## MAINE STATE LEGISLATURE

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2	DATE: 4/1/02 (Filing No. H-1049)
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6	LEGAL AND VETERANS AFFAIRS
8	Report A
10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 120TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT " $\mathcal{H}$ " to H.P. 1623, L.D. 2123, Bill, "An
20	Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores"
22	Amend the bill in section 2 in that part designated "§453."
24	in subsection 1 by inserting after paragraph A the following:
26	'A-1. In a municipality with a population of 20,000 or more based on the most recent census, a proposed agency liquor
28	store licensed after the effective date of this paragraph
30	may not be within 3.5 miles of an existing agency liquor store. This paragraph does not prohibit the bureau from
30	renewing the license of an agency liquor store that was
32	initially licensed prior to the effective date of this paragraph.
34	
36	Further amend the bill in section 2 in that part designated "§453." by inserting at the end the following:
38	'2-B. Number of agents per municipality. In a municipality with a population of 20,000 or more based on the most recent
40	census, the bureau may license up to 6 agency liquor stores. In a municipality where no more than one state liquor store once
42	operated, the bureau may license up to 3 agency liquor stores.
44	In a municipality where no state liquor store has operated, the bureau may license one agency liquor store. If a municipality
46	where no state liquor store has operated has more than one agency liquor store as of January 1, 2002, the bureau may license only
-	as many agency liquor stores in that municipality as were
48	licensed as of January 1, 2002.
50	Further amend the bill by inserting after section 6 the following:

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2	'Sec. 7. 28-A MRSA §605, sub-§2-A is enacted to read:
4	2-A. Transfer to surviving spouse or designated heir. When
	the term of the license of a deceased licensee expires, the
6	bureau shall transfer the license for the existing location to the surviving spouse or a designated heir of the deceased
8	licensee if the surviving spouse or designated heir submits a
0	request for the transfer of that license at least 60 days prior
10	to the expiration of the license. The bureau may deny the
	transfer of the license if the surviving spouse or designated
12	heir does not meet all of the eligibility requirements for that
	license set forth in this chapter. If both the surviving spouse
14	and the designated heir request transfer of the license, the
	bureau shall reissue the license by the same process used if no
16	surviving spouse or designated heir requested that the license be
	transferred.'
18	CI CHISICII CU.
10	Further amend the bill in section 8 by inserting at the end
20	=
20	a new paragraph to read:
22	tre the houses in securing to close edditional other limin
22	'If the bureau is required to close additional state liquor
	stores after April 1, 2002, the department shall develop criteria
24	by which to select stores for closure and present those criteria
	to the joint standing committee of the Legislature having
26	jurisdiction over alcoholic beverages matters. The bureau and
	the committee shall affirmatively approve the state liquor stores
28	selected to be closed based on department criteria.'
30	Further amend the bill by relettering or renumbering any
	nonconsecutive Part letter or section number to read
32	consecutively.
34	Further amend the bill by inserting at the end before the
	summary the following:
36	•
38	'FISCAL NOTE
40	2002-03
40	DETENTIE
42	REVENUES
	(#152.204)
44	General Fund (\$153,204)
46	
	Not enforcing that portion of Public Law 2001, chapter 358,
48	Part V that calls for closing 6 liquor stores between June 1,
	2002 and December 31, 2002 will reduce General Fund revenue
50	received by the Department of Administrative and Financial

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## COMMITTEE AMENDMENT

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Services by \$122,954 in fiscal year 2002-03, \$556,174 in fiscal year 2003-04 and \$578,177 in fiscal year 2004-05.

Adding a license fee for certain reselling agents, reinstituting the 3.5 mile radius restriction for locating an agency store and loss of additional licenses from retaining 6 stores originally scheduled to close in fiscal year 2002-03 will result in a net reduction of General Fund revenue received by the Bureau of Liquor Enforcement within the Department of Public Safety by \$30,250 in fiscal year 2002-03, \$1,350 in fiscal year 2003-04 and \$1,350 in fiscal year 2004-05.'

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SUMMARY

This amendment is the majority report of the committee. This amendment provides that an agency liquor store licensed after April 1, 2002 in a municipality with a population of 20,000 or more may not be licensed if the location is within 3.5 miles of an existing agency liquor store. The original bill repealed the 3.5 mile radius requirement for the location of an agency liquor store in any municipality. The amendment also provides that, if a licensee dies, the licensee's surviving spouse or designated heir must be issued the license if the spouse or heir requests it and meets all of the necessary requirements for an agency license at that location. The amendment also clarifies the number of agents that the law currently provides may be licensed per municipality. In the event that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is required to close additional State liquor stores in the future, the department is required to get the approval of the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters for the state liquor stores selected for closure.