

MAINE STATE LEGISLATURE

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L.D. 1319

DATE: **3-26-03**

(Filing No. H-**38**)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT **D** to COMMITTEE AMENDMENT "A" to H.P. 973, L.D. 1319, 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, 2004 and June 30, 2005"

Amend the amendment in Part LLL in section 2 in that part designated "~~§88.~~" in subsection 1 by striking out all of the last sentence (page 460, lines 1 to 5 in amendment) and inserting in its place the following: 'Privatization may include the grant of 2 or more exclusive service territories. In each exclusive service territory a private sector entity has the exclusive right to distribute certain spirits subject to price regulation by the alcohol bureau.'

Further amend the amendment in Part LLL in section 2 in that part designated "~~§88.~~" by striking out all of subsection 2 and inserting in its place the following:

'2. Authority. The Commissioner of Administrative and Financial Services may enter into 2 or more contracts with unaffiliated private sector entities for the sale, franchise, license or lease of and may sell, franchise, license or lease the State's wholesale liquor activities associated with distributing and selling spirits and fortified wines sold by the State on January 1, 2003. Each buyer, franchisee, licensee or lessee may sell and distribute to licensed agency liquor stores in an exclusive service territory all spirits and fortified wines sold by the State on January 1, 2003.'

Further amend the amendment in Part LLL in section 2 in that part designated "~~§88.~~" in subsection 3 in the last line (page 460, line 24 in amendment) by striking out the following: "contract." and inserting in its place the following:

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2 'contracts. The award of contracts under this section must take into consideration geographic distribution.'

4 Further amend the amendment in Part LLL in section 2 in that
6 part designated "~~§88.~~" in subsection 4 in the 3rd line (page 460,
8 line 28 in amendment) by striking out the following: "a private entity." and inserting in its place the following: '2 or more private entities.'

10 Further amend the amendment in Part LLL in section 2 in that
12 part designated "~~§88.~~" in subsection 4 by inserting after paragraph D the following:

14 'E. A process whereby the in-state bidder is given a preference when an out-of-state bidder and the in-state bidder are equally qualified;'
16

18 Further amend the amendment in Part LLL in section 2 in that
20 part designated "~~§88.~~" in subsection 4 by relettering the paragraphs to read consecutively.

22 Further amend the amendment in Part LLL in section 3 in the
24 2nd line (page 461, line 35 in amendment) by striking out the following: "a contract" and inserting in its place the following: 'contracts'
26

28 Further amend the amendment in Part LLL in section 3 in the
30 10th line (page 461, line 43 in amendment) by striking out the following: "contract is" and inserting in its place the following: 'contracts are'

32 **SUMMARY**

34 This amendment makes the following changes to that part of
36 the committee amendment that requires privatizing the State's wholesale liquor business.

38 1. It requires that 2 or more unaffiliated private sector
40 entities be awarded contracts and that at least 2 exclusive service territories be established.

42 2. It requires that geographic distribution be considered
44 in awarding the contracts.

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2 3. It establishes a preference for in-state bidders who
4 qualify equally with out-of-state bidders.

4

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FISCAL NOTE REQUIRED
(See attached)

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SPONSORED BY: *Gary J. Moore*
(Representative G. MOORE)

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TOWN: Standish

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**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1319

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, 2004 and June 30, 2005

LR 2000(17)

Fiscal Note for House Amendment " " to Committee Amendment "A"

Sponsor: Rep. Moore

Fiscal Note Required: Yes

Fiscal Note

The impact of this amendment on the amount of General Fund revenue to be generated from the privatization of the state's wholesale liquor business can not be determined at this time. This amendment will increase the risk that the amount of revenue estimated to result from the privatization of the wholesale liquor business will not be achieved.