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Date: (Filing No. H-)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 31, L.D. 30, Bill, “An Act Regarding Dancing on the Premises of Certain Liquor Licensees”

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Law Governing Special Amusement Permits for Liquor Licensees'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 28-A MRSA §653, sub-§2, ¶D-1 is enacted to read:

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

Sec. 2. 28-A MRSA §1054, as amended by PL 1991, c. 377, §16, is further amended to read:

§1054. Permit for music, dancing or entertainment

~~1. Activities and entertainment prohibited. Without the permit described in subsection 2, no licensee for sale of liquor to be consumed on the premises may allow on the premises the following:~~

- ~~A. Any music, except radio or other mechanical device;~~
- ~~B. Any dancing; or~~
- ~~C. Entertainment of any sort.~~

2. Permit required. If A municipality or, in the case of an unincorporated place, the county commissioners may require a licensee for sale of liquor to be consumed on the premises provides activities or entertainment listed in subsection 1, the licensee must first to obtain a special amusement permit for music, dancing or entertainment from the municipality or, in the case of an unincorporated place, the county commissioners of the

COMMITTEE AMENDMENT

1 county in which the licensed premises are located. The permit must specify which
2 activities are prohibited on the licensed premises and may include a list of which
3 activities are authorized, in accordance with local ordinances or regulations adopted by
4 the municipality or unincorporated place.

5 **3. Term of permit.** A permit is valid only for the license year of the existing
6 license.

7 ~~**4. Public hearing on permit application.** Before granting a permit and after~~
8 ~~reasonable notice to the municipality and the applicant, the municipal officers shall hold a~~
9 ~~public hearing at which the municipal officers shall take testimony of the applicant and~~
10 ~~any interested members of the public.~~

11 ~~**5. Permit requirements.** The municipal officers shall grant a permit unless they~~
12 ~~find that issuance of the permit would be detrimental to the public health, safety or~~
13 ~~welfare, or would violate municipal ordinances or rules and regulations.~~

14 **6. Issuance or denial of permit.** Within 15 days of receiving the permit application,
15 the municipal officers shall give the applicant written notice of their decision.

16 A. If the municipal officers deny a licensee a permit, they shall provide the licensee
17 with the reasons for the denial in writing.

18 B. The licensee may not reapply for a permit within 30 days after denial of an
19 application for a permit.

20 **7. Municipal suspension or revocation of a permit.** After a public hearing
21 preceded by notice to interested parties, the municipal officers may suspend or revoke
22 any permits which they have issued under this section on the grounds that the music,
23 dancing or entertainment permitted constitutes a detriment to the public health, safety or
24 welfare, or violates municipal ordinances or regulations.

25 **8. Appeal procedure.** Any licensee who has applied for a permit and has been
26 denied, or whose permit has been revoked or suspended, may appeal the decision to the
27 municipal board of appeals, as defined in Title 30-A, section 2691, within 30 days of the
28 denial, suspension or revocation. The municipal board of appeals, if the municipality has
29 such a board, may grant or reinstate the permit if it finds that:

30 A. The permitted activities would not constitute a detriment to the public health,
31 safety or welfare, or violate municipal ordinances or regulations; or

32 B. The denial, revocation or suspension was arbitrary and capricious.

33 ~~**9. Admission.** A licensee who has been issued an amusement permit may charge~~
34 ~~admission in designated areas approved by the special amusement permit.~~

35 ~~**10. Definition of entertainment.** For the purposes of this section, "entertainment"~~
36 ~~includes any amusement, performance, exhibition or diversion for patrons or customers~~
37 ~~of the licensed premises, whether provided by professional entertainers or by full time or~~
38 ~~part time employees of the licensee whose incidental duties include activities with an~~
39 ~~entertainment value.~~

