

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 341

H.P. 1047 - L.D. 1522

AN ACT Concerning the Location of Agency
Liquor Stores and the Licensing of
Seasonal Agency Stores.

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

Sec. 1. 28 MRSa §153, first ¶, as amended by PL 1979, c. 117, §1, is further amended to read:

The State Liquor Commission shall have authority to license and regulate, in cities, towns and unorganized territories which have voted in favor of the operation of state stores under local option provisions and where there are no state stores, and on islands which are within cities, towns and unorganized territories where there are state stores but which are not connected to those cities, towns and unorganized territories by bridge and which have no state stores on them, retailers as special agency stores on an annual, seasonal or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages for consumption off the premises. The liquor shall be sold by the State Liquor Commission, to the special agency stores pursuant to section 204. The commission shall not license any additional agency stores which would be within a ~~10-mile radius~~ 10 miles of a state store or agency store. If a state or agency store closes, it may not be replaced if there is another state or agency store within a ~~10-mile radius~~ 10 miles, except that, after the closing of any agency store which was licensed prior to December 1, 1979 and which is within a ~~10-mile radius~~ 10 miles of a state store or another agency store, that agency store may be replaced once after December 1, 1979. All distances shall be determined by the most reasonable direct route of travel.

Sec. 2. 28 MRSa §153-A is enacted to read:

§153-A. Special seasonal agency stores

1. Licensing of seasonal stores. The State Liquor Commission may issue 6-month seasonal licenses to no more than 6 special agency stores. The commission shall determine the appropriate locations for the stores and the appropriate 6 consecutive months based on the seasonal influx of tourists and the

sales volume at existing state and agency stores in the same areas. The 10-mile spacing distance for location of agency stores required by section 153 does not apply to special agency stores licensed under this section.

2. Sunset. This section is repealed on September 30, 1989, prior to which time the State Liquor Commission shall evaluate the effectiveness of this section and make a written report to the 114th Legislature.

Effective September 19, 1985.

CHAPTER 342

S.P. 108 - L.D. 323

AN ACT to Amend the Maine Certificate of Need Act to Define More Clearly the Legal Requirements for Ex Parte Contacts During the Certificate of Need Process, Consistent with the Maine Administrative Procedure Act.

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

22 MRSA §307, sub-§2-B, ¶J, as enacted by PL 1981, c. 705, Pt. V, §25, is repealed and the following enacted in its place:

J. After a hearing commences, no appointed members of the committee or the department may communicate directly or indirectly in connection with any application with any affected party or anyone acting in their behalf, except upon notice and opportunity for all affected parties to participate. This paragraph shall not prohibit the department from communicating with any affected party or anyone acting on their behalf for the purpose of arranging a public meeting pursuant to paragraph G.

Effective September 19, 1985.
