

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 4/5/24

(Filing No. S-603)

SAC
ROS

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 870, L.D. 2069, "An Act to Amend the Ownership Disclosure Requirements for Applicants for Liquor Licenses and Certificates of Approval"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

Sec. 1. 28-A MRSA §651, sub-§2, ¶A, as amended by PL 2021, c. 658, §92, is repealed and the following enacted in its place:

A. An applicant shall disclose any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought. If the applicant is a purchaser by contract, the applicant shall also disclose the terms of the contract.

(1) For any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought and is a business entity, the applicant shall disclose any person that holds an ownership interest in that business entity that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought.

(2) For any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought and is a business entity, the applicant may attest to the bureau by affidavit that no person that holds an ownership interest in that business entity holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought.

Sec. 2. 28-A MRSA §651, sub-§2, ¶A-1 is enacted to read:

A-1. An applicant shall disclose any person that holds an indirect financial interest in the person for which a license or certificate of approval is sought. For the purposes of this paragraph, "indirect financial interest" means:

(1) An option, warrant or other right to acquire an equity interest in the person for which a license or certificate of approval is sought; or

COMMITTEE AMENDMENT

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(2) A right to payment of, or a right to payment based upon, all or any portion of revenues, profits or losses derived from the operations under a license or certificate of approval issued under this Title of the person for which a license or certificate of approval is sought, including, but not limited to, profit sharing, revenue sharing or royalty payments.

Sec. 3. 28-A MRSA §651, sub-§3, as amended by PL 2021, c. 658, §92, is further amended to read:

3. False answer given intentionally. An applicant may not attempt to conceal or disguise ownership interest or indirect financial interest in the person for which a license or certificate of approval is sought. A person who intentionally gives an untruthful answer in an application for a license or certificate of approval under this Title violates Title 17-A, section 453. As used in this subsection, "indirect financial interest" has the same meaning as in subsection 2, paragraph A-1.'

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

SUMMARY

This amendment changes the ownership interest disclosure threshold from 5% or greater, as provided in the bill, to 10% or greater in the person for which a license or certificate of approval is sought. It also amends the bill to require the applicant for a license or certificate of approval to disclose any person that holds an indirect financial interest in the person for which a license or certificate of approval is sought, rather than any person with any direct or indirect interest in that person, and replaces the definition of "interest" provided in the bill with a definition of "indirect financial interest."

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 2069

LR 2704(02)

An Act to Amend the Ownership Disclosure Requirements for Applicants for Liquor Licenses and Certificates of Approval

Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 663)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Fiscal Detail and Notes

Changes to ownership disclosure requirements for applicants for liquor licenses and certificates of approval will reduce the staff time needed to process applications and will result in minor savings to the Bureau of Alcoholic Beverages and Lottery Operations.