



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1357

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H.P. 979

House of Representatives, March 21, 2019

**An Act Regarding State Licensure for the Sale of Spirits for Off-premises Consumption**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTEAU of Biddeford.

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

2 **Sec. 1. 28-A MRSA §453, sub-§2-A**, as repealed and replaced by PL 2015, c.  
3 494, Pt. A, §31, is repealed.

4 **Sec. 2. 28-A MRSA §453, sub-§2-C**, as amended by PL 2017, c. 167, §4, is  
5 further amended to read:

6 **2-C. Licenses.** The bureau shall consider whether the applicant can satisfy the  
7 following criteria when determining whether to issue an agency liquor store license under  
8 this section:

9 A. If the applicant has previously held a license to sell malt liquor and wine for off-  
10 premises consumption, the applicant was not found to have committed a violation of  
11 any provision of this Title;

12 B. If the applicant is applying for an agency liquor store license in a municipality  
13 with a population of 1,000 or more, the applicant will be able to stock at least  
14 \$10,000 worth of spirits purchased from the State or the State's wholesale distributor  
15 upon issuance of an agency liquor store license. If the applicant is applying for an  
16 agency liquor store license in a municipality with a population of 999 or less, the  
17 applicant will be able to stock at least \$5,000 worth of spirits purchased from the  
18 State or the State's wholesale distributor upon issuance of an agency liquor store  
19 license;

20 C. The applicant can purchase the initial stock of spirits using a bank check or other  
21 financial instrument that certifies that funds are available; ~~and~~

22 D. The applicant demonstrates that the applicant is likely to be a responsible  
23 licensee;

24 E. The applicant is a business licensed by the municipality in which the applicant's  
25 licensed premises are to be located;

26 F. The applicant is a business that has been in existence for at least the 3 years  
27 immediately prior to application; and

28 G. The applicant has been in good standing with every agency of the State for at  
29 least the 3 years immediately prior to application.

30 **Sec. 3. 28-A MRSA §453, sub-§6** is enacted to read:

31 **6. Number of agency liquor stores determined by municipality.** Beginning  
32 January 1, 2020, a municipality determines the number of agency liquor stores, if any,  
33 that may be licensed within the municipality by authorization of the legislative body of  
34 the municipality.

35 A. If a municipality authorizes a number of agency liquor stores for the municipality  
36 that is below the number of agency liquor stores licensed by the bureau that are in  
37 operation in the municipality on January 1, 2020, the licenses of the agency liquor  
38 stores remain valid and may be renewed by the bureau subject to continued  
39 compliance with the provisions of this Title. The bureau may not issue an additional

1 license for an agency liquor store in the municipality until the number of operating  
2 agency liquor stores or valid licenses in the municipality is less than the number  
3 authorized by the municipality.

4 B. If a municipality has not determined the number of agency liquor stores  
5 authorized for the municipality under this subsection, the license of an agency liquor  
6 store in operation in the municipality on January 1, 2020 issued by the bureau  
7 remains valid and may be renewed by the bureau subject to continued compliance  
8 with the provisions of this Title. The bureau may not issue an additional license for  
9 the municipality until the municipality determines the number of agency liquor stores  
10 for the municipality under this subsection and the number of operating agency liquor  
11 stores or valid licenses in the municipality is less than the number authorized by the  
12 municipality.

13 **SUMMARY**

14 This bill amends the law regarding the number of agency liquor stores allowed in a  
15 municipality from the number being determined based upon the population of the  
16 municipality to being determined by the municipality, with existing agency liquor store  
17 licenses grandfathered if the municipality authorizes a number of agency liquor stores  
18 less than the number of operating liquor stores previously licensed by the Department of  
19 Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery  
20 Operations or the municipality does not make a determination. This bill also requires an  
21 applicant for an agency liquor store license to be a business licensed in the municipality  
22 in which the agency liquor store will be located that has been in existence for at least the  
23 3 years immediately prior to application and that has been in good standing with every  
24 agency of the State for the 3 years immediately prior to application.