

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1614

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H.P. 1186

House of Representatives, December 30, 2013

### **An Act Regarding the Laws Governing Liquor Licensing and Enforcement**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative LUCHINI of Ellsworth.



1           B. Payment of license fees, application fees, permit fees, excise taxes and premiums;  
2           and

3           C. Payment of any other fees or taxes authorized by this Title.

4           **2. Timing of payment from agency liquor store.** An agency liquor store, when  
5 approved by the bureau, may pay for spirits purchased from the bureau by mailing a  
6 check for payment to the bureau or an entity awarded a contract under section 90 when  
7 notified of the amount due or upon receiving a delivery of spirits. Payments remitted by  
8 check must be received or postmarked within 3 days of receipt of a delivery of spirits or  
9 notification of the amount due. Payments remitted using electronic funds transfer must  
10 be debited within 3 days of receipt of a delivery of spirits or notification of the amount  
11 due.

12           **3. Payments returned for insufficient funds or not honored; suspension.** If a  
13 payment made to the bureau is returned for insufficient funds or is not honored, the  
14 bureau shall immediately notify the licensee. If the bureau does not receive payment in  
15 full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after  
16 notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter 375,  
17 subchapter 5, may immediately suspend the licensee's license. The director of the bureau  
18 or the director's designee shall notify the licensee of the suspension and shall demand that  
19 the licensee provide proof of payment within 30 days of the date of suspension. If the  
20 licensee fails to show proof that the payment returned for insufficient funds or not  
21 honored was subsequently paid in full, the suspension remains in effect until payment is  
22 made or until the license is subject to renewal as provided in section 458. A licensee  
23 aggrieved by a decision of the director or the director's designee may request in writing  
24 and must be granted a hearing before the District Court, which shall consider the matter  
25 in the same manner as is provided in section 803. The bureau may require a licensee  
26 whose payment is returned for insufficient funds or not honored to make all payments to  
27 the bureau by cash, certified check or money order only for a period not to exceed one  
28 year for each instance of payments returned for insufficient funds or not honored. For the  
29 purposes of this subsection, payments made to the bureau include payments to the entity  
30 contracted by the State under section 90.

31           **Sec. A-5. 28-A MRSA §4, sub-§1, ¶A,** as amended by PL 2013, c. 2, §1, is  
32 further amended to read:

33           A. Licensees may not sell liquor on Sunday between the hours of 6 ½ a.m. and 9  
34 a.m., except on March 17th, when a licensee may sell liquor beginning at 6 a.m.

35           **Sec. A-6. 28-A MRSA §11, sub-§4,** as amended by PL 2013, c. 368, Pt. V, §15,  
36 is further amended to read:

37           **4. Inspection of business premises under common roof of licensee.** All persons  
38 carrying on any business, except ~~any bank or savings and loan~~ a financial institution or  
39 credit union, under the common roof and having common entranceways with a licensee  
40 shall agree in writing to allow reasonable inspection of their premises by authorized  
41 enforcement agents of the Department of Administrative and Financial Services and  
42 authorized representatives of the bureau.

1           **Sec. A-7. 28-A MRSA §83-A**, as enacted by PL 2013, c. 368, Pt. V, §19, is  
2 repealed.

3           **Sec. A-8. 28-A MRSA §§83-B and 83-C** are enacted to read:

4           **§83-B. Enforcement and licensing activities of the bureau**

5           The bureau shall establish policies and rules and propose legislation concerning the  
6 administration and the enforcement of the laws under this Title and for the sale of liquor  
7 in this State. The bureau shall:

8           **1. Enforcement.** Enforce the laws relating to the manufacture, importation, storage,  
9 transportation and sale of all liquor and administer those laws relating to licensing and the  
10 collection of taxes on liquor required to be remitted under this Title;

11           **2. Licensing and licensing hearings.** Issue and renew all licenses authorized by this  
12 Title and hold licensing hearings as required by this Title. The director of the bureau or  
13 the director's designee shall appoint a hearing officer who may conduct hearings in any  
14 licensing matter pending before the bureau. The hearing officer, after holding the  
15 hearing, shall render a final decision based upon the record of the hearing. Except as  
16 provided in section 805, the decision of the hearing officer is final.

17           The hearing officer may administer oaths and issue subpoenas for witnesses and  
18 subpoenas duces tecum to compel the production of books and papers relating to any  
19 license question in dispute before the bureau or to any matter involved in a hearing.  
20 Witness fees in all proceedings are the same as for witnesses before the Superior Court  
21 and must be paid by the bureau, except that, notwithstanding Title 16, section 253, the  
22 bureau is not required to pay the fees before the travel and attendance occur;

23           **3. Recommend revocation of licenses.** Recommend to the District Court that it  
24 suspend or revoke, in accordance with sections 802, 803 and 1503, any license issued  
25 pursuant to this Title or the rules adopted under this Title;

26           **4. Prevent sale to minors and others.** Prevent the sale of liquor by licensees to  
27 minors and intoxicated persons;

28           **5. Appeals of municipal decisions.** Review all appeals from the decisions of  
29 municipal officers. The director or the director's designee may appoint a hearing officer  
30 as provided in subsection 2 to conduct hearings;

31           **6. Investigate and recommend changes.** Carry out a continuous study and  
32 investigation of the sale of liquor throughout the State and the operation and  
33 administration of state activities relating to licensing and enforcement under this Title and  
34 recommend to the commissioner any changes in the laws or rules and methods of  
35 operation that are in the best interest of the State;

36           **7. Rules.** Adopt rules consistent with this Title or other laws of the State for the  
37 administration, licensing, clarification, execution and enforcement of all laws concerning  
38 liquor and to prevent violations of those laws. Rules adopted under this section are  
39 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The rules

1 adopted by the Department of Public Safety before July 1, 2013 are deemed adopted by  
2 the bureau;

3 **8. Rules for food service organizations.** Adopt rules permitting food service  
4 organizations to purchase malt liquor, wine and fortified wine from a wholesale licensee,  
5 notwithstanding section 1401, subsection 9. For the purposes of this subsection, "food  
6 service organization" means a business entity that provides catering services to  
7 passengers on international flights and cruises. The rules must provide that a food service  
8 organization is not required to have a license in order to purchase malt liquor, wine and  
9 fortified wine from a wholesale licensee for consumption by passengers on international  
10 flights and cruises after leaving port;

11 **9. Publish laws and rules.** Ensure that licensees have access to the provisions of  
12 this Title, other laws governing liquor and all rules adopted pursuant to this Title in  
13 accordance with this section.

14 A. The bureau shall provide notification to licensees that the provisions of this Title  
15 and rules adopted pursuant to this Title are available on the bureau's publicly  
16 accessible website and that the bureau will provide a paper copy of this Title or rules  
17 to a licensee at no charge, upon request from that licensee.

18 B. The bureau shall notify all licensees of changes to this Title and rules adopted  
19 within 90 days of adjournment of each regular session of the Legislature.

20 C. The bureau may charge a reasonable fee for paper copies of this Title, any new  
21 laws enacted in this Title or any newly adopted or existing rules to cover the cost of  
22 producing the paper copy to persons other than licensees. Nothing in this paragraph  
23 prevents the bureau, upon its own discretion, from providing paper copies for no fee.

24 D. The bureau shall keep that part of its publicly accessible website regarding this  
25 section updated with any new or updated laws or rules;

26 **10. Deposit revenues.** Deposit all net revenues derived from licensing and  
27 enforcement under this Title to the General Fund; and

28 **11. Certification.** Certify monthly to the Treasurer of State and the commissioner a  
29 complete statement of expenses and revenues collected in accordance with the licensing  
30 and enforcement functions of the bureau. The bureau shall submit an annual report that  
31 includes a complete statement of expenses and revenues collected in accordance with the  
32 licensing and enforcement functions of the bureau to the Governor and the joint standing  
33 committee of the Legislature having jurisdiction over alcoholic beverage matters,  
34 together with recommendations for changes to this Title.

35 **§83-C. Administration of the spirits business by the bureau; rules**

36 The bureau shall establish policies and rules and propose legislation concerning the  
37 administration of the spirits business laws under this Title. The bureau shall:

38 **1. Administration and trade marketing supervision.** Manage the administration  
39 and trade marketing of spirits through agency liquor stores unless one or more contracts  
40 are awarded under section 90;

1           **2. Price regulation.** Establish the wholesale and retail prices of spirits sold in this  
2 State. The bureau shall adopt rules regarding the wholesale pricing of spirits and the  
3 retail pricing of spirits sold by agency liquor stores. An entity awarded a contract under  
4 section 90 is granted the privilege to distribute spirits under this Title and is immune from  
5 antitrust action so long as the entity is in compliance with the bureau's rules and all other  
6 applicable laws and regulations;

7           **3. Purchase.** Oversee the wholesale purchase and storage of spirits for sale in the  
8 State. If the bureau awards a contract under section 90, spirits delivered to and stored at a  
9 warehouse approved by the bureau are the property of the supplier. Spirits become the  
10 property of the bureau upon removal from the warehouse for shipment to an agency  
11 liquor store. Spirits delivered to an agency liquor store become the property of the  
12 licensee upon receipt of delivery. A person awarded a contract under section 90 at no  
13 time takes legal title to any spirits delivered to the warehouse. The bureau may buy and  
14 have in its possession spirits for sale to the public. The bureau shall buy spirits directly  
15 and not through the State Purchasing Agent. All spirits must be free from adulteration and  
16 misbranding;

17           **4. Investigate and recommend changes.** Carry out a continuous study and  
18 investigation of the sale of spirits throughout the State and the operation and  
19 administration of state activities regarding the sale of spirits and recommend to the  
20 commissioner any changes in the laws or rules and methods of operation that are in the  
21 best interest of the State;

22           **5. Sales incentives to agents; rules.** Consider federal regulations that govern sales  
23 incentives for alcoholic beverages and the effect of a sales incentive program on General  
24 Fund revenue and pending or existing contracts with any person awarded a contract under  
25 section 90. The bureau may adopt rules to provide for a sales incentive program for  
26 agency liquor stores. Rules adopted in accordance with this subsection are major  
27 substantive rules pursuant to Title 5, chapter 375, subchapter 2-A;

28           **6. Rules.** Adopt rules consistent with this Title or other laws of the State for the  
29 administration of all laws concerning the sale of spirits. Rules adopted under this  
30 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

31           **7. Certification.** Certify monthly to the Treasurer of State and the commissioner a  
32 complete statement of revenues from and expenses for the sale of spirits by the bureau  
33 and submit an annual report that includes a complete statement of the revenues and  
34 expenses of the bureau to the Governor and the joint standing committee of the  
35 Legislature having jurisdiction over alcoholic beverage matters, together with  
36 recommendations for changes to this Title;

37           **8. Establish performance standards for contracts.** Establish performance  
38 standards for any contract awarded under this Title, subject to applicable laws relating to  
39 public contracts; and

40           **9. Report on expenditures.** Report annually on expenditures and investments made  
41 by the bureau, including, but not limited to, reductions in the list price at which spirits are  
42 sold and incentives offered to agency liquor stores, to the joint standing committee of the

1 Legislature having jurisdiction over appropriations and financial affairs and the joint  
2 standing committee of the Legislature having jurisdiction over alcoholic beverage  
3 matters. The report must include the impact of those spending initiatives on the number  
4 of cases of spirits sold in the State and on sales of spirits generally.

5 **Sec. A-9. 28-A MRSA §84, sub-§1-A** is enacted to read:

6 **1-A. Manage enforcement and licensing activities.** Manage the enforcement and  
7 licensing activities of the bureau under section 83-B;

8 **Sec. A-10. 28-A MRSA §85, sub-§2,** as amended by PL 2013, c. 269, Pt. C, §5  
9 and affected by §13 and amended by c. 368, Pt. V, §22, is repealed and the following  
10 enacted in its place:

11 **2. Inventory.** The bureau may keep and have on hand a stock of spirits for sale, the  
12 value of which when priced for resale must be computed on the delivered case cost  
13 F.O.B. liquor warehouse designated by the commission filed by liquor suppliers. The  
14 inventory value must be based upon actual cost for which payment may be due. Spirits  
15 may not be considered to be in the inventory until payment has been made for them.

16 **Sec. A-11. 28-A MRSA §352,** as amended by PL 2013, c. 368, Pt. V, §§27 and  
17 61, is repealed.

18 **Sec. A-12. 28-A MRSA §352-A** is enacted to read:

19 **§352-A. Purchase of spirits from agency liquor stores; purchase from reselling**  
20 **agents**

21 Purchases of spirits by a nonlicensee from an agency liquor store must be made by  
22 cash, check, credit card or debit card. Purchases from a reselling agent by a licensee  
23 authorized to sell spirits for on-premises consumption must be made by cash, check or  
24 electronic funds transfer.

25 **Sec. A-13. 28-A MRSA §353,** as amended by PL 2013, c. 368, Pt. V, §28, is  
26 further amended to read:

27 **§353. Business hours**

28 Agency liquor stores may be open for the sale and delivery of spirits and fortified  
29 ~~wine between the hours of 6 a.m. and 1 a.m.~~ as provided in section 4, subsection 1 in  
30 municipalities and unincorporated places that have voted in favor of the operation of  
31 agency liquor stores under local option provisions. Notwithstanding any local option  
32 decisions to the contrary and except as provided in section 4, subsection 1, paragraph A,  
33 agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the next day.

34 **Sec. A-14. 28-A MRSA §354,** as amended by PL 2013, c. 368, Pt. V, §29, is  
35 further amended to read:



1           **§354. Sales to minors or intoxicated persons**

2           An agency liquor store may not sell ~~spirits and fortified wine~~ liquor to a minor or to  
3 a visibly intoxicated person.

4           **Sec. A-15. 28-A MRSA §355**, as amended by PL 2013, c. 368, Pt. V, §30, is  
5 repealed.

6           **Sec. A-16. 28-A MRSA §460, sub-§3**, as amended by PL 2013, c. 368, Pt. V,  
7 §34, is further amended to read:

8           **3. Rules.** The ~~Department of Administrative and Financial Services~~ bureau may  
9 adopt rules to implement this section. Rules adopted pursuant to this subsection are  
10 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

11           **Sec. A-17. 28-A MRSA §606, sub-§1**, as amended by PL 2013, c. 368, Pt. V,  
12 §35, is further amended to read:

13           **1. Purchase of spirits.** Subject to the restrictions provided in subsection 1-A, a  
14 person licensed to sell spirits and fortified wine for on-premises consumption must  
15 purchase spirits and fortified wine from ~~an agency liquor store~~ a reselling agent. This  
16 subsection does not apply to public service corporations operating interstate.

17           **Sec. A-18. 28-A MRSA §606, sub-§1-A, ¶A**, as amended by PL 2013, c. 368,  
18 Pt. V, §36, is further amended to read:

19           A. ~~Beginning November 30, 2003, the~~ The sale price of spirits sold by a reselling  
20 agent to an establishment licensed for on-premises consumption must equal the price  
21 established by the commission.

22           **Sec. A-19. 28-A MRSA §606, sub-§1-C**, as amended by PL 2013, c. 368, Pt. V,  
23 §37, is further amended to read:

24           **1-C. Price of state spirits sales to agency liquor stores.** The bureau may offer  
25 discounts below the list price on ~~liquor~~ spirits sold to agency liquor stores.

26           **Sec. A-20. 28-A MRSA §606, sub-§4**, as repealed by PL 2013, c. 269, Pt. A, §7  
27 and affected by §10 and amended by c. 368, Pt. V, §38, is repealed.

28           **Sec. A-21. 28-A MRSA §1012, sub-§6**, as amended by PL 2013, c. 368, Pt. V,  
29 §40, is further amended to read:

30           **6. Minibar license.** The bureau may issue a license for the placement of a minibar  
31 to an operator of a hotel licensed under section 1061 or in accordance with the license  
32 required by Title 30-A, section 3811 subject to the following conditions and applicable  
33 rules established by the bureau:

34           A. The fee for a minibar license for a hotel holding an existing license under section  
35 1061 is \$100 annually plus \$5 for each room in which a minibar is placed, not to  
36 exceed a maximum of \$900 per hotel;

- 1 B. The fee for a minibar license for a hotel holding an existing license under Title  
2 30-A, section 3811 is \$200 annually plus \$10 for each room in which a minibar is  
3 placed;
- 4 C. A minibar may be stocked with beer, wine and distilled spirits as well as other  
5 complementary merchandise;
- 6 D. Supplies of beer and wine for a hotel minibar must be purchased from a wholesale  
7 licensee;
- 8 E. Supplies of distilled spirits for a hotel minibar must be purchased from an agency  
9 liquor store;
- 10 F. A hotel must maintain invoices for all alcoholic beverages stocked in a minibar  
11 and must maintain records of all sales of alcoholic beverages sold or dispensed from  
12 a minibar;
- 13 G. A minibar must be equipped with a secure locking device that may be unlocked  
14 only by persons 21 years of age or older;
- 15 H. A hotel room equipped with a minibar may be rented only to a person who is 21  
16 years of age or older and who has demonstrated proof of age by presenting proper  
17 identification as described in section 2087 unless the minibar is secured in a manner  
18 that prevents access by a person under 21 years of age;
- 19 I. The registered occupant of a hotel room equipped with a minibar is liable for any  
20 violation of liquor laws by anyone under 21 years of age who also occupies or enters  
21 the room; and
- 22 J. A minibar may be stocked and serviced only by an employee who is 21 years of  
23 age or older.

24 The ~~Department of Administrative and Financial Services~~ bureau may adopt rules to  
25 implement this subsection. Rules adopted pursuant to this subsection are routine  
26 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

27 **Sec. A-22. 28-A MRSA §1201, sub-§3-A**, as amended by PL 2013, c. 368, Pt.  
28 V, §41, is further amended to read:

29 **3-A. Sale of liquor for off-premises consumption to retailer prohibited.** A  
30 person licensed under this section, or an agent or employee of the person, may not  
31 knowingly sell liquor to another retailer licensed under this section for resale except as  
32 provided in section 606 ~~and the rules adopted pursuant to section 83-A~~.

33 **Sec. A-23. 28-A MRSA §1205, sub-§3**, as amended by PL 2013, c. 368, Pt. V,  
34 §43, is further amended to read:

35 **3. Rules.** The ~~Department of Administrative and Financial Services~~ bureau may  
36 adopt rules to implement this section. Rules adopted pursuant to this subsection are  
37 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

38 **Sec. A-24. 28-A MRSA §1207, sub-§3**, as amended by PL 2013, c. 368, Pt. V,  
39 §45, is further amended to read:

1           **3. Rules.** The ~~Department of Administrative and Financial Services~~ bureau may  
2 adopt rules to implement this section. Rules adopted pursuant to this subsection are  
3 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4           **Sec. A-25. 28-A MRSA §1401, sub-§1**, as amended by PL 1997, c. 373, §123, is  
5 further amended to read:

6           **1. Issuance of licenses.** The bureau may issue licenses under this section for the sale  
7 and distribution of malt liquor ~~or~~, wine and fortified wine at wholesale.

8           **Sec. A-26. 28-A MRSA §1401, sub-§9** is enacted to read:

9           **9. Sales to licensees only.** A licensee under this section may sell or distribute malt  
10 liquor, wine and fortified wine only to persons licensed for the retail sale of malt liquor,  
11 wine or fortified wine for consumption on or off the licensed premises in accordance with  
12 this Title.

13           **Sec. A-27. 28-A MRSA §1403-A, sub-§11**, as enacted by PL 2009, c. 373, §1,  
14 is amended to read:

15           **11. Report.** A direct shipper shall submit a report to the bureau ~~quarterly~~ annually  
16 in a manner and form prescribed by the bureau that includes the total number of cases of  
17 wine shipped to recipients in the State and, for a direct shipper located in the State,  
18 shipments made outside the State, the name and residence address of shipment recipients  
19 in the State, the common carrier used to deliver the shipments and the date, quantity and  
20 purchase price of each shipment.

21           **Sec. A-28. 28-A MRSA §1505, last ¶**, as amended by PL 2013, c. 368, Pt. V,  
22 §47, is further amended to read:

23           The ~~Department of Administrative and Financial Services~~ bureau may adopt rules to  
24 implement this section. Rules adopted pursuant to this section are routine technical rules  
25 as defined in Title 5, chapter 375, subchapter 2-A.

26           **Sec. A-29. 28-A MRSA §2073, sub-§3**, as amended by PL 2013, c. 368, Pt. V,  
27 §49, is further amended to read:

28           **3. Legal importation into and transportation of liquor within the State.** ~~Spirits~~  
29 ~~and fortified wine~~ Liquor may be legally imported into and transported within the State in  
30 the following situations.

31           A. Upon application, the bureau may grant to an individual a permit to transport  
32 ~~spirits and fortified wine~~ liquor purchased for that person's own personal use.

33           B. For-hire carriers and contract carriers, authorized by the Department of Public  
34 Safety, may transport ~~spirits and fortified wine~~ liquor to liquor warehouses, to  
35 licensees ~~and~~, from manufacturers to liquor warehouses and to the state line for  
36 transportation outside the State.

37           C-1. Reselling agents may transport spirits to licensees who are licensed for the sale  
38 of spirits for on-premises consumption.

1 D. Manufacturers may transport ~~spirits and fortified wine~~ liquor within the State to  
2 liquor warehouses, to persons authorized under paragraph E and to the state line for  
3 transportation outside the State.

4 E. The bureau may permit in writing the importation of ~~spirits and fortified wine~~  
5 liquor into the State and the transportation of ~~spirits and fortified wine~~ liquor from  
6 place to place within the State to the following destinations for the specified  
7 purposes:

8 (1) To hospitals and state institutions, for medicinal purposes only, ~~spirits and~~  
9 ~~fortified wine~~ liquor made available to them from stocks of ~~spirits and fortified~~  
10 ~~wine~~ liquor seized by the Federal Government;

11 (2) To industrial establishments in the State for industrial uses;

12 (3) To schools, colleges and state institutions for laboratory use only;

13 (4) To any licensed pharmacist in the State for use in the compounding of  
14 prescriptions and other medicinal use, but not for sale by pharmacists unless  
15 compounded with or mixed with other substances; or

16 (5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or  
17 veterinarian for medicinal use only.

18 F. The bureau may authorize hospitals and state institutions to purchase ~~spirits and~~  
19 ~~fortified wine~~, for medicinal purposes only, from agency liquor stores. This  
20 authorization must be in writing.

21 **Sec. A-30. 28-A MRSA §2076, sub-§1**, as amended by PL 2013, c. 368, Pt. V,  
22 §51, is further amended to read:

23 **1. Delivery of liquor.** Except with the bureau's written permission or except as  
24 provided in section ~~453-C~~ 2073, subsection 3, paragraph C-1 for reselling agents, a  
25 person may not knowingly transport to or cause to be delivered to any person other than  
26 the bureau any ~~spirits or fortified wine~~ not purchased from an agency liquor store.

27 **Sec. A-31. 28-A MRSA §2077, sub-§3**, as amended by PL 2013, c. 368, Pt. V,  
28 §52, is further amended to read:

29 **3. For-hire carriers and contract carriers may import and transport within**  
30 **State.** For-hire carriers and contract carriers, authorized by the ~~bureau~~ Department of  
31 Public Safety, may transport malt liquor or wine into and within the State to licensees, to  
32 purchasers of malt liquor or wine from licensees and to the state line for transportation  
33 outside the State.

34 **Sec. A-32. Repeal.** Those sections of this Part that amend the Maine Revised  
35 Statutes, Title 28-A, section 353 and section 606, subsection 1 are repealed June 30,  
36 2014.

37 **PART B**

38 **Sec. B-1. 28-A MRSA §353-A** is enacted to read:

1           **§353-A. Business hours**

2           Agency liquor stores may be open for the sale and delivery of spirits as provided in  
3 section 4, subsection 1 in municipalities and unincorporated places that have voted in  
4 favor of the operation of agency liquor stores under local option provisions.  
5 Notwithstanding any local option decisions to the contrary and except as provided by  
6 section 4, subsection 1, paragraph A, agency liquor stores may be open from 9 a.m.  
7 Sunday to 1 a.m. the following day.

8           **Sec. B-2. 28-A MRSA §453-C, sub-§1**, as amended by PL 2013, c. 269, Pt. C,  
9 §6 and affected by §13 and amended by c. 368, Pt. V, §32, is repealed and the following  
10 enacted in its place:

11           **1. Agent licensed to resell spirits purchased from the bureau.** An agent licensed  
12 to resell spirits purchased from the bureau or an entity awarded a contract under section  
13 90 to a retail licensee licensed for on-premises consumption must be licensed as a  
14 reselling agent. A reselling agent is prohibited from reselling spirits and fortified wine to  
15 a retail licensee licensed for on-premises consumption except for spirits and fortified  
16 wine purchased from the bureau or an entity awarded a contract under section 90. A  
17 reselling agent may not resell fortified wine purchased from wholesalers licensed to sell  
18 beer and wine in the State.

19           **Sec. B-3. 28-A MRSA §606, sub-§1-D** is enacted to read:

20           **1-D. Purchase of spirits.** Subject to the restrictions provided in subsection 1-A, a  
21 person licensed to sell spirits for on-premises consumption must purchase spirits and  
22 fortified wine from a reselling agent. This subsection does not apply to public service  
23 corporations operating interstate.

24           **Sec. B-4. 28-A MRSA §606, sub-§8**, as amended by PL 2013, c. 269, Pt. C, §11  
25 and affected by §13 and amended by c. 368, Pt. V, §39, is repealed and the following  
26 enacted in its place:

27           **8. Limits on price.** An agency liquor store shall sell all spirits purchased from the  
28 bureau or an entity awarded a contract under section 90 at the retail price established by  
29 the commission.

30           **Sec. B-5. 28-A MRSA §2229, sub-§2**, as amended by PL 2013, c. 368, Pt. V,  
31 §54, is further amended to read:

32           **2. Sale of forfeited spirits by bureau.** Except as provided in paragraph A, the  
33 bureau or an entity awarded a contract under section ~~89~~ 90 shall restock and resell  
34 forfeited spirits ~~and fortified wine to~~ at agency liquor stores throughout the State.

35           A. If any spirits ~~or fortified wine is~~ are determined by the court to be unfit or  
36 unsatisfactory for consumption or retail sale, the court may order the spirits ~~or~~  
37 ~~fortified wine~~ to be destroyed by any officer competent to serve the process on which  
38 it was they were forfeited. The officer shall make the return accordingly to the court.

1 (1) The spirits ~~and fortified wine~~ must be destroyed by ~~pouring it~~ being poured  
2 upon the ground or into a public sewer.

3 **Sec. B-6. Effective date.** This Part takes effect July 1, 2014.

4 **Emergency clause.** In view of the emergency cited in the preamble, this  
5 legislation takes effect when approved, except as otherwise indicated.

6 **SUMMARY**

7 Part A of this bill makes several changes to the laws governing the sale of alcoholic  
8 beverages to correct errors made in Public Law 2013, chapter 368, Part V, which was  
9 enacted during the First Regular Session of the 126th Legislature. The changes include  
10 correcting cross-references to accurately refer to the section of law that allows for the  
11 State to award contracts for the wholesale distribution and administration of spirits and  
12 referring to the Department of Administrative and Financial Services, Bureau of  
13 Alcoholic Beverages and Lottery Operations as the entity authorized to adopt rules  
14 regarding administration of the laws governing alcoholic beverages. The bill corrects a  
15 conflict in existing law regarding the discount price for which agency liquor stores  
16 purchase spirits. The bill restructures the provisions that outline the duties and authorities  
17 of the Bureau of Alcoholic Beverages and Lottery Operations by separating the functions  
18 that deal with enforcement, licensing and tax collection from the functions that deal with  
19 the administration of the spirits business on behalf of the State. The bill removes  
20 outdated references to agency liquor stores, including a provision that authorized the  
21 Governor or the bureau to close agency liquor stores in the event of riots, hurricanes or  
22 floods. The bill removes the requirement that the bureau provide copies of new laws and  
23 rules that govern alcoholic beverages to licensees free of charge. The bill clarifies an  
24 existing process that allows for the bureau to suspend a person's liquor license when a  
25 payment for spirits purchases, taxes or other fees is not honored or is returned for  
26 insufficient funds. The bill makes a correction to the law that provides for the legal,  
27 commercial transport of alcoholic beverages into and within the State by ensuring it  
28 applies to all alcoholic beverages and includes transport by reselling agents to licensees  
29 who are licensed for the sale of spirits for on-premises consumption.

30 Part B of this bill makes technical corrections to the alcoholic beverage laws to  
31 reflect existing law that, on July 1, 2014, removes fortified wine from the spirits business  
32 administered by the State or the State's contracted wholesaler and grants the privilege of  
33 distribution to licensed beer and wine distributors exclusively. Part B of this bill takes  
34 effect July 1, 2014.