

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 777

H.P. 530

House of Representatives, March 10, 2015

An Act To Establish a Seasonal Agency Liquor License

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative LUCHINI of Ellsworth.
Cosponsored by Senator LANGLEY of Hancock.

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

2 **Sec. 1. 28-A MRSA §453, sub-§2-C, ¶B,** as enacted by PL 2009, c. 213, Pt.
3 JJJJ, §2, is amended to read:

4 B. The applicant will be able to stock at least \$10,000 worth of spirits purchased
5 from the State or the State's wholesale distributor upon issuance of ~~an~~ a one-year
6 agency liquor store license; ~~and~~

7 **Sec. 2. 28-A MRSA §453, sub-§2-C, ¶B-1** is enacted to read:

8 B-1. The applicant will be able to stock at least \$10,000 worth of spirits purchased
9 from the State or the State's wholesale distributor upon issuance of a seasonal agency
10 liquor store license; and

11 **Sec. 3. 28-A MRSA §453, sub-§2-D,** as enacted by PL 2013, c. 269, Pt. A, §6, is
12 amended to read:

13 **2-D. Exception.** If a retailer that is located in this State and has at least 5 locations
14 licensed as an agency liquor store is sold or ownership is transferred to another company
15 that will assume operation of some or all of the retailer's stores and that company submits
16 an application for an agency liquor store license at some or all of those stores, the bureau
17 may waive the requirement of subsection 2-C, paragraph A. The bureau may provide this
18 waiver only if the applicant has held a license in another state to sell malt liquor and wine
19 or spirits at retail for off-premises consumption, for at least one year prior to submitting
20 the application, without a violation of the laws governing the sale of alcoholic beverages
21 in that state and can provide the bureau with documentation of financial success as
22 determined by the bureau. The waiver provided by this subsection does not apply to a
23 retailer who is applying for a seasonal agency liquor store license.

24 **Sec. 4. 28-A MRSA §453, sub-§2-E** is enacted to read:

25 2-E. Seasonal license. The bureau may issue one seasonal agency liquor store
26 license in a municipality with a year-round population of at least 5,001 if, during the
27 months between June 1st and October 1st, the population of that municipality increases
28 by a number that would authorize the bureau to otherwise issue an additional agency
29 liquor store license if that were the year-round population. The term of a seasonal agency
30 liquor store license issued under this subsection is 6 consecutive months.

31 **Sec. 5. 28-A MRSA §453-A, sub-§9,** as enacted by PL 2011, c. 460, §1, is
32 amended to read:

33 **9. Exception.** Notwithstanding section 453, subsection 2-C, paragraph A, the bureau
34 may issue an agency liquor store license to an applicant that has not held a license to sell
35 malt liquor and wine for off-premises consumption for one year if the applicant is a
36 branch of a chain retailer of which one or more locations has held a license to sell spirits
37 without violating the provisions of this Title and the applicant, if licensed, will enhance
38 the revenue to the State from the sale of spirits. This subsection does not apply to the
39 issuance of a seasonal agency liquor store license under section 453, subsection 2-E.

