

18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

553 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS

**Chapter 4: Agency Liquor Store Relocation: Rules Governing the Process to Provide Input by Agency Liquor Stores in the same municipality of a Relocation Request**

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SUMMARY: This rule establishes the process by which an agency liquor store in the same municipality as the agency liquor store licensee's proposed relocation may declare support of or objections to a proposed relocation.

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1. **Factors Considered by the Bureau.** In accordance with 28-A M.R.S. § 453-D, 452 and 18-553 C.M.R ch. 130, "Selection and Location of Agency Stores", the Bureau shall weigh the following factors before finally acting on a relocation application: location, hours of operation, parking, square footage, services offered, selling area, handling (beer and wine sales), storage, beer and wine inventory, security and start up inventory, and submissions and response to submissions filed under this Rule. As part of its review of the relocation application the Bureau may consider sales data held for the Bureau by the entity awarded a contract under 28-A M.R.S. §90 for the preceding twelve (12) month period associated with the applicant agency and those agencies participating in the proceeding.
2. **Record.** The Bureau shall make part of the record the application, the municipal approval of the relocation, proof of notice to the other agency liquor stores in the municipality of the relocation, the Liquor Licensing Inspector's inspection report on the proposed location and any submissions and response to submissions described in sections 8 and 9 of this Rule. Data considered by the Bureau in support of the Bureau's decision shall also be made part of the record.
3. **Appointment of a Final Decision Maker.** The Director or the Director's designee shall act as the Final Decision Maker for the Bureau in this proceeding.
4. **Notice.** The Bureau shall publish - notice of this proceeding in the primary newspaper servicing the municipality and on the Bureau's website at the address listed in section 7 of this Rule.
5. **Service of Notice of the Proceeding**

Notice shall be either sent by certified mail, hand delivered by the Bureau's Liquor Licensing Inspector or both to the applicant and all agency liquor stores in the municipality where relocation is requested.

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**6. Content of Notice; Requirements on the Form and Format of Submissions and Response.**

Notice shall contain the following information:

- A. Deadline.** For initial submission by agency liquor stores other than applicant, 15 calendars days from the date of the notice; for response from the applicant, 5 business days after submissions from agency liquor stores are posted to the Bureau's website. The applicant's response may address one (1) or more of the submissions that support or object to the proposed relocation.
- B. Appointment of Final Decision Maker.** The name and email address of the Final Decision Maker appointed by the Director or the Director's designee.
- C. Content.** Reference to content of submissions and response as set forth in Sections 8 of this Rule.
- D. Form and Format.** Submissions must be filed on no more than 15-single sided pages on 8½x11 paper with a Times New Roman 12-point font in a PDF format. The submission must be filed electronically by email to the Final Decision Maker identified in the notice. The applicant's response to submissions must be filed on no more than 5- single sided pages on 8½x11 paper with Times New Roman 12-point font in PDF format. The response to submissions must be filed electronically by email to the Final Decision Maker identified in the notice.

**7. Posting of Submissions and Response.**

The Bureau shall post all submissions from participating agencies and the applicant's response filed pursuant to this Rule to the Bureau's website at [www.maine.gov/dafs/bablo/liquor\\_license/agencyrelocation](http://www.maine.gov/dafs/bablo/liquor_license/agencyrelocation) within 24 hours after the deadlines established under Section 6 of this Rule.

**8. Content of Submission from Participating Agency Liquor Stores and Applicant's Response.**

- A.** For those supporting relocation, the submission and the applicant's response must provide information on how the relocation would benefit the spirits business in Maine, and must provide facts to support claims in favor of relocation of the applicant.
- B.** For those objecting to relocation, the submission must provide information on what impact the relocation will have on their agency liquor store business, and the submission must provide facts to support claims objecting to relocation of the applicant.

**9. Decision by the Bureau.** The Final Decision Maker shall render a written decision on the application for relocation. The decision of the Bureau by the Final Decision Maker appointed under Section 2 of these rules constitutes final agency action and may be appealed pursuant to 28-A M.R.S. §453-A, sub-§7.

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STATUTORY AUTHORITY: 28-A M.R.S. §453-D, sub-§3

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