

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 682

S.P. 257

In Senate, February 24, 2009

An Act Regarding Agency Liquor Stores

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SULLIVAN of York.
Cosponsored by Representatives: CONNOR of Kennebunk, LEGG of Kennebunk,
VALENTINO of Saco.

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

3 **Whereas,** in times of economic hardship the Legislature should create opportunities
4 for business that will result in the potential for employment and employer-provided health
5 insurance for citizens of this State; and

6 **Whereas,** current law places limits on business opportunities for retailers who wish
7 to obtain an agency liquor store license; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

12 **Be it enacted by the People of the State of Maine as follows:**

13 **Sec. 1. 28-A MRSA §453, sub-§2-A,** as repealed and replaced by PL 2003, c. 20,
14 Pt. SS, §1 and affected by §8, is repealed.

15 **Sec. 2. 28-A MRSA §453, sub-§2-B;** as enacted by PL 2003, c. 20, Pt. SS, §2
16 and affected by §8, is repealed.

17 **Sec. 3. 28-A MRSA §453-A, sub-§9** is enacted to read:

18 9. Licenses issued after July 1, 2009. Beginning July 1, 2009, the bureau may
19 issue an unlimited number of agency liquor store licenses in a municipality in accordance
20 with this section. In addition to the provisions of this section, the bureau shall consider
21 when issuing an agency liquor store license under this subsection whether the applicant
22 can satisfy:

23 A. Except as provided in subsection 10, that the applicant has held a license to sell
24 malt liquor and wine for off-premises consumption for more than one year without a
25 violation of any provision of this Title;

26 B. That the applicant will be able to stock at least \$10,000 worth of spirits purchased
27 from the State or the State's wholesale distributor upon issuance of an agency liquor
28 store license; and

29 C. That the applicant can purchase the initial stock of spirits using certified funds.

30 The bureau may also consider the economic benefit of an agency liquor store on the
31 municipality and the potential for increased revenue to the State from the sale of spirits.

32 **Sec. 4. 28-A MRSA §453-A, sub-§10** is enacted to read:

33 10. Exception. The bureau may issue an agency liquor store license to an applicant
34 who has not held a license to sell malt liquor and wine for off-premises consumption for
35 one year if the applicant is a branch of a chain retailer of which one or more locations has
36 held a license to sell spirits without violating the provisions of this Title and the applicant,
37 if licensed, will enhance the revenue to the State from the sale of spirits.

