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Date: (Filing No. S- )

**VETERANS AND LEGAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 527, L.D. 1642, “An Act To Allow Affirmation of a Local Option Referendum by the Municipal Officers or County Commissioners”

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding Local Option Elections'**

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 36 in L.D.) and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** current law requires that a municipality hold a referendum to approve the sale of liquor in that municipality; and

**Whereas,** based upon the affirmative referendum, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is authorized to issue a liquor license to a qualified establishment in that municipality; and

**Whereas,** it recently became clear that a large number of municipalities would have to conduct new local option elections due to changes in terminology that occurred in 1976 relating to types of establishments requiring liquor licenses; and

**Whereas,** Public Law 2019, chapter 672, enacted by the Legislature and approved by the Governor on March 18, 2020, authorized the bureau to continue to issue, renew or transfer licenses to sell liquor in an authorized municipality until July 1, 2022, by which date municipalities would be required to provide evidence of the results of a local option election authorizing such sales; and

**Whereas,** conducting local option elections to affirm that the pre-1977 local option vote should be extended to all establishment types constitutes a significant financial and administrative burden for many municipalities; and

**COMMITTEE AMENDMENT**

1           **Whereas**, it is imperative that this legislation take effect as soon as possible to avoid  
2 irreparable harm to businesses that have complied with all requirements but could lose their  
3 licenses to sell liquor for reasons beyond their control; and

4           **Whereas**, in the judgment of the Legislature, these facts create an emergency within  
5 the meaning of the Constitution of Maine and require the following legislation as  
6 immediately necessary for the preservation of the public peace, health and safety; now,  
7 therefore,'

8           Amend the bill by striking out all of sections 1 and 2 and inserting the following:

9           '**Sec. 1. 28-A MRSA §125, sub-§1**, as enacted by PL 2019, c. 672, §4, is amended  
10 to read:

11           **1. Prohibition on licensing.** ~~The~~ Except as provided in subsection 4, the bureau may  
12 not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be  
13 licensed are located in a municipality or unincorporated place that has voted in favor of the  
14 issuance of the type of license sought.

15           **Sec. 2. 28-A MRSA §125, sub-§4**, as enacted by PL 2019, c. 672, §4, is amended  
16 to read:

17           **4. Final determination of authorized retail liquor establishments in each**  
18 **municipality.** On July 1, 2022, the bureau shall make a final determination of whether  
19 licenses for each type of licensed establishment or for agency liquor stores may be issued  
20 for the sale of liquor on Sundays and on days other than Sunday in each municipality. ~~¶~~  
21 ~~making this final determination, the bureau shall consider evidence submitted by the~~  
22 ~~relevant municipality under subsection 3 and the results of any local option election~~  
23 ~~conducted in that municipality in compliance with this chapter subsequent to the~~  
24 ~~preliminary determination made by the bureau under subsection 2. The bureau shall post~~  
25 ~~a copy of the final determination for each municipality on its publicly accessible website.~~

26 In making its final determination under this subsection, the bureau shall consider:

27           A. The results of any local option election conducted in the relevant municipality in  
28 compliance with this chapter subsequent to the preliminary determination made by the  
29 bureau under subsection 2;

30           B. Evidence submitted by the relevant municipality under subsection 3; and

31           C. The bureau's records of local option elections in the municipality.

32 For purposes of paragraphs B and C, the results of any local option election conducted prior  
33 to January 1, 1977 in favor of a local option question pursuant to former Title 28, section  
34 101 approving the issuance of licenses for the sale of liquor for on-premises consumption  
35 at any type of licensed establishment on Sundays or on days other than Sundays are deemed  
36 to be evidence that the municipality approved the issuance of licenses for the sale of liquor  
37 for on-premises consumption by all types of licensed establishments on those days unless  
38 the bureau's records demonstrate that the municipality voted to prohibit the issuance of  
39 licenses for the sale of liquor for on-premises consumption on those days in a subsequent  
40 local option election conducted under this chapter or under former Title 28, section 101.'

41           Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
42 number to read consecutively.

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**SUMMARY**

This amendment strikes and replaces the bill. Under the amendment, if a municipality conducted a local option election prior to January 1, 1977 approving the issuance of licenses for the sale of liquor for on-premises consumption at any type of licensed establishment, the election results are deemed to be evidence that the municipality approved the issuance of licenses for the sale of liquor for on-premises consumption by all types of licensed establishments unless the municipality voted to prohibit the issuance of licenses for the sale of liquor for on-premises consumption in a subsequent local option election.