



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1725

H.P. 1205

House of Representatives, December 22, 2017

An Act To Ensure Stability for Certain Holders of Liquor Licenses

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative LUCHINI of Ellsworth.
Cosponsored by Senator MASON of Androscoggin.

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

2 **Sec. 1. 28-A MRSA §1355-A, sub-§2-B** is enacted to read:

3 **2-B. Grandfathering of certain licenses issued prior to June 1, 2017.** The bureau
4 may not suspend, revoke or refuse to renew a license issued under this section or chapter
5 43 or 45 that was initially issued prior to June 1, 2017 solely on the basis that:

6 A. The establishment licensed under chapter 43 or 45 was determined by the bureau
7 after June 1, 2017 to not be exclusively held or exclusively owned by a person
8 licensed to manufacture liquor under this section; or

9 B. The licensee is in violation of section 707, subsection 2, 3 or 4, if the violation
10 existed in the same manner at the time the license was initially issued or at the time
11 the license was renewed prior to June 1, 2017.

12 The prohibition described in this subsection does not apply if the reason for suspension,
13 revocation or refusal to renew is due to the licensee's substantial misrepresentation of or
14 failure to disclose material facts required for the issuance or renewal of the license.

15 **SUMMARY**

16 This bill permanently prohibits the Department of Administrative and Financial
17 Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending,
18 revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued
19 prior to June 1, 2017 based solely on a change in the bureau's interpretation of the terms
20 "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine
21 Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.