and control of
20 the certificate of approval holder or into a public warehouse
21 with the approval of the ~~commission~~ bureau.

22 **Sec. 122. 28-A MRSA §1371, sub-§3, ¶¶B and C**, as enacted by PL
23 1987, c. 45, Pt. A, §4, are amended to read:

24 **B.** The ~~State-Liquor-Commission~~ alcohol bureau may withdraw
25 spirits from special warehouse storage facilities.

26 **C.** Out-of-state purchasers authorized by the ~~commission~~ bureau
27 may withdraw spirits, wine and malt liquor from
28 special warehouse storage facilities. The authorization
29 allows the out-of-state purchasers to directly transport the
30 spirits, wine and malt liquor to the state border for
31 delivery out-of-state. Products withdrawn by authorized
32 out-of-state purchasers for delivery outside of the State
33 are not subject to the state excise tax or premium.

34 **Sec. 123. 28-A MRSA §1401, sub-§§1, 4 and 5**, as enacted by PL
35 1987, c. 45, Pt. A, §4, are amended to read:

36 **1. Issuance of licenses.** The ~~commission~~ bureau may issue
37 licenses under this section for the sale and distribution of malt
38 liquor or wine at wholesale.

39 **4. Temporary permits.** The ~~commission~~ bureau may issue
40 special permits, upon application in writing, for the temporary
41 storage of malt liquor or wine under terms and upon conditions
42 prescribed by the ~~commission~~ bureau.

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

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

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

10 **Sec. 124. 28-A MRSA §1402, sub-§§1 and 2,** as amended by PL
12 1987, c. 342, §110, are further amended to read:

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

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

24 **Sec. 125. 28-A MRSA §1403, sub-§1,** as enacted by PL 1987, c.
26 45, Pt. A, §4, is amended to read:

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

34 **Sec. 126. 28-A MRSA §1403, sub-§1-A,** as enacted by PL 1987, c.
36 342, §111, is amended to read:

38 **1-A. Wholesale licensee may purchase from wholesale**
licensee. The ~~commission~~ bureau may give written permission to a
wholesale licensee to purchase malt liquor or wine from another
40 wholesale licensee.

42 **Sec. 127. 28-A MRSA §1403, sub-§4,** as enacted by PL 1987, c.
44 45, Pt. A, §4, is amended to read:

46 **4. Monthly report.** By the 10th day of each calendar month,
each wholesale licensee shall furnish to the ~~commission~~ bureau,
48 in the form prescribed by the ~~commission~~ bureau, a monthly report
of all malt liquor or wine purchased and sold during the
preceding month.
50

2 **Sec. 128. 28-A MRSA §1404, sub-§1, ¶¶A to F,** as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

4 A. The commission bureau shall furnish all purchase order
forms.

6 B. The unbonded wholesale licensee shall complete the forms
8 in quintuplet quintuplicate.

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

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

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

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

30 **Sec. 129. 28-A MRSA §1405, sub-§1, ¶¶A and D,** as enacted by PL
32 1987, c. 45, Pt. A, §4, are amended to read:

34 A. The commission bureau shall furnish all purchase order
forms.

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

40 **Sec. 130. 28-A MRSA §1405, sub-§2,** as enacted by PL 1987, c.
42 45, Pt. A, §4, is amended to read:

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

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

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

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

12 (3) All bonds shall must be provided and effective
14 only for each licensed year.

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

20 **Sec. 131. 28-A MRSA §1405, sub-§3, ¶B,** as enacted by PL 1987,
c. 45, Pt. A, §4, is amended to read:

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

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

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

36 **Sec. 132. 28-A MRSA §1406,** as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

38 **§1406. Report of changes in wholesale licensees and**
40 **certificate of approval holders to bureau**

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

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

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

4 (1) Its wholesale licensees; or

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

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

12 A. File with the ~~commission~~ bureau:

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

18 (2) A statement of the boundaries of its territories;
20 and

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

26 (1) Its territory; or

28 (2) The distribution of its products.

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

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

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

46 Sec. 133. 28-A MRSA §1408, sub-§4, ¶A, as enacted by PL 1987,
48 c. 342, §113, is amended to read:

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

6 **Sec. 134. 28-A MRSA §1501**, as enacted by PL 1987, c. 45, Pt.
8 A, §4, is amended to read:

10 **§1501. Lists of officers, partners and sales representatives**

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

16 **Sec. 135. 28-A MRSA §1502, first ¶**, as enacted by PL 1987, c.
18 45, Pt. A, §4, is amended to read:

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

24 **Sec. 136. 28-A MRSA §1503**, as enacted by PL 1987, c. 45, Pt.
26 A, §4, is amended to read:

28 **§1503. Revocation of license**

Licenses issued by the commission bureau under this chapter
shall must be revoked for the violation of the liquor laws or any
rule adopted by the commission bureau.

32 **Sec. 137. 28-A MRSA §1652, sub-§3**, as enacted by PL 1987, c.
34 45, Pt. A, §4, is amended to read:

36 **3. General Fund.** The commission bureau shall immediately
38 deposit all money received under this section to be credited to
the General Fund.

40 **Sec. 138. 28-A MRSA §1652, sub-§4**, as amended by PL 1991, c.
42 791, §3, is further amended to read:

44 **4. Excise tax accounts and adjustments.** The commission
bureau shall open an excise tax account with all manufacturers,
wholesale licensees and certificate of approval holders and make
46 the following adjustments when appropriate.

48 A. The commission bureau may grant credits and make tax
50 adjustments that it determines the wholesale licensee or
certificate of approval holder is entitled to upon the

2 filing of affidavits in the form prescribed by the
3 ~~commission~~ bureau.

4 B. The ~~commission~~ bureau shall refund all excise tax and
5 premium paid by the wholesale licensee or certificate of
6 approval holder on all malt liquor or wine caused to be
7 destroyed by a supplier as long as the quantity and size are
8 verified by the bureau and the destruction is witnessed by
9 an authorized representative of the bureau.

10 C. If a wholesale licensee's inventories are destroyed by
11 fire, flood or other natural disaster, the ~~commission~~ bureau
12 may refund the excise tax and premium on the wholesale
13 licensee's inventories.

14 D. Any wholesale licensee selling malt liquor or wine to an
15 instrumentality, a licensee for resale to an airline, a
16 training site or a ship chandler shall present proof of that
17 sale to the ~~commission~~ bureau. The ~~commission~~ bureau shall
18 grant to the wholesale licensee a credit of all state excise
19 tax and premium paid in connection with that sale under the
20 following conditions.

21 (1) The ~~commission~~ bureau shall grant a credit for the
22 excise tax and premium on malt liquor or wine sold by
23 wholesale licensees to any instrumentality of the
24 United States or any Maine National Guard state
25 training site exempted by the ~~commission~~ bureau.

26 (2) The ~~commission~~ bureau shall grant a credit for the
27 excise tax and premium on malt liquor or wine sold to
28 any ship chandler, provided that the malt liquor and
29 wine are resold to vessels of foreign registry for
30 consumption after that vessel has left port or are
31 resold for consumption on board vessels of United
32 States registry that are destined for a foreign port.

33 (3) The ~~commission~~ bureau shall grant a credit for the
34 excise tax and premium on malt liquor and table wine
35 sold to a licensee registered with the bureau for
36 resale to licensed airlines or to unlicensed airlines
37 for their international flights.

38 **Sec. 139. 28-A MRSA §1703, sub-§1**, as enacted by PL 1987, c.
39 45, Pt. A, §4, is amended to read:

40 **1. Spirits.** The ~~commission~~ alcohol bureau shall sell all
41 spirits, at a price which that will produce, in addition to any
42 other tax or charge imposed under state or federal law, a premium
43 in the amount specified in subsection 3.

2 **Sec. 140. 28-A MRSA §1703, sub-§2, ¶A**, as enacted by PL 1987,
c. 45, Pt. A, §4, is amended to read:

4 A. The ~~commission~~ bureau shall open a premium account with
6 all manufacturers and importing wholesalers.

8 **Sec. 141. 28-A MRSA §1703, sub-§2, ¶C**, as amended by PL 1991,
c. 591, Pt. VV, §9, is further amended to read:

10 C. Premiums must be paid to the ~~commission~~ bureau by the
12 Maine manufacturer or importing wholesaler.

14 **Sec. 142. 28-A MRSA §1703, sub-§2, ¶E**, as enacted by PL 1987,
c. 45, Pt. A, §4, is amended to read:

16 E. The ~~commission~~ bureau shall grant credits and make
18 adjustments under this subsection on the same terms and
20 conditions as provided in section 1652.

22 **Sec. 143. 28-A MRSA §1703, sub-§4**, as amended by PL 1989, c.
934, Pt. C, §4, is further amended to read:

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

30 **Sec. 144. 28-A MRSA §1703, sub-§5**, as enacted by PL 1989, c.
934, Pt. C, §5, is amended to read:

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

38 **Sec. 145. 28-A MRSA §1704**, as amended by PL 1989, c. 700, Pt.
A, §116 and repealed by c. 934, Pt. C, §6, is repealed.

40 **Sec. 146. 28-A MRSA §2051, sub-§2, ¶A**, as amended by PL 1987,
42 c. 426, is further amended to read:

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

2 **Sec. 147. 28-A MRSA §2051, sub-§4**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

10 **Sec. 148. 28-A MRSA §2052, sub-§1, ¶A**, as enacted by PL 1987,
c. 45, Pt. A, §4, is amended to read:

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

18 **Sec. 149. 28-A MRSA §2052, sub-§2**, as enacted by PL 1987, c.
20 45, Pt. A, §4, is amended to read:

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

30 **Sec. 150. 28-A MRSA §2054**, as enacted by PL 1987, c. 45, Pt.
32 A, §4, is amended to read:

34 **§2054. Execution of suspension stayed during appeal**

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

44 **Sec. 151. 28-A MRSA §2071**, as enacted by PL 1987, c. 45, Pt.
A, §4, is amended by repealing and replacing the headnote to read:

46 **§2071. Failure to appear before the bureau**

48 **Sec. 152. 28-A MRSA §2071, sub-§1**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

2 **1. Failure to appear when summoned.** It is illegal for a
3 person who is summoned as a witness by ~~a member of the commission~~
4 the bureau to appear before the ~~commission~~ bureau, to fail to
5 appear without reasonable cause at the time and place designated
6 in the subpoena or summons.

8 **Sec. 153. 28-A MRSA §2072, sub-§1,** as enacted by PL 1987, c.
9 45, Pt. A, §4, is amended to read:

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

12 A. With intent to sell the liquor in the State in violation
13 of law;

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

16 C. With intent to aid or assist any person in an illegal
17 sale.

18 **Sec. 154. 28-A MRSA §2073, sub-§3, ¶¶A, E and F,** as enacted by
19 PL 1987, c. 45, Pt. A, §4, are amended to read:

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

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

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

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

32 (3) To schools, colleges and state institutions for
33 laboratory use only;

34 (4) To any licensed pharmacist in the State for use in
35 the compounding of prescriptions and other medicinal
36 use, but not for sale by pharmacists unless compounded
37 with or mixed with other substances; or
38

2 (5) To any physician, surgeon, osteopath,
3 chiropractor, optometrist, dentist or veterinarian for
4 medicinal use only.

5 F. The commission bureau may authorize hospitals and state
6 institutions to purchase liquor, for medicinal purposes
7 only, from wholesale licensees and state liquor stores.
8 Such This authorization must be in writing.

9 **Sec. 155. 28-A MRSA §2075, sub-§1**, as amended by PL 1993, c.
10 730, §47, is further amended to read:

11 **1. Only the commission may import spirits; exception.**
12 Except as provided in this section, no person other than the
13 commission alcohol bureau may import spirits into the State.

14 A. An individual may transport into the State and may
15 transport from place to place within the State spirits for
16 the individual's personal use in a quantity not greater than
17 4 quarts.

18 **Sec. 156. 28-A MRSA §2076, sub-§1**, as enacted by PL 1987, c.
19 45, Pt. A, §4, is amended to read:

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

25 **Sec. 157. 28-A MRSA §2077-A, sub-§1**, as enacted by PL 1993, c.
26 60, §2, is amended to read:

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

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

33 B. The total amount of malt liquor received may not exceed
34 2.4 gallons per month per individual, and the total amount
35 of wine received may not exceed 2.4 gallons per month per
36 individual.

37 C. The receiver may not be a licensee or licensed
38 establishment.

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

4
6 **Sec. 158. 28-A MRSA §2077-A, sub-§2, ¶F,** as enacted by PL
1993, c. 60, §2, is amended to read:

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

10
12 **Sec. 159. 28-A MRSA §2079,** as amended by PL 1987, c. 342,
§122, is further amended to read:

14 **§2079. Aiding children in illegal possession or sale**

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

24 **Sec. 160. 28-A MRSA §2202,** as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

26 **§2202. Bail after failure to comply with terms of bond**

28
30 In any prosecution for violation of the laws relating to
manufacture or sale of liquor, a defendant who has failed to
32 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
case or upon arrest on any warrant issued in that case, except by
34 a justice of the court in which that prosecution is pending.

36 **Sec. 161. 28-A MRSA §2221-A, sub-§5, ¶D,** as enacted by PL
1987, c. 342, §128, is amended to read:

38
40 D. The Department of Public Safety is responsible for
maintaining a centralized record of property seized, held by
an order to the department. At least quarterly, the
42 department shall provide a report of the disposition of
property previously held by the department and ordered by
44 the court to any governmental entity to the Commissioner of
Finance Administrative and Financial Services and the Office
46 of Fiscal and Program Review for review. These records must
include an estimate of the fair market value of items seized.

48
50 **Sec. 162. 28-A MRSA §2229,** as enacted by PL 1987, c. 45, Pt.
A, §4, is amended to read:

2 **§2229. Disposal of forfeited liquors**

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

14 **2. Sale of forfeited liquor by alcohol bureau.** Except as
16 provided in paragraph A, the ~~commission~~ alcohol bureau shall sell
forfeited liquor in the state liquor stores throughout the State.

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

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

28 **Sec. 163. 28-A MRSA §2230, sub-§2, ¶B,** as enacted by PL 1993,
c. 730, §51, is amended to read:

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

36 **Sec. 164. 28-A MRSA §2507, sub-§3,** as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

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

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

2 **Sec. 165. 28-A MRSA §2518**, as enacted by PL 1987, c. 45, Pt.
A, §4, is repealed.

4 **Sec. 166. 28-A MRSA §2519, sub-§1**, as amended by PL 1993, c.
6 266, §34, is further amended to read:

8 **1. Approval of alcohol server education courses.** The
Commissioner-of-Public-Safety commissioner shall approve alcohol
10 server education courses for a period of 2 years that meet the
criteria developed under this section. The commissioner may
12 renew approval provided the course meets the criteria applicable
at the time of renewal.

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

18 **Sec. 167. 28-A MRSA §2519, sub-§5**, as amended by PL 1993, c.
20 266, §35, is further amended to read:

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

26 **Sec. 168. 28-A MRSA §2519, sub-§§6 and 7**, as amended by PL
1993, c. 730, §52, are further amended to read:

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

38 **7. Course accountability.** The chief may appoint an
employee of the bureau to monitor each alcohol server education
40 course to ensure that the course presents proper training and
meets the approved criteria. The Bureau-of-Liquor-Enforcement
42 bureau shall maintain a record of the participants who have
completed an alcohol server training course. Each instructor of
44 an approved course shall provide the chief with the names,
addresses, dates of birth and social security numbers of students
46 who complete the course and the date of completion. The
instructors shall forward \$3 of the enrollment fee to the Bureau
48 of-Liquor-Enforcement bureau for every name submitted. The
amounts collected must be retained by the Bureau-of-Liquor

2 Enforcement bureau to cover costs incurred in carrying out this
subsection.

4 **Sec. 169. 28-A MRSA §2519, sub-§8**, as enacted by PL 1993, c.
266, §36, is amended to read:

6 **8. Alcohol server education courses; approval; suspension;
8 revocation.** The ~~Commissioner of Public Safety~~ commissioner may
10 refuse to issue or renew approval for an alcohol server education
12 course. The ~~Commissioner of Public Safety~~ commissioner may
14 suspend or revoke approval for an alcohol server education course
upon the recommendation of the advisory committee after reviewing
the report of the monitor. The following are grounds for an
action to refuse to issue or renew approval or to suspend or
revoke approval.

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

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

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

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

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

38 **Sec. 170. 28-A MRSA §2520**, as amended by PL 1991, c. 837, Pt.
40 A, §60, is further amended to read:

42 **§2520. Liquor service education**

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

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

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

8
9 **3. Legal pamphlet.** The ~~Bureau of Liquor Enforcement~~
10 bureau shall prepare a pamphlet summarizing state laws governing retail
11 liquor sales. The bureau shall make single copies of this
12 pamphlet available to retailers.

13 **Sec. 171. 36 MRSA §172, sub-§1,** as amended by PL 1987, c. 45,
14 Pt. B, §6, is further amended to read:

15
16 **1. Liquor licensee.** If the taxpayer is a liquor licensee,
17 to the ~~State--Liquor--Commission~~ Department of Public Safety,
18 Bureau of Liquor Enforcement, which shall construe that liability
19 and lack of cooperation to be a ground for denying, suspending or
20 revoking the taxpayer's liquor license in accordance with Title
21 28-A, section 707 and chapter 33; or
22

23
24
25 **SUMMARY**

26
27 This bill updates statutory provisions to reflect changes
28 made in unallocated language in Public Law 1993, chapter 410,
29 Parts XX and ZZ. Public Law 1993, chapter 410, Part XX combined
30 the State Liquor Commission and the State Lottery Commission into
31 the State Liquor and Lottery Commission. Public Law 1993,
32 chapter 410, Part ZZ transferred the licensing functions and the
33 taxation responsibilities of the Bureau of Liquor Enforcement
34 from the Department of Administrative and Financial Services to
35 the Department of Public Safety. This bill also corrects gender
36 references, repeals obsolete provisions and makes other technical
changes to reflect current drafting standards.