

# MAINE STATE LEGISLATURE

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DATE: *May 9, 2001* (Filing No. S-*168*)

**LEGAL AND VETERANS AFFAIRS**

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**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to S.P. 136, L.D. 460, Bill, "An Act to Promote Fairness and Equity in Liquor Prices"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 28-A MRSA §606, sub-§1-A, ¶A,** as repealed and replaced by PL 1993, c. 276, §3, is amended to read:

A. The sale price of spirits sold to a ~~licensee~~ all licensees and other persons under this subsection must equal the price for which a licensee would purchase liquor at a state store established in subsection 8.

**Sec. 2. 28-A MRSA §606, sub-§8,** as amended by PL 1997, c. 24, Pt. L, §4, is further amended to read:

**8. Limits on price.** An agency liquor store may not sell spirits and fortified wine for less than ~~103%~~ 104% of the ~~price paid by the agency liquor store~~ current price that would be paid by the agent to the State for that product. An agency liquor store shall file with the bureau on a monthly basis the prices charged by the agency liquor store for delivered spirits and fortified wine sold to all licensees. During the period of time between the filing of monthly reports, an agency liquor store shall also file with the bureau supplemental reports with respect to any price changes made by the agency liquor store. An agency liquor store shall make posted price items available for sale to retail customers at the posted price. An agency liquor store may

**COMMITTEE AMENDMENT**

2 not sell spirits ~~to persons other than on-premises licensees~~ for  
more than the list price set in accordance with chapters 65 and  
4 67.'

6 Further amend the bill by inserting at the end before the  
summary the following:

8 **FISCAL NOTE**

10 **2001-02 2002-03**

12 **REVENUES**

14 General Fund (\$124,100) (\$165,450)

16 This bill will likely result in a further shift of sales  
18 from certain state liquor stores to agency liquor stores. The  
resulting loss of the retail markup on these sales will decrease  
20 General Fund undedicated revenue by \$124,100 in fiscal year  
2001-02 and \$165,450 in fiscal year 2002-03. The actual amounts  
22 may be higher depending on the level of price competition and the  
effect of the price competition on the buying practices of  
24 on-premises licensees and agents.

26 If the Governor's proposed "current services" budget, as  
amended by Committee Amendment "A," is enacted, the impact of  
this bill on General Fund undedicated revenue will be negligible.

28 The additional enforcement costs can be absorbed by the  
30 Bureau of Liquor Enforcement within the Department of Public  
Safety utilizing existing budgeted resources.'

34 **SUMMARY**

36 This amendment replaces the original bill. It requires an  
agent to sell spirits and fortified wine for at least 104% of the  
38 price a state store charges for that product. It also requires  
that an agent must sell its products to on-premise licensees and  
40 retail customers for the same price. Under this amendment, the  
agent would be required to file monthly reports with the Bureau  
42 of Liquor Enforcement indicating the price at which it is selling  
delivered spirits and fortified wine to all licensees and  
44 intermittent reports indicating any price changes made by the  
agent. It also adds a fiscal note to the bill.