



**House
Legislative
Analysis
Section**

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House Bill 4740 with committee amendments
First Analysis (10-26-87)

Sponsor: Rep. John D. Pridnia
Committee: Liquor Control

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THE APPARENT PROBLEM:

Great Lakes boating enthusiasts, some of whom virtually live on the lakes and related waterways for weeks at a time, depend on marinas for their vital supplies. Often, however, they cannot find outlets selling beer, wine, and spirits because marinas face obstacles in obtaining off-premises liquor licenses. For one thing, marinas are no longer listed among the types of businesses approved in Liquor Control Commission rules as eligible for either a beer and wine license or spirits license (although they once were). Another obstacle is that LCC rules generally prohibit granting liquor licenses to businesses that maintain gasoline pumps on or near their premises as many marinas do, although exceptions can be made in municipalities with populations of 3,000 or less. (The gas pump rule is understood to be a means of controlling the number of liquor outlets.) Some marinas have licenses now, dating from a time when such establishments were eligible and could get an exception from the gas pump rule based on population or dating from a brief period about ten years ago when the gas pump policy was inoperative due to legal challenge. Some people believe that it makes sense to allow marinas serving the boating traffic on the Great Lakes to have off-premise liquor licenses for the convenience of boaters.

THE CONTENT OF THE BILL:

The bill would allow a Great Lakes marina to obtain an off-premises liquor license despite the fact that it maintained motor vehicle gas pumps if:

- 1) the marina's primary business was the sale of boats or the sale of services and supplies to recreational power cruisers and sailboats of the type that typically travel on the Great Lakes; and
- 2) the marina's fuel pumps were used only for dispensing fuel to watercraft.

The bill would apply to a marina situated on one of the Great Lakes, on part of an inland waterway or tributary connected to and navigable to one of the Great Lakes, or on a Great Lakes connecting waterway.

MCL 436.28b

FISCAL IMPLICATIONS:

There is no fiscal information at present.

ARGUMENTS:

For:

The bill would simply allow legitimate marinas serving the Great Lakes and related waterways to obtain licenses to sell beer, wine, and spirits to take out. For many boaters who spend extended periods of time on the lakes, marinas are the principal source of supplies. It would give a boost to the state's tourism and help waterfront communities if the obstacles that today prevent marinas from obtaining take-out liquor licenses could be overcome.

Against:

Some people oppose adding more liquor licensees on the grounds that wider availability of alcohol means increased alcohol-related problems for the state. This bill would add licenses and would override a state policy against allowing alcohol to be sold where there are gas pumps. There is already concern about the growing number of alcohol-related boat crashes.

Against:

Why shouldn't any bona fide convenience store, whether it has gas pumps or not, be eligible for a license to sell beer and wine? The current rules are unfair.

Response: That is an issue for another bill. Indeed, other legislation addressing that issue has been proposed.

POSITIONS:

The Liquor Control Commission supports the bill. (9-16-87)

The Michigan Petroleum Association supports the bill. (10-23-87)

The Michigan Interfaith Council on Alcohol Problems (MICAP) is opposed to the bill. (10-22-87)

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