

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1600

S.P. 574

In Senate, April 26, 2005

Resolve, To Establish a Commission To Evaluate Criteria for Siting Agency Liquor Stores

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford.

2 **Emergency preamble.** Whereas, acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** this resolve creates the Commission to Evaluate the
Criteria for Siting Agency Liquor Stores; and

8 **Whereas,** the study must be initiated before the 90-day
period expires in order that the study may be completed and a
report submitted in time for submission to the next legislative
session; and

12 **Whereas,** in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

18 **Sec. 1. Commission established. Resolved:** That the Commission
20 to Evaluate the Criteria for Siting Agency Liquor Stores,
referred to in this resolve as "the commission," is established;
22 and be it further

24 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 10 members appointed as follows:

26 1. Three members of the Senate appointed by the President
28 of the Senate. One member must serve on the Joint Standing
Committee on Appropriations and Financial Affairs, one member
30 must serve on the Joint Standing Committee on Legal and Veterans
Affairs and one member must serve on the Joint Standing Committee
32 on Health and Human Services;

34 2. Five members of the House of Representatives appointed
by the Speaker of the House. Two members must serve on the Joint
36 Standing Committee on Legal and Veterans Affairs, 2 members must
serve on the Joint Standing Committee on Appropriations and
38 Financial Affairs and one member must serve on the Joint Standing
Committee on Health and Human Services;

40 3. The Commissioner of Public Safety or the commissioner's
42 designee; and

44 4. The Commissioner of Health and Human Services or the
commissioner's designee; and be it further

46 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
48 is the Senate chair of the commission and the first-named House
of Representatives member is the House chair of the commission;
50 and be it further

2 **Sec. 4. Appointments; convening of commission. Resolved:** That
3 all appointments must be made no later than 30 days following the
4 effective date of this resolve. The appointing authorities shall
5 notify the Executive Director of the Legislative Council once all
6 appointments have been completed. Within 15 days after
7 appointment of all members, the chairs shall call and convene the
8 first meeting of the commission, which must be no later than
9 August 1, 2005; and be it further

10 **Sec. 5. Duties. Resolved:** That the commission shall hold
11 meetings at various locations in the State, to be determined by
12 the chairs. The commission shall:

- 13 1. Evaluate the criteria for siting agency liquor stores;
14
15 2. Invite the participation of interested parties;
16
17 3. Identify and recommend appropriate actions the State may
18 take to establish the criteria for siting agency liquor stores;
19 and
20
21 4. Identify and discuss other issues relevant to this
22 study; and be it further
23

24 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council
25 shall provide necessary staffing services to the commission; and
26 be it further
27

28 **Sec. 7. Compensation. Resolved:** That the legislative members
29 of the commission are entitled to receive the legislative per
30 diem, as defined in the Maine Revised Statutes, Title 3, section
31 2, and reimbursement for travel and other necessary expenses
32 related to their attendance at authorized meetings of the
33 commission. Public members not otherwise compensated by their
34 employers or other entities that they represent are entitled to
35 receive reimbursement of necessary expenses and, upon a
36 demonstration of financial hardship, a per diem equal to the
37 legislative per diem for their attendance at authorized meetings
38 of the commission; and be it further
39

40 **Sec. 8. Report. Resolved:** That, no later than November 4,
41 2005, the commission shall submit a report that includes its
42 findings and recommendations, including suggested legislation,
43 for presentation to the Joint Standing Committee on Legal and
44 Veterans Affairs and the Legislative Council. The commission is
45 not authorized to introduce legislation. Following receipt and
46 review of the report, the Joint Standing Committee on Legal and
47 Veterans Affairs may report out a bill to the Second Regular
48 Session of the 122nd Legislature; and be it further
49
50

2 **Sec. 9. Extension. Resolved:** That, if the commission requires
4 a limited extension of time to complete its study and make its
6 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

8 **Sec. 10. Commission budget. Resolved:** That the chairs of the
10 commission, with assistance from the commission staff, shall
12 administer the commission's budget. Within 10 days after its
14 first meeting, the commission shall present a work plan and
16 proposed budget to the Legislative Council for its approval. The
18 commission may not incur expenses that would result in the
commission's exceeding its approved budget. Upon request from
the commission, the Executive Director of the Legislative Council
shall promptly provide the commission chairs and staff with a
status report on the commission budget, expenditures incurred and
paid and available funds.

20 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

22

SUMMARY

24

26 This resolve establishes the Commission to Evaluate the
Criteria for Siting Agency Liquor Stores.