

MAINE STATE LEGISLATURE

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Date: 3/4/14

L.D. 1614
(Filing No. H-652)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1186, L.D. 1614, Bill, "An Act Regarding the Laws Governing Liquor Licensing and Enforcement"

Amend the bill in Part A by inserting after section 6 the following:

'Sec. A-7. 28-A MRSA §83, as amended by PL 2013, c. 269, Pt. A, §2 and Pt. C, §3 and affected by §13 and repealed by c. 368, Pt. V, §18, is repealed.'

Amend the bill in Part A in section 8 in §83-C by striking out all of subsection 1 (page 4, lines 38 to 40 in L.D.) and inserting the following:

'1. Administration and trade marketing supervision. Manage the administration and trade marketing of spirits through agency liquor stores and consistent with one or more contracts awarded under section 90;'

Amend the bill in Part A by inserting after section 20 the following:

'Sec. A-21. 28-A MRSA §803, sub-§1, as amended by PL 2003, c. 451, Pt. T, §12, is further amended to read:

1. Violation of law or rule. Upon discovering a violation of federal or state law, rule or regulation relating to liquor, or an infraction of a rule adopted by the bureau, the ~~commissioner~~ director of the bureau, or the ~~commissioner's~~ director's designee, shall:

- A. Report the violation to the District Court Judge in a signed complaint; or
- B. Issue warnings to the licensees involved.

Sec. A-22. 28-A MRSA §803, sub-§2, ¶A, as amended by PL 2009, c. 199, §7, is further amended to read:

A. The ~~commissioner~~ director of the bureau or the ~~commissioner's~~ director's designee shall notify the licensee or the licensee's agent or employee by serving on the licensee or the licensee's agent or employee a copy of the complaint and a notice stating the time and place of the hearing and that the licensee or the licensee's agent or employee may appear in person or by counsel at the hearing. Service of the complaint and hearing notice upon the licensee is sufficient when served in hand by

COMMITTEE AMENDMENT

1 the ~~commissioner's~~ director's designee or when sent by registered or certified mail at
2 least 7 days before the date of the hearing to the address given by the licensee at the
3 time of the licensee's application for a license. Service of the complaint and hearing
4 notice upon a licensee's agent or employee is sufficient when served in hand by the
5 ~~commissioner's~~ director's designee or when sent by registered or certified mail at least
6 7 days before the date of the hearing to the address given by the agent or employee at
7 the time the agent or employee was initially notified by the bureau of the violation.
8 The ~~commissioner~~ director or the ~~commissioner's~~ director's designee shall file proof
9 of service with the District Court.

10 **Sec. A-23. 28-A MRSA §803, sub-§6**, as amended by PL 2003, c. 451, Pt. T,
11 §13, is further amended to read:

12 **6. Warnings.** Upon the written recommendation of the ~~commissioner~~ director of the
13 bureau, or the ~~commissioner's~~ director's designee, the District Court Judge, instead of
14 notifying a licensee against whom a complaint is pending to appear for hearing, may send
15 the licensee a warning. Warnings must be sent by registered or certified mail and contain
16 a copy of the complaint. A licensee to whom a warning is sent may demand a hearing by
17 notifying the District Court Judge by registered or certified mail within 10 days from the
18 date the warning was mailed.'

19 Amend the bill in Part B in section 2 by striking out all of subsection 1 (page 11, lines
20 11 to 18 in L.D.) and inserting the following:

21 **'1. Agent licensed to resell spirits purchased from the bureau. An agent licensed**
22 **to resell spirits purchased from the bureau or through an entity awarded a contract under**
23 **section 90 to a retail licensee licensed for on-premises consumption must be licensed as a**
24 **reselling agent. A reselling agent is prohibited from reselling spirits to a retail licensee**
25 **licensed for on-premises consumption unless the spirits are purchased from the bureau or**
26 **through an entity awarded a contract under section 90.'**

27 Amend the bill in Part B in section 3 in subsection 1-D in the 2nd and 3rd lines (page
28 11, lines 21 and 22 in L.D.) by striking out the following: "and fortified wine"

29 Amend the bill in Part B in section 4 in subsection 8 in the 2nd line (page 11, line 28
30 in L.D.) by inserting after the following: "bureau or" the following: 'through'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
32 section number to read consecutively.

33 SUMMARY

34 This amendment removes certain references to fortified wine in the bill to be
35 consistent with changes made in the bill that place the jurisdiction over distributing
36 fortified wines with licensed distributors. It also makes changes to the provisions in
37 current law governing the process for suspension and revocation of liquor licenses to
38 reflect the transfer of responsibilities for liquor licensing from the Commissioner of
39 Public Safety to the Director of the Bureau of Alcoholic Beverages and Lottery
40 Operations within the Department of Administrative and Financial Services pursuant to
41 Public Law 2013, chapter 368. The amendment also makes nonsubstantive clarifying
42 changes to the bill.