

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1555

S.P. 521

In Senate, February 25, 1999

An Act to Maintain the Viability of Maine's Liquor Industry.

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 KIEFFER of Aroostook.
Cosponsored by Representative SAXL of Portland and
Senators: BENNETT of Oxford, KONTOS of Cumberland, MICHAUD of Penobscot,
Representatives: CAMPBELL of Holden, TRUE of Fryeburg.

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

2
4 **Sec. 1. 28-A MRSA §452, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

6 **1. Location.** Location of agency stores, ~~subject to section~~
consistent with the provisions of sections 351, 453 and 605;

8
10 **Sec. 2. 28-A MRSA §453, sub-§1, ¶C**, as amended by PL 1993, c.
380, §2 and affected by §7, is repealed.

12 **Sec. 3. 28-A MRSA §453, sub-§1, ¶D**, as amended by PL 1997, c.
373, §46, is repealed.

14 **Sec. 4. 28-A MRSA §453, sub-§2**, as amended by PL 1997, c. 373,
16 §46, is repealed.

18 **Sec. 5. 28-A MRSA §453, sub-§2-A**, as amended by PL 1997, c.
373, §46, is repealed.

20 **Sec. 6. 28-A MRSA §453-A, first ¶**, as amended by PL 1997, c.
22 373, §47, is further amended to read:

24 The bureau shall issue a new license for an agency liquor
26 store within a municipality or unincorporated place by the
following procedure. This section does not apply to transfers of
agency liquor store licenses made pursuant to section 605.

28 **Sec. 7. 28-A MRSA §457**, as amended by PL 1997, c. 373, §49,
30 is repealed.

32 **Sec. 8. 28-A MRSA §605, sub-§1**, as amended by PL 1997, c. 373,
§55, is further amended to read:

34 **1. Transfer within same municipality of off-premise**
36 **license.** Upon receipt of a written application that must be in a
form provided by the bureau pursuant to section 651, unless
38 otherwise provided in this subsection, the bureau may shall
40 transfer any retail liquor license or agency liquor store license
from one place to another within the same municipality. If the
42 approval of the municipal officers was required for the original
license, the transfer may be made only with the approval of the
44 municipal officers. No transfer may be made to premises for
which the license could not have been originally legally issued.

46 **Sec. 9. 28-A MRSA §651, sub-§1**, as amended by PL 1997, c. 373,
§60, is further amended to read:

48 **1. File application with bureau.** An applicant for a liquor
50 license or for the transfer of ownership or location of a liquor

2 license, pursuant to this chapter, shall file an application in
3 the form required by the bureau. The bureau shall create all
4 forms necessary to acquire or transfer a license pursuant to this
5 chapter. In the event the bureau has not created and made
6 available the applicable form at the time an applicant seeks to
7 file any application permitted by this Title, the applicant may
8 file the application in writing in a form of the applicant's own
9 choosing.

10 SUMMARY

11 This bill serves to preserve the viability of the State's
12 retail liquor industry by streamlining the process for
13 transferring retail and agency liquor store licenses to locations
14 within the same municipality and by removing the restrictions on
15 the number of agency store licenses that may be granted by the
16 bureau.
17
18