

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)

DATE: 4/1/02

(Filing No. H-1050)

LEGAL AND VETERANS AFFAIRS

Report C

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "B" to H.P. 1623, L.D. 2123, Bill, "An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores"

Amend the bill in section 2 in that part designated "§453." by inserting at the end the following:

'2-B. Number of agents per municipality. In a municipality with a population of 20,000 or more based on the most recent census, the bureau may license up to 6 agency liquor stores. In a municipality where no more than one state liquor store once operated, the bureau may license up to 3 agency liquor stores. In a municipality where no state liquor store has operated, the bureau may license one agency liquor store. If a municipality 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 licensed as of January 1, 2002.'

Further amend the bill by inserting after section 6 the following:

'Sec. 7. 28-A MRSa §605, sub-§2-A is enacted to read:

2-A. Transfer to surviving spouse or designated heir. When the term of the license of a deceased licensee expires, the bureau shall transfer the license for the existing location to the surviving spouse or a designated heir of the deceased licensee if the surviving spouse or designated heir submits a request for the transfer of that license at least 60 days prior to the expiration of the license. The bureau may deny the transfer of the license if the surviving spouse or designated

2 heir does not meet all of the eligibility requirements for that
3 license set forth in this chapter. If both the surviving spouse
4 and the designated heir request transfer of the license, the
5 bureau shall reissue the license by the same process used if no
6 surviving spouse or designated heir requested that the license be
7 transferred.'

8 Further amend the bill in section 8 by inserting at the end
9 a new paragraph to read:

10 'If the bureau is required to close additional state liquor
11 stores after April 1, 2002, the department shall develop criteria
12 by which to select stores for closure and present those criteria
13 to the joint standing committee of the Legislature having
14 jurisdiction over alcoholic beverages matters. The bureau and
15 the committee shall affirmatively approve the state liquor stores
16 selected to be closed based on department criteria.'

17 Further amend the bill by relettering or renumbering any
18 nonconsecutive Part letter or section number to read
19 consecutively.

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

22
23
24
25
26
27
28 **FISCAL NOTE**

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
2002-03

REVENUES

General Fund (\$153,204)

Not enforcing that portion of Public Law 2001, chapter 358,
Part V that calls for closing 6 liquor stores between June 1,
2002 and December 31, 2002 will reduce General Fund revenue
received by the Department of Administrative and Financial
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,
reinstating 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.'

2

SUMMARY

4

6 This is the minority report of the committee. This
amendment clarifies the number of agents that the law currently
provides may be licensed per municipality. The amendment also
8 provides that, if a licensee dies, the licensee's surviving
spouse or designated heir must be issued the license if the
10 spouse or heir requests it and meets all of the necessary
requirements for an agency license at that location. In the
12 event that the Department of Administrative and Financial
Services, Bureau of Alcoholic Beverages and Lottery Operations is
14 required to close additional state liquor stores in the future,
the department is required to get the approval of the joint
16 standing committee of the Legislature having jurisdiction over
alcoholic beverages matters for the state liquor stores selected
18 for closure.