

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**SUMMARY**

This bill makes the following changes to the liquor laws.

- 1. Allows the State Liquor Commission to have a stock of wine for sale, the value of which, when priced for resale, is computed on the delivered case cost F.O.B. liquor warehouse filed by liquor vendors;
- 2. Permits the sale of nonalcoholic mixers in state-operated liquor stores;
- 3. Allows agency liquor stores that order directly from the Bureau of Alcoholic Beverages and Lottery Operations to mail payments for liquor;
- 4. Permits on-premise licensees to purchase liquor from an agency liquor store only if the licensee is located at least 15 miles from the nearest state liquor store;
- 5. Permits retail licensees to engage in marketing and promotional activities approved by the State Liquor Commission; and
- 6. Changes the mark-up procedure used by the Bureau of Alcoholic Beverages and Lottery Operations in establishing the price at which to sell spirits.

COMMITTEE AMENDMENT "A" (S-456) replaces the original bill and makes the following changes to the liquor laws.

- 1. Changes the procedure for determining the value of spirits and fortified wine for resale by computing the value based on the delivered case cost F.O.B. liquor warehouse filed by liquor vendors;
- 2. Allows agency liquor stores that order directly from the State Liquor and Lottery Commission to mail payments for liquor, and payments by mail must be received or postmarked within 3 days of receipt of a liquor delivery or notification of the amount due; and
- 3. Permits agency liquor store licensees to sell combination packages of spirits that the State Liquor and Lottery Commission have approved for sale in state liquor stores.

This amendment also adds a fiscal note to the bill.

**LD 1712**

**An Act to Clarify the Licensing Authority of the Department of Public Safety**

PUBLIC 730

**SPONSOR(S)**  
HALL

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
 H-1056 DAGGETT  
 H-1093 DAGGETT  
 H-933 BOWERS  
 S-518

**SUMMARY**

This bill completes the transfer of liquor licensing with corresponding responsibilities from the Bureau of Alcoholic Beverages to the Bureau of Liquor Enforcement within the Department of Public Safety.

COMMITTEE AMENDMENT "A" (S-518) replaces the original bill and does the following.

- 1. Allows auxiliaries of agricultural societies; nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organizations; or volunteer fire departments to apply for a license to operate a game of chance;

2. Amends the liquor laws to further comply with the transfer of the liquor licensing authority and corresponding responsibilities from the Bureau of Alcoholic Beverages to the Bureau of Liquor Enforcement within the Department of Public Safety;
3. Defines and allows a "bed and breakfast" to obtain a liquor license to sell malt liquor, wine or spirits to registered patrons of the bed and breakfast or the patrons' guests;
4. Prohibits law enforcement officers from working for retail licensees;
5. Strikes language dealing with sale-of-food requirements for part-time liquor licensees, since part-time licenses no longer exist;
6. Allows the Bureau of Liquor Enforcement to prorate food sale requirements for licensees who operate during only part of an annual license period;
7. Exempts any nationally chartered organization in the State from satisfying the one-year requirement in order to apply for a club liquor license if the organization has been established for at least 3 months;
8. Eliminates language referring to Maine in law dealing with small breweries and farm wineries in order to comply with the General Agreement on Tariffs and Trade (GATT);
9. Increases the quantities of liquor in law dealing with the illegal importation and transportation of malt liquor, wine and spirits;
10. Establishes a procedure for handling abandoned liquor;
11. Makes clarifications in the instructor training and course accountability provisions of the alcohol server training laws; and
12. Adds an appropriation section and a fiscal note to the bill that includes an appropriation to the Department of Public Safety for the purpose of upgrading the department's licensing division computer system so that the system can handle the tracking of all liquor licenses. It also conforms existing law to current drafting standards.

HOUSE AMENDMENT "A" (H-933) TO COMMITTEE AMENDMENT "A" corrects language to reflect intent of the committee.

HOUSE AMENDMENT "B" (H-1056) TO COMMITTEE AMENDMENT "A" makes further technical changes and provides that consumption or possession of liquor is not permissible on certain licensees' premises after 1:15 a.m.

HOUSE AMENDMENT "C" (H-1093) TO COMMITTEE AMENDMENT "A" does the following:

Current law prohibits liquor licensees or applicants for liquor licenses from accepting things of value from persons engaged in the liquor industry. This amendment makes an exception for affiliates of licensees to receive money for sponsorship of a system for transporting the public or for sponsorship of specific sporting events and cultural events. All sponsorships must have prior written approval of the Bureau of Liquor Enforcement.

Current law also restricts advertising outside of the licensed premises or on the buildings or grounds of liquor licensees. This amendment makes an exception for signs advertising sponsorship of specific sporting events and cultural events or sponsorship of a transportation system for transporting the public as long as the signs are not displayed on the licensed establishment. All signs on a licensed establishment advertising sponsorship may be displayed with prior approval of the Bureau of Liquor Enforcement.