

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "O" to COMMITTEE AMENDMENT "A" to H.P. 256, L.D. 300, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003"

Amend the amendment by striking out all of Part M and inserting in its place the following:

PART M

Sec. M-1. 28-A MRSA §2, sub-§25-A, as amended by PL 1997, c. 373, §17, is further amended to read:

25-A. **Retail employee.** "Retail employee" means any person employed by a retailer or by the alcohol bureau to sell liquor in a licensed establishment ~~or state or~~ agency liquor store or state regional wholesale and retail distribution center. For the purposes of violations of this Title and rules of the bureau, a retail employee is deemed an agent of the retailer or ~~state or~~ agency liquor store or state regional wholesale and retail distribution center that employs that employee.

Sec. M-2. 28-A MRSA §2, sub-§32, as amended by PL 1997, c. 373, §19, is repealed.

Sec. M-3. 28-A MRSA §2, sub-§32-A is enacted to read:

32-A. **State regional wholesale and retail distribution center.** "State regional wholesale and retail distribution center" means a facility operated by the alcohol bureau that provides for wholesale sales of spirits and fortified wines to licensed agents and on-premises licensees and retail sales of spirits and fortified wines to consumers.

Sec. M-4. 28-A MRSA §83, sub-§§1 and 3, as amended by PL 1999, c. 535, §4, are further amended to read:

1. Bureau of Alcoholic Beverages and Lottery Operations; rules. The alcohol bureau shall manage the sale, distribution and merchandising of spirits and fortified wine through state ~~liquor-stores~~ regional wholesale and retail distribution centers, agency liquor stores and licensees. The alcohol bureau may establish rules and procedures for the administration of the state liquor laws under its jurisdiction. The rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. The day-to-day activities of the alcohol bureau are under the supervision of the Commissioner of Administrative and Financial Services and the director of the alcohol bureau.

3. Sell at retail. The alcohol bureau may sell at retail in state ~~liquor-stores~~ regional wholesale and retail distribution centers in original packages, either over the counter or by shipment to points within the State, spirits of all kinds and fortified wine for consumption off the premises of state ~~liquor stores~~ regional wholesale and retail distribution centers operated under the direction of the alcohol bureau.

Sec. M-5. 28-A MRSA §84, sub-§1, as corrected by RR 1999, c. 2, §29, is amended to read:

1. Manage sale of spirits and fortified wine. Manage the sale of spirits and fortified wine through state ~~liquor-stores~~ regional wholesale and retail distribution centers, agency liquor stores and licensees in accordance with applicable laws and rules that provide for the operation of wholesale distribution of spirits and fortified wine;

Sec. M-6. 28-A MRSA c. 15 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 15

**STATE REGIONAL WHOLESALE AND RETAIL DISTRIBUTION
CENTERS AND AGENCY LIQUOR STORES**

Sec. M-7. 28-A MRSA §123, sub-§§2 and 4, as amended by PL 1997, c. 373, §30, are further amended to read:

2. Sale of liquor for consumption off the premises on days other than Sunday. Shall this municipality authorize the State to permit the operation of state ~~liquor-stores~~ regional wholesale and retail distribution centers and agency liquor stores on days other than Sunday?

2 **4. Sale of liquor for consumption off the premises on**
3 **Sundays.** Shall this municipality authorize the State to permit
4 the operation of state ~~liquor--stores~~ regional wholesale and
5 retail distribution centers and agency liquor stores on Sundays?

6 **Sec. M-8. 28-A MRSA §351, sub-§1,** as amended by PL 1997, c.
7 373, §38, is further amended to read:

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

14 A. The bureau, after holding a public hearing near the
15 proposed location, may locate an agency liquor store within
16 300 feet of a church, chapel, parish house or postsecondary
17 school.

18 **Sec. M-9. 28-A MRSA §352,** as amended by PL 1997, c. 373,
19 §39, is further amended to read:

20 **§352. Purchase of liquor in state regional wholesale and retail**
21 **distribution centers and agency liquor stores; purchase**
22 **from alcohol bureau**

23 **1. Methods of payment.** This subsection governs the methods
24 of payment permitted for purchases of liquor from state regional
25 wholesale and retail distribution centers or agency liquor stores
26 and for purchases of liquor from the alcohol bureau by agency
27 liquor stores.

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

30 B. A person, other than a licensee, buying liquor at a
31 state ~~liquor--store~~ regional wholesale and retail
32 distribution center must pay in cash or by major credit card.

33 C. A licensee buying liquor at a state ~~liquor--store~~
34 regional wholesale and retail distribution center or from
35 the alcohol bureau must pay in cash or by check.

36 D. In addition to the methods of payment permitted in
37 paragraph C, an agency liquor store, when approved by the
38 alcohol bureau, may pay for liquor purchased from the
39 alcohol bureau by mailing a check for payment to the alcohol
40 bureau when notified of the amount due or upon receiving a

liquor delivery. Payments that are mailed must be received or postmarked within 3 days of receipt of a liquor delivery or notification of the amount due.

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

Sec. M-10. 28-A MRSA §353, as amended by PL 1997, c. 373, §40, is further amended to read:

§353. Business hours

State ~~liquor---stores~~ regional wholesale and retail distribution centers and agency liquor stores may be open for the sale and delivery of liquor between the hours of 6 a.m. and 1 a.m. in municipalities and unincorporated places that have voted in favor of the operation of state ~~liquor---stores~~ regional wholesale and retail distribution centers under local option provisions. Notwithstanding any local option decisions to the contrary, state ~~liquor---stores~~ regional wholesale and retail distribution centers and agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the next day. The alcohol bureau shall establish the hours of operation of each state ~~liquor---store~~ regional wholesale and retail distribution center.

Sec. M-11. 28-A MRSA §354, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§354. Sales to minors or intoxicated persons

No state ~~liquor---store~~ regional wholesale and retail distribution center or agency liquor store may sell liquor to a minor or to a visibly intoxicated person.

Sec. M-12. 28-A MRSA §355, as amended by PL 1997, c. 373, §41, is further amended to read:

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

The Governor or the alcohol bureau may, in cases of riots, hurricanes and floods, order any or all state ~~liquor---stores~~

regional wholesale and retail distribution centers or agency
liquor stores to close.

Sec. M-13. 28-A MRSA c. 17 is amended by repealing the
chapter headnote and enacting the following in its place:

CHAPTER 17

**STATE REGIONAL WHOLESALE AND RETAIL
DISTRIBUTION CENTERS**

Sec. M-14. 28-A MRSA §401-A, as amended by PL 1997, c. 373,
§42, is further amended to read:

§401-A. Location of facilities

**1. State regional wholesale and retail distribution center
locations.** The alcohol bureau shall operate state ~~liquor-stores~~
regional wholesale and retail distribution centers for the retail
sale of liquor in the following municipalities. The alcohol
bureau may not operate a state ~~liquor-store~~ regional wholesale
and retail distribution center in any municipality not designated
in this section.

A. In each of the following municipalities, the alcohol
bureau shall operate one state ~~liquor--store~~ regional
wholesale and retail distribution centers:

~~{2}--Auburn;~~

~~{3}--Augusta;~~

~~{6}--Belfast;~~

(9) Brewer;

~~{10}--Bridgton;~~

(11) Brunswick;

~~{13}--Calais;~~

(15) Caribou;

~~{16}--Damariscotta;~~

~~{18}--Dover-Foxcroft;~~

(19) Ellsworth;

(22) Farmington;

~~(27)--Houlton;~~

(28) Kennebunk;

(29) Kittery;

(38) ~~Mexico~~ Lewiston;

~~(43)--North-Windham;~~

~~(44)--Old-Orchard-Beach;~~

~~(45)--Old-Town;~~

~~(48)--Presque-Isle;~~

(50) Rockland; and

(52) Skowhegan Waterville.

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

~~(1)--Lewiston;~~

~~(2)--Portland; and~~

~~(4)--Waterville.~~

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

~~(1)--Banger.~~

2. Location within municipality. The alcohol bureau may determine the location of a store state regional wholesale and retail distribution center within each of the municipalities designated in subsection 1. The alcohol bureau may relocate a store state regional wholesale and retail distribution center within a municipality in accordance with section 402.

3. Temporary cessation of operations. The alcohol bureau may temporarily close a state liquor store regional wholesale and retail distribution center if the occurrence of an event beyond the control of the alcohol bureau renders the store distribution center inoperable. Events beyond the control of the alcohol bureau include natural disasters, other physical destruction or unanticipated termination of the lease for the store distribution

center. If the event rendering the ~~store~~ distribution center 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~~ distribution center 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 alcohol bureau may lease and equip, in the name of the State, ~~stores~~ state regional wholesale and retail distribution centers, warehouses and other merchandising facilities for the sale of liquor that are necessary to carry out the purposes of this Title. The alcohol bureau shall designate where the facilities will be located, in accordance with this section.

5. **Attorney General must approve contract or lease before effective.** The Attorney General must approve any contract or lease made under this section before it is effective.

Sec. M-15. 28-A MRSA §402, as amended by PL 1997, c. 373, §43, is further amended to read:

§402. Notice on locating state regional wholesale and retail distribution centers

1. **Notice.** At least 30 days before designating the location or relocation of a state ~~liquor-store~~ regional wholesale and retail distribution center, the commission shall give written notice of the designation to the municipal officers of:

A. The municipality in which the ~~store~~ state regional wholesale and retail distribution center is presently located; and

B. The municipality in which it is proposed to locate or relocate the ~~store~~ state regional wholesale and retail distribution center.

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.

3. **Findings.** The commission shall designate the location of a state ~~liquor--store~~ regional wholesale and retail distribution center in writing and shall include findings of fact supporting the designation.

2 **4. Notice to lessor to terminate or not renew.** If the
4 alcohol bureau intends to terminate or not renew a lease or
contract for occupancy of a building for a state ~~liquor--store~~
6 regional wholesale and retail distribution center, it shall give
written notice of that intention to the lessor of the building.
Notice must be given:

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

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

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

26 **Sec. M-16. 28-A MRSA §403**, as amended by PL 1997, c. 755,
28 §1, is further amended to read:

30 **§403. Discount state regional wholesale and retail distribution**
32 **centers**

34 **1. Discount center.** Notwithstanding the provisions of
section 1651, the commission, with the approval of the
Commissioner of Administrative and Financial Services, may reduce
36 the price of liquor in 2 ~~one~~ state ~~liquor--stores~~ regional
wholesale and retail distribution center.

38 **2. Location.** ~~One--store~~ The discount state regional
40 wholesale and retail distribution center must be located to be
convenient to the southbound lanes of the Maine Turnpike near
42 Exit 1 of the Maine Turnpike. ~~One--store--must--be--located--in~~
~~Calais.~~

44 **3. Licensees may purchase liquor; price.** Licensees may
46 purchase liquor for resale from the state discount ~~liquor--stores~~
wholesale and retail distribution center at the same price they
48 are permitted to purchase liquor for resale from any state ~~store~~
which regional wholesale and retail distribution center that does
50 not offer a retail discount.

2 **Sec. M-17. 28-A MRSA §453**, as amended by PL 1997, c. 373,
3 §46, is further amended to read:

4 **§453. Location of agency stores**

6 **1. Location requirements.** The bureau may license an agency
8 liquor store only when the following requirements are met.

10 A. The proposed agency liquor store is located in a
12 municipality or unincorporated place that has voted in favor
14 of the operation of state liquor stores regional wholesale
and retail distribution centers under local option
provisions.

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

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

28 The bureau may grant one agency store license in municipalities
 as it considers appropriate.

30 The bureau may relicense agency liquor stores in existence or
32 licensed before April 30, 2001.

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

42 ~~2-A. Replacement of state liquor stores closed in fiscal~~
 ~~year 1991-92. The bureau may replace a state liquor store closed~~
44 ~~after July 1, 1990 with 3 agency liquor stores if:~~

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

48 ~~B. The bureau does not issue to a person or corporation~~
50 ~~more than 2 of the 3 licenses issued to replace a state~~

~~liquor--store,----For--purposes--of--this--restriction,--each
partner--of--a--partnership,--each--corporation--that--owns--an
interest--in--another--corporation--and--each--person--who--owns--20%
or--more--of--the--shares--or--other--interest--in--a--corporation--is
deemed--to--own--a--license--granted--to--the--partnership--or
corporation.~~

Sec. M-18. 28-A MRSA §453-A, sub-§§1, 1-A, 2 and 3, as amended
by PL 1997, c. 373, §47, are repealed.

Sec. M-19. 28-A MRSA §453-A, sub-§7, as amended by PL 1997,
c. 373, §47 and 1999, c. 547, Pt. B, §78 and affected by §80, is
repealed.

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

Sec. M-21. 28-A MRSA §453-C is enacted to read:

§453-C. License fees

The initial license fee for an agency liquor store is \$2,000
and the renewal fee for an annual license is \$300. The annual
license fee for a reselling agent is \$100.

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

**§454. Agency liquor store in former state regional wholesale and
retail distribution center location**

Within 72 hours of opening for business, an agency liquor
store, occupying premises previously occupied by a state liquor
store regional wholesale and retail distribution center, shall
remove all signs on the premises of that store which that
identify those premises as a state liquor--store regional
wholesale and retail distribution center.

Sec. M-23. 28-A MRSA §458, sub-§3, as amended by PL 1997, c.
373, §50, is further amended to read:

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

Sec. M-24. 28-A MRSA §606, sub-§1, as repealed and replaced
by PL 1993, c. 276, §2, is amended to read:

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

Sec. M-25. 28-A MRSA §606, sub-§1-A, as repealed and replaced
by PL 1993, c. 276, §3, is amended to read:

1-A. **On-premises licensees; purchase from agency store.** A person licensed to sell spirits for consumption on the premises may purchase spirits from an agency liquor store properly licensed as a reselling agent only in accordance with this subsection.

A. The sale price of spirits sold to a licensee under this subsection must equal the price for which a licensee would purchase liquor at a state ~~store~~ regional wholesale and retail distribution center.

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

Sec. M-26. 28-A MRSA §606, sub-§4, as amended by PL 1997, c. 373, §58, is further amended to read:

4. **Discount for agency liquor stores.** The alcohol bureau shall sell spirits and fortified wines to agency liquor stores for a price of at least 8% less than the list price established for the state ~~liquor--stores~~ regional wholesale and retail distribution centers.

Sec. M-27. 28-A MRSA §708, sub-§5, as enacted by PL 1993, c. 615, §4, is further amended to read:

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

Sec. M-28. 28-A MRSA §1651, sub-§1, as amended by PL 1999, c. 166, §1, is further amended to read:

1. **State liquor tax.** Except as provided in subsection 2, the commission shall determine and set the list price at which to sell all spirits and fortified wine that will produce an aggregate state liquor tax sufficient to pay all liquor-related expenses of the Bureau of Alcoholic Beverages and Lottery Operations and to return to the General Fund an amount substantially equal to the amount of state liquor tax collected in the previous fiscal year. With the exception of the state discount agency--liquor--stores regional wholesale and retail distribution center in Kittery and Calais, list prices must be uniform statewide.

C. The commission shall add any cost to the State related to handling containers returned for refund pursuant to Title 32, section 1863-A to the established price without markup.

Sec. M-29. 28-A MRSA §1651, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. Notwithstanding the other provisions of this section, the commission may establish special prices on certain listed liquor items to be made available to the consumer at all state stores regional wholesale and retail distribution centers. These special prices must not be lower than the price established for the same listed item at the 2 discount state liquor--stores regional wholesale and retail distribution center authorized under section 403.

Sec. M-30. 28-A MRSA §2073, sub-§3, ¶¶B, C and D, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

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

C. Licensees may transport liquor from state liquor--stores regional wholesale and retail distribution centers to their places of business.

D. Manufacturers may transport liquor within the State to liquor warehouses and state liquor--stores regional wholesale and retail distribution centers, to persons authorized under paragraph E and to the state line for transportation outside the State.

2 **Sec. M-31. 28-A MRSA §2073, sub-§3, ¶F**, as amended by PL 1997,
4 c. 373, §154, is further amended to read:

6 F. The bureau may authorize hospitals and state
8 institutions to purchase liquor, for medicinal purposes
10 only, from wholesale licensees and state ~~liquor--stores~~
12 regional wholesale and retail distribution centers. This
14 authorization must be in writing.

16 **Sec. M-32. 28-A MRSA §2075, sub-§2**, as amended by PL 1993, c.
18 730, §47, is further amended to read:

20 **2. Transportation of spirits within the State.** No person
22 may transport or cause to be transported any spirits within the
24 State in a quantity greater than 4 quarts unless the spirits were
26 purchased from a state regional wholesale and retail distribution
28 center or agency liquor store.

30 **Sec. M-33. 28-A MRSA §2229, sub-§2**, as amended by PL 1997, c.
32 373, §162, is further amended to read:

34 **2. Sale of forfeited liquor by alcohol bureau.** Except as
36 provided in paragraph A, the alcohol bureau shall sell forfeited
38 liquor in the state ~~liquor--stores~~ regional wholesale and retail
40 distribution centers throughout the State.

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

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

Sec. M-34. 28-A MRSA §2230, sub-§2, ¶B, as amended by PL 1997,
 c. 373, §163, is further amended to read:

 B. Secure the liquor for a period of 30 days, after which
 time the agency shall transfer the liquor to the bureau.
 The bureau shall dispose of any malt liquor or wine and
 shall transfer any spirits to the alcohol bureau for sale at
 state ~~liquor---stores~~ regional wholesale and retail
 distribution centers or disposal.

Sec. M-35. State liquor stores to be closed.

1. Closing by October 31, 2001. The Department of
 Administrative and Financial Services, Bureau of Alcoholic

Beverages and Lottery Operations shall take any action necessary to close 17 state liquor stores as expeditiously as possible with the goal of having them closed by October 31, 2001. Ten locations as provided in the Maine Revised Statutes, Title 28-A, section 401-A will remain open and must be operated as regional wholesale and retail distribution centers.

2. Replacement of state liquor stores. Notwithstanding the Maine Revised Statutes, Title 28-A, section 453, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations may license up to 6 agency stores in a municipality with a population over 20,000 where a state liquor store has been closed and up to 3 agency stores in a municipality with a population less than 20,000 where a state liquor store has been closed. The issuance of an agency liquor store license and the operation of agency liquor stores licensed pursuant to this Part are governed by Title 28-A, chapter 19.

3. Requirement of at least one replacement agency liquor store before closing. A state liquor store may not be closed unless at least one replacement agency liquor store with a federal wholesale registration and licensed as a reselling agent has been licensed within 10 miles of the state store being closed or unless the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services determines that reasonable alternative access is available to persons who previously purchased spirits from the state liquor store being closed.

4. Assistance to employees. The State shall provide assistance within existing programs to employees who are laid off as a result of the closing of 17 state liquor stores and the contracting of wholesale liquor functions. This assistance may include, but is not limited to, retraining, career planning and assistance in obtaining other employment and may be provided before or after an employee leaves state employment.

5. Laws applicable to state liquor stores until closed. Until the 17 state liquor stores have been closed, the provisions of law applying to state liquor stores on January 1, 2001 continue to apply to the operation of the stores remaining open, and the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and the Department of Public Safety, Bureau of Liquor Enforcement continue to have authority to act under those laws as if those laws were in effect.

Sec. M-36. Funding employee assistance. Notwithstanding any other provision of law, the State Budget Officer is authorized to transfer by financial order upon approval of the

Governor up to \$300,000 from the General Fund Salary Plan program and to transfer by financial order amounts between line categories within the Alcoholic Beverages - General Operations program during fiscal year 2001-02 to provide up to \$616,000 to fund employee assistance costs for full-time and part-time state liquor store employees for whom reasonable alternative state government employment is not available or can not be found and the Department of Administrative and Financial Services, Bureau of Employee Relations shall negotiate with the applicable bargaining agent regarding the assistance provided as well as the eligibility criteria for assistance. The State Budget Officer shall provide quarterly status reports to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and legal and veterans affairs beginning April 30, 2001. The report must include an update on the implementation of this section and all transfers from the General Fund Salary Plan program.

Sec. M-37. Maine Revised Statutes amended; revision clause.

Wherever in the Maine Revised Statutes the words "state liquor store" appear or reference is made to that entity or those words, they are amended to read and mean "state regional wholesale and retail distribution center" or "center," as appropriate, and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.'

FISCAL NOTE

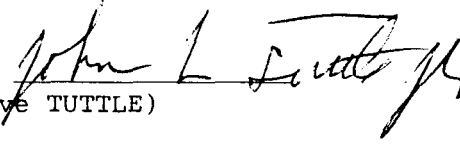
This amendment will increase the General Fund cost of the bill by \$1,029,264 in fiscal year 2001-02 and \$2,152,361 in fiscal year 2002-03. Based on the estimated year-ending balances, this amendment maintains a balanced General Fund budget.

SUMMARY

This amendment amends Part M of the Part I budget, which proposed to close all 27 state liquor stores. This amendment closes 17 stores and maintains 10 to be operated by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as regional wholesale and retail distribution centers. Under this amendment, the Department of Public Safety, Bureau of Liquor Enforcement is authorized to license 6 agency stores in municipalities with a population in excess of 20,000 where a state store has been closed and 3 agency stores in municipalities with a population

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 256, L.D.
300

less than 20,000 where a state store has been closed. It also
provides assistance for state employees laid off as a result of
the closing of 17 state liquor stores.

SPONSORED BY: 
(Representative TUTTLE)

TOWN: Sanford