



129th MAINE LEGISLATURE

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Legislative Document

No. 1680

S.P. 551

In Senate, May 2, 2019

**An Act To Authorize Auxiliary Liquor Licenses for the
Consumption of Alcoholic Beverages within Designated
Entertainment Districts**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN, H. of Cumberland.
Cosponsored by Representative TEPLER of Topsham and
Senators: DILL of Penobscot, LUCHINI of Hancock, POULIOT of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 28-A MRSA §2, sub-§15, ¶B**, as reenacted by PL 1989, c. 158, §1, is
3 amended to read:

4 B. "Auditorium" means any commercially operated indoor or outdoor facility
5 designed or used for the gathering of an audience for speeches and live performances
6 of theater, music, dance or other performing arts, ~~which~~ that charges a fee and ~~which~~
7 has adequate facilities for the sale and consumption of liquor.

8 **Sec. 2. 28-A MRSA §2, sub-§15, ¶D-2** is enacted to read:

9 D-2. "Common consumption area" means an area designed as a common area within
10 an entertainment district in which the public is permitted to consume spirits, wine and
11 malt liquor sold by licensees within the entertainment district.

12 **Sec. 3. 28-A MRSA §2, sub-§15, ¶F-2** is enacted to read:

13 F-2. "Entertainment district" means an area that is located within a municipality or
14 unincorporated place and is established by ordinance of the municipal legislative
15 body or the county commissioners of the unincorporated place. An entertainment
16 district must include at least one of the following:

- 17 (1) An auditorium;
- 18 (2) A hotel;
- 19 (3) A restaurant; and
- 20 (4) A manufacturer.

21 **Sec. 4. 28-A MRSA §2, sub-§20-A** is enacted to read:

22 **20-A. Municipal legislative body.** "Municipal legislative body" has the same
23 meaning as in Title 30-A, section 2001, subsection 9.

24 **Sec. 5. 28-A MRSA c. 11** is enacted to read:

25 **CHAPTER 11**

26 **ENTERTAINMENT DISTRICTS**

27 **§221. Entertainment districts**

28 **1. Entertainment district.** A municipal legislative body or the county
29 commissioners of an unincorporated place may establish by ordinance an entertainment
30 district within the municipality or unincorporated place for the purpose of designating a
31 common consumption area.

32 For purposes of this section, an entertainment district ordinance adopted in accordance
33 with this subsection must:

1 A. Specify the boundaries of the entertainment district and identify the common
2 consumption area by identifiable landmarks or coordinates and include a map
3 depicting the entertainment district and common consumption area;

4 B. Specify the maximum number of acres permitted to be within an entertainment
5 district and the common consumption area, if any;

6 C. Specify the hours of operation of a common consumption area; and

7 D. Specify the maximum number, if any, of licensed premises within the
8 entertainment district that are eligible for an auxiliary license.

9 **2. Hearings; findings.** The municipal officers of a municipality or the county
10 commissioners of an unincorporated place in which an entertainment district has been
11 established in accordance with subsection 1 may hold a public hearing pursuant to section
12 653 for the consideration of an application for an auxiliary license under section 1012,
13 subsection 2. In addition to the grounds for denial set forth in section 653, subsection 2,
14 an application for an auxiliary license in an entertainment district under section 1012,
15 subsection 2 may be denied if:

16 A. The applicant fails to establish that the licensed premises and common
17 consumption area can be operated without creating a safety risk to the properties
18 within the entertainment district;

19 B. The applicant fails to obtain or maintain a properly endorsed general liability and
20 liquor liability insurance policy that is reasonably acceptable to the municipal officers
21 or the county commissioners and names the local licensing authority as an additional
22 insured; or

23 C. The use is not compatible with the reasonable requirements of or existing uses in
24 the entertainment district.

25 **Sec. 6. 28-A MRSA §1012, sub-§2,** as amended by PL 2017, c. 17, §6, is further
26 amended to read:

27 **2. Auxiliary license.** A Class A restaurant or a Class I hotel located at a ski area, a
28 golf course or a disc golf course, or a Class I golf club or a Class I or a Class V club
29 located at a golf course or a disc golf course may apply for one additional licensed
30 premises at the same area for consumption of spirits, wine or malt liquor on the premises.
31 A restaurant, an auditorium, a hotel or a manufacturer of any license class located within
32 an entertainment district may apply for an auxiliary license for consumption of spirits,
33 wine or malt liquor within the common consumption area of the entertainment district.
34 An application for an auxiliary license for a restaurant, auditorium, hotel or manufacturer
35 of any license class located within an entertainment district is subject to the local
36 approval required under section 221; section 1051, subsection 2; and section 1075.

37 A. The license fee is.....\$100.

38 **Sec. 7. 28-A MRSA §1051, sub-§2,** as amended by PL 2003, c. 493, §9 and
39 affected by §14, is further amended to read:

1 **2. Local approval of application for license.** The initial application for the license
2 must first be approved under section 653 by the municipal officers of the municipality in
3 which the applicant's premises are located or, if the premises are located in an
4 unincorporated place, the application must be approved by the county commissioners of
5 the county within which the unincorporated place is located. An applicant for an
6 auxiliary license under section 1012, subsection 2 for the consumption of spirits, wine or
7 malt liquor within the common consumption area of an entertainment district in which the
8 applicant's premises are located must certify that the entertainment district includes a
9 common consumption area and has been established in accordance with section 221.

10 **Sec. 8. 28-A MRSA §1051, sub-§3,** as amended by PL 2017, c. 337, §1, is
11 further amended to read:

12 **3. Liquor not to be consumed elsewhere.** Except as provided in paragraphs A and
13 B and in ~~section~~ sections 1012, 1075 and 1207, a licensee for the sale of liquor to be
14 consumed on the premises where sold may not personally or by an agent or employee,
15 sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed
16 premises or noncontiguous real estate that meets the conditions specified in subsection 9.
17 The service and consumption of liquor must be limited to areas that are clearly defined
18 and approved in the application process by the bureau as appropriate for the consumption
19 of liquor. Outside areas must be controlled by barriers and by signs prohibiting
20 consumption beyond the barriers.

21 A. Subject to law and the rules of the bureau, hotel or bed and breakfast licensees
22 may sell liquor in the original packages or by the drink to bona fide registered room
23 guests. Any sale to a guest may be delivered to the guest's room only by a hotel or
24 bed and breakfast employee.

25 B. A licensee may serve liquor at locations other than the licensed premises under
26 the off-premise catering license issued under section 1052.

27 **Sec. 9. 28-A MRSA §1069-A, sub-§1,** as amended by PL 1997, c. 373, §93, is
28 further amended to read:

29 **1. Issuance of licenses.** The bureau may issue ~~licenses~~ a license to an auditorium
30 under this section for the sale of spirits, wine and malt liquor to be consumed on the
31 premises of the auditorium or within the common consumption area of an entertainment
32 district adjacent to auditoriums or including the auditorium, as defined in section 2,
33 subsection 15, paragraph B.

34 **Sec. 10. 28-A MRSA §1075,** as amended by PL 2017, c. 17, §8, is further
35 amended to read:

36 **§1075. Auxiliary licenses**

37 **1. Licenses for ski areas, golf courses and disc golf courses.** The bureau may
38 issue one auxiliary license under this section for additional premises to a Class A
39 restaurant or Class A restaurant/lounge, to a Class I hotel located at a ski area, golf course
40 or disc golf course, to a Class I golf club or to a Class I or Class V club located at a golf
41 course or disc golf course, if the following requirements are met:

- 1 A. The additional premises are located at the same ski area, golf course or disc golf
- 2 course where the Class A restaurant, Class A restaurant/lounge, lounge, hotel or
- 3 qualified club is licensed;
- 4 B. Food is for sale at the additional premises, although not necessarily prepared
- 5 there;
- 6 C. The additional premises are properly equipped, including tables, chairs and
- 7 restrooms; and
- 8 D. The Department of Health and Human Services licenses the additional premises.

9 **2. Sales for consumption on slopes or courses prohibited.** This section does not
 10 permit a ski area to sell liquor for consumption on the slopes away from the licensed area.
 11 Except as provided in section 1075-A, a golf course or disc golf course may not sell
 12 liquor for consumption on the course away from the licensed area.

13 **3. Licenses for common consumption areas within entertainment districts.** The
 14 bureau may issue one auxiliary license for additional premises in a common consumption
 15 area under this section to a restaurant, an auditorium, a hotel or a manufacturer of any
 16 license class located within an entertainment district established in accordance with
 17 section 221, if:

- 18 A. The restaurant, auditorium or hotel is a licensed establishment located within the
- 19 entertainment district;
- 20 B. The common consumption area within the entertainment district is properly
- 21 equipped with tables, chairs and restrooms;
- 22 C. The common consumption area has obtained any required licensing from the
- 23 Department of Health and Human Services; and
- 24 D. The bureau has not yet issued the maximum number of auxiliary licenses within
- 25 the entertainment district, if applicable.

26 **SUMMARY**

27 This bill authorizes the issuance of auxiliary liquor licenses for the consumption of
 28 spirits, wine and malt liquor within entertainment districts authorized by and located
 29 within municipalities or unincorporated places.