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**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 979, L.D. 1357, Bill, “An Act Regarding State Licensure for the Sale of Spirits for Off-premises Consumption”

Amend the bill by inserting after section 3 the following:

**Sec. 4. 28-A MRSA §453-A, sub-§5,** as amended by PL 2005, c. 596, §1, is further amended to read:

**5. Licensing decisions.** The bureau shall conduct an investigation to determine the feasibility of the location and type of facility for the agency liquor store and ~~shall~~ may issue the license to one or more of the applicants, taking into consideration the absence of an existing agency liquor store with less than 3,000 square feet of retail space in a downtown location and any other factors the bureau considers appropriate. The bureau is not required to consider the availability of parking spaces for motor vehicles for the issuance of an agency liquor store license to a store with less than 3,000 square feet of retail space in a downtown location. When considering the issuance of a license, the bureau shall consider the proximity of the proposed agency store to existing agency stores and the potential impact the location of the proposed agency store may have on an existing agency store. The bureau may deny a license if the bureau determines the proposed agency store location is in too close proximity to an existing agency store. For purposes of this subsection, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A.'

**SUMMARY**

This amendment, which is the minority report of the committee, clarifies that when the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations gives public notice that any agency liquor store may be

**COMMITTEE AMENDMENT**

1 established in a particular municipality or unincorporated place, the bureau has discretion  
2 to not issue a license if, for example, the bureau determines that no applicant meets the  
3 criteria for licensure.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**