

The Maui News

Last call for alcohol: Liquor commission reinstates rules

Liquor control panel votes to bring back retail sales blackout period, cap on number of hostess bars after intense public outcry



Mahina Martin is hugged by Ashlee Chapman after the Maui County Liquor Control Commission's decision Wednesday morning to reverse course on controversial changes it made earlier this year. The panel voted to reinstate the 11 p.m. to 6 a.m. blackout on retail liquor sales and the cap of 12 hostess bars in the county. The Maui News / MATTHEW THAYER photo

WAILUKU — The Maui County Liquor Control Commission voted unanimously Wednesday to reverse itself and to restore the 11 p.m. to 6

a.m. blackout on retail sales of alcohol and the 12 hostess bar cap, bowing to the public outcry and a lawsuit filed over its decision five months ago.

“It’s a good day for the community,” said Wailuku resident Mahina Martin, a leader of a group battling liquor rule changes adopted in February. *“It gave everybody the chance to see that the community can come out respectfully and make its point. In our efforts, the commission has demonstrated that it’s listened and taken our advice.”*

The vote that effectively calls for reinstating liquor laws in place prior to the February changes still has to be signed into law by Mayor Alan Arakawa. County spokesman Rod Antone said the mayor *“will review the amendments once we receive them from the department.”*

Arakawa signed the changes passed by the liquor commission Feb. 8 into law Feb. 21. He said in April that the concerns of the community should be heard and that he had no problem with the commission revisiting the issue.

About 50 people, including recovering alcoholics, those against underage drinking and law enforcement officials, packed into the tiny liquor department meeting room in the David K. Trask Building and applauded the vote. The action by the commission once again limits alcohol retail sales to 6 a.m. to 11 p.m., restores the cap of 12 licenses for hostess bars and disallows the sale and delivery of liquor to private residences or businesses. The February rule changes had allowed liquor sales 24/7 and the deliveries of liquor while lifting the hostess bar cap.



An overflow crowd reacts favorably to the Maui County Liquor Control Commission's decision Wednesday morning inside the Department of Liquor Control's meeting room in Wailuku. The commission had come under fire for voting to change liquor rules that allowed retail sales of alcohol 24/7 and alcohol home-delivery. The Maui News / MATTHEW THAYER photo

The initial rule changes were voted on with limited discussion and public notice. In fact, liquor department director Glenn Mukai called the package of changes "*mostly housekeeping*" at the commission meeting in February when the changes were voted on. There was so little notice that multiple retailers were unaware of the new rules until informed by media reports.

Madge Schaefer and the Committee for Responsible Liquor Control filed a lawsuit in 2nd Circuit Court in May calling for repealing the rule changes due to questions about whether there was proper public notice and comment. She also filed a Sunshine Law complaint with the state Office of Information Practices.

Schaefer said earlier this week that her attorney and the county are in negotiations and that Wednesday's decision would have a bearing on the outcome of the lawsuit.

As different groups in the community became aware of the changes, calls for the commission to revisit them built. Martin, a founding member of the Coalition to Repeal 24 Hour Alcohol Sales, helped champion the rules reversal and formally petitioned the commission to hold a special hearing on the rule changes. That hearing on May 9 drew 50 testifiers.

The next day, the commission voted to set in motion the process to reverse their February actions.

About 30 people testified Wednesday in favor of reverting back to the old rules.

JD Wyatt, executive director of Big Brothers Big Sisters Maui, implored the commission to reverse its actions, saying his nonprofit sees *“firsthand the dangers of drug and alcohol use.”* He said he saw three boys no older than 12 years old walking with 40-ounce beers in their hands with *“no fear and like nothing was wrong”* about a month ago.

“If we go to 24-hour liquor sales we are catering to the alcoholics and endangering our youth,” Wyatt said, noting that his dad was an angry and violent alcoholic.

Several teenagers from a Maui Economic Opportunity under-age drinking prevention program shared their fears of alcohol abuse and their community service efforts to help raise awareness through sign-waving, murals and a teen expo.

“We have better things to do than drugs and alcohol,” middle-schooler Kylie Takushi of Paia said. “None of us need alcohol. We don’t need drugs so this 24-hour sales thing won’t help us. I know there’s kids out there who can and probably will get alcohol, and if you’re a parent, you don’t want your kids to become like that.

“It (reversal of the rules) will help me and my friends and the whole island.”

Charles Silva of Pukalani, who identified himself as a recovering alcoholic with nine DUIs, wondered whose idea it was to abolish the dry hours.

“There’s no need to have 24-hour liquor sales on Maui,” Silva said. “This is one small community, what you guys doing? You guys are mostly local guys. What’s the matter? You got to drink beer at 3 o’clock in the morning or you got to buy your beer for work the next day? C’mon, grow up. Be real.”

Martin said that the department failed to adequately notify the public of the changes and the commission failed to ask important questions, but she also blamed the community for failing to monitor the rules and acting sooner.

“I am concerned that we don’t revisit this way of doing business with this department,” Martin said. “I think leadership in government has to come from a place of helpfulness and not fear. This whole process has had a vein of fear of working with the public. Inconvenient meeting times, difficult place, lack of access.

“I truly feel all of this could’ve been avoided. I don’t know how we came to this, and we spent the past six months haggling with something that shouldn’t have happened at all. People have had to take time off of work and put things aside and for what?”

Mukai declined comment after the meeting.

Despite the recent turmoil, commission Chairman Bob Tanaka affirmed his support for Mukai. He said Mukai, who was appointed to the post in May 2016 by the commission, is *“doing a good job.”*

“He’s not doing anything wrong,” Tanaka said. “I don’t see him doing anything wrong. All he’s doing is being more meticulous and trying to follow the rules. That’s what it is, because a lot of these things were overlooked before and the people were comfortable with what was happening and all of a sudden they clamped down and started screaming.”

Deputy Director Mark Honda said: *“On behalf of the department, we are pleased with the progress made by the commissioners and their hard work in attempting to address the issues raised by the public today.”*

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