

# MAINE STATE LEGISLATURE

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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

129TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 759, L.D. 2120, Bill, "An Act Regarding Sales of Alcohol in Municipalities and Unincorporated Places"

Amend the bill in section 1 in subsection 1 in the 2nd line (page 1, line 27 in L.D.) by inserting after the following: "municipality" the following: 'or by a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer'

Amend the bill by striking out all of sections 4 and 5 and inserting the following:

'Sec. 4. 28-A MRSa §125 is enacted to read:

§125. Proof of local option election or county commissioner decision

1. Prohibition on licensing. The bureau may not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be licensed are located in a municipality or unincorporated place that has voted in favor of the issuance of the type of license sought.

2. Preliminary determination of authorized retail liquor establishments in each municipality. By December 31, 2020, the bureau shall notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of elections in that municipality on local option questions under section 123 or former Title 28, section 101, whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in that municipality.

3. Proof of municipal local option election. If a municipality disagrees with a preliminary determination made by the bureau under subsection 2, the municipality may, by July 1, 2022, submit evidence of the results of an election on any local option question pursuant to section 123 or former Title 28, section 101 to refute the bureau's preliminary determination. Nothing in this subsection prohibits a municipality from conducting a local option election in accordance with this chapter at any time.

COMMITTEE AMENDMENT

1        **4. Final determination of authorized retail liquor establishments in each**  
2 **municipality.** On July 1, 2022, the bureau shall make a final determination of whether  
3 **licenses for each type of licensed establishment or for agency liquor stores may be issued**  
4 **for the sale of liquor on Sundays and on days other than Sunday in each municipality. In**  
5 **making this final determination, the bureau shall consider evidence submitted by the**  
6 **relevant municipality under subsection 3 and the results of any local option election**  
7 **conducted in that municipality in compliance with this chapter subsequent to the**  
8 **preliminary determination made by the bureau under subsection 2. The bureau shall post**  
9 **a copy of the final determination for each municipality on its publicly accessible website.**

10        **5. Effect of final determination; future local option elections.** Beginning July 1,  
11 **2022, the bureau's final determination under subsection 4 governs whether the bureau**  
12 **may issue licenses for the sale of liquor in each municipality. Nothing in this subsection**  
13 **prohibits a municipality from conducting a local option election in compliance with this**  
14 **chapter that has the effect of authorizing or prohibiting the issuance of any or all licenses**  
15 **for the sale of liquor in that municipality after July 1, 2022. If a municipality conducts a**  
16 **local option election after July 1, 2022, the bureau shall update the information posted on**  
17 **its publicly accessible website to reflect the results of that local option election.**

18        **6. Notice to county commissioners.** By December 31, 2020, the bureau shall  
19 **inform the county commissioners of each county in which an unincorporated place is**  
20 **located that proof of an affirmative decision under section 122 or former Title 28, section**  
21 **103 authorizing the issuance of licenses for the retail sale of liquor is a prerequisite to**  
22 **issuance of such licenses in an unincorporated place and shall request that the county**  
23 **commissioners provide the bureau with copies of any such decisions for each**  
24 **unincorporated place in the county by July 1, 2022. If the county commissioners do not**  
25 **have a record of an affirmative decision under section 122 or former Title 28, section 103**  
26 **authorizing the issuance of licenses for the retail sale of liquor in an unincorporated place,**  
27 **the county commissioners may, in compliance with section 122, determine whether to**  
28 **authorize or refuse to authorize the issuance of licenses for the retail sale of liquor in that**  
29 **unincorporated place and shall provide the bureau with a record of the decision.**

30        **Sec. 5. Temporary waiver of approval to issue license to sell liquor for**  
31 **municipalities with licensed retail establishments.** Notwithstanding the Maine  
32 Revised Statutes, Title 28-A, section 125, subsection 1; section 453, subsection 1,  
33 paragraph A; and any other provision of the law to the contrary, until July 1, 2022, the  
34 Department of Administrative and Financial Services, Bureau of Alcoholic Beverages  
35 and Lottery Operations is authorized to issue, renew or transfer licenses to sell liquor in  
36 an authorized municipality or authorized unincorporated place as specified in this section.

37        **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
38 following terms have the following meanings.

39        A. "Agency liquor store" has the same meaning as in Title 28-A, section 2, subsection  
40 1.

41        B. "Authorized municipality" means a municipality in which a licensed establishment  
42 or agency liquor store was operating between March 1, 2017 and March 1, 2020 but  
43 for which the bureau does not have a record of a local option decision authorizing the  
44 issuance of licenses to that type of establishment or agency liquor store, respectively.

1 C. "Authorized unincorporated place" means an unincorporated place in which a  
2 licensed establishment or agency liquor store was operating between March 1, 2017  
3 and March 1, 2020 but for which the bureau does not have a record of a local option  
4 decision authorizing the issuance of licenses to that type of establishment or agency  
5 liquor store, respectively.

6 D. "Bureau" has the same meaning as in Title 28-A, section 2, subsection 6.

7 E. "Licensed establishment" has the same meaning as in Title 28-A, section 2,  
8 subsection 15.

9 F. "Local option decision" means a local option election conducted pursuant to Title  
10 28-A, chapter 5 or former Title 28, section 101 or a decision to authorize the issuance  
11 of retail liquor licenses in an unincorporated place pursuant to Title 28-A, section 122  
12 or former Title 28, section 103.

13 G. "Unincorporated place" has the same meaning as in Title 28-A, section 2,  
14 subsection 33.

15 **2. Temporary waiver of local option election or county commissioner**  
16 **authorization requirement.** Until July 1, 2022, an authorized municipality is deemed to  
17 have complied with the procedures established in Title 28-A, chapter 5 to authorize the  
18 bureau, in that municipality, to issue an initial license, renew a license or transfer a  
19 license for any type of licensed establishment or agency liquor store that was operating in  
20 that municipality between March 1, 2017 and March 1, 2020. Until July 1, 2022, the  
21 county commissioners of an authorized unincorporated place are deemed to have  
22 complied with the procedures established in Title 28-A, chapter 5 to authorize the bureau,  
23 in that unincorporated place, to issue an initial license, renew a license or transfer a  
24 license for the sale of liquor to an establishment for on-premises consumption, if an  
25 establishment for on-premises consumption was operating in that unincorporated place  
26 between March 1, 2017 and March 1, 2020, or to an establishment for off-premises  
27 consumption, if an establishment for off-premises consumption was operating in that  
28 unincorporated place between March 1, 2017 and March 1, 2020.'

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

31 **SUMMARY**

32 This amendment, which is the unanimous report of the committee, requires the  
33 Department of Administrative and Financial Services, Bureau of Alcoholic Beverages  
34 and Lottery Operations to notify each municipality in the State of the bureau's  
35 preliminary determination, based on the bureau's records of local option elections  
36 conducted in that municipality, whether the bureau may issue licenses for the sale of  
37 liquor by retail establishments in that municipality. Unlike the bill, this requirement  
38 applies not only to municipalities in which retail establishments are currently licensed for  
39 the sale of liquor but also to municipalities where liquor is not currently sold by licensed  
40 retail establishments. If a municipality disagrees with the bureau's preliminary  
41 determination that a type of retail liquor establishment may not be licensed in the  
42 municipality, it may, by July 1, 2022, either provide the bureau with proof of a previous  
43 local option election authorizing the sale of liquor by that type of retail establishment or

1 conduct a new local option election to authorize the sale of liquor by that type of retail  
2 establishment. On July 1, 2022, the bureau must finally determine which types of retail  
3 establishments may be licensed for the sale of liquor in each municipality and post a copy  
4 of this final determination on its publicly accessible website. This final determination  
5 governs whether the bureau may issue licenses for the retail sale of liquor in the  
6 municipality beginning on July 1, 2022 and ending on the date that the municipality  
7 conducts a new local option election authorizing or prohibiting the issuance of retail  
8 liquor licenses in that municipality.

9 The amendment further directs the bureau to notify the county commissioners of each  
10 county in which an unincorporated place is located that proof of an affirmative decision  
11 to authorize the retail sale of liquor for on-premises or off-premises consumption is a  
12 prerequisite to issuance of such licenses in an unincorporated place after July 1, 2022.

13 Until July 1, 2022, the bureau must continue to issue or renew licenses for the types  
14 of retail establishments that were licensed in a municipality or unincorporated place  
15 between March 1, 2017 and March 1, 2020, even if the bureau does not have a record of a  
16 local option election or a county commissioner decision authorizing the issuance of  
17 licenses to that type of retail establishment in the municipality or unincorporated place.

18 The amendment also changes the number of signatures needed on a petition to hold a  
19 local option election in a municipality to either 30 voters in that municipality or the  
20 number of voters equal to at least 5% of the number of votes cast in that municipality in  
21 the last gubernatorial election, whichever is fewer.

22 **FISCAL NOTE REQUIRED**  
23 **(See attached)**



# 129th MAINE LEGISLATURE

LD 2120

LR 3154(02)

**An Act Regarding Sales of Alcohol in Municipalities and Unincorporated Places**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 436)**

**Committee: Veterans and Legal Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services as a result of changes to the laws regarding certification of municipal local option elections to authorize retail liquor establishments are anticipated to be minor and can be absorbed within existing budgeted resources.