



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008

Process for Licensing Retailers as Agency Liquor Stores

- Based on a population formula found in Title 28-A, section 453, for every municipality that has voted to allow the sale of spirits for off premises consumption, the Bureau may issue at least one (1) and up to ten (11) licenses.

Opening a Municipality for Consideration

- The Bureau receives letters of interest/requests from existing licensed beer and wine retailers about becoming licensed as agency liquor stores.
- Municipalities also send in requests for additional licenses based on a provision in Title 28-A, section 453 that allows the Bureau to grant an additional license where the population is 10,000 and under.
- All municipalities are reviewed twice a year for consideration regardless of a request on file.
- A 3-person team consisting of the Deputy Director and the Manager of the Division of Liquor Licensing and Enforcement review the following:
 - Has the municipality voted to allow for the sale of spirits?
 - Is there a license available to grant?
 - Does the municipality have a strategic opportunity to increase overall sales for the State's spirits business? Consider cannibalization within the municipality?
 - Is the municipality's population underserved relative to access to the sale of spirits?
 - Is there a balance among retail types – in-state/out of state – chain/independent within the municipality?
- Upon completion of the review, a list of municipalities for consideration is created.

Announcement and Application Process

- Legal notices are posted in various newspapers that have a reach to the municipalities under consideration.
- Notices and applications are sent to those who submitted letters of interest to the Bureau in the municipalities to be considered.
 - If an interested party has not provided a letter of interest to the Bureau, the legal notice in the newspaper is the only mechanism for awareness about a municipality under consideration.
- The required public hearings for the applications received for each municipality are scheduled.
- Bureau staff notifies each municipality of the public hearing as well as the names of the applicants for licensing as agency liquor stores in their municipality.
- On the date of the hearing, the appointed hearings officer, the Bureau's AAG and the Manager of Division of Liquor Licensing and Enforcement (the panel) take sworn and unsworn testimony and evidence in support of or against the licensure of an applicant in a municipality.
- At the conclusion of the hearing on all applications, the record contains the application, the Field Inspector's inspection report and all testimony and evidence for and against the issuance of licenses for each applicant.

The Decision Process

- The hearing officer considers the following criteria as part of the decision process:
 - Location within the municipality and the applicant's proximity to other existing agency liquor stores within the municipality;
 - Storage facilities available for stocking spirits inventory;
 - Amount of shelf space dedicated to the sale of spirits;
 - Initial stocking order for spirits inventory;
 - On hand inventory and sales history of beer and wine;
 - Hours of operation;
 - Customer count;
 - Security;
 - Type of business and services offered;
 - Issues with theft; and
 - Any record of violation of Maine's liquor laws
- Consideration is given to any other appropriate factor or circumstance necessary for better service to the public.
- The hearing officer then reviews this information to determine which applicant in its judgement has the most satisfactory structure, condition, facilities and geographical location within the municipality for the sale of spirits.
- The hearing officer renders a decision(s) by municipality and the hearings officer, in conjunction the Bureau's AAG, crafts the written decision.
- All applicants are notified and the decision is published.