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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 551, L.D. 1680, Bill, “An Act To Authorize Auxiliary Liquor Licenses for the Consumption of Alcoholic Beverages within Designated Entertainment Districts”

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

'An Act To Authorize Common Consumption Area Licenses for the Consumption of Alcoholic Beverages within Designated Entertainment Districts'

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

'Sec. 1. 28-A MRSA §2, sub-§11-D is enacted to read:

11-D. Entertainment district. "Entertainment district" means an area that is located within a municipality that is established by ordinance of the municipal legislative body in accordance with section 221.

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

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

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

D-2. "Common consumption area" means an area designated as a common area within an entertainment district in which customers of more than one common consumption area licensee are permitted to consume spirits, wine and malt liquor sold by the common consumption area licensees.

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

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

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1 B. The municipal officers or the county commissioners, as the case may be, shall
2 provide public notice of any hearing held under this section by causing a notice, at
3 the applicant's or applicants' prepaid expense, stating the name and place of hearing,
4 to appear on at least 3 consecutive days before the date of hearing in a daily
5 newspaper having general circulation in the municipality where the premises are
6 located or one week before the date of the hearing in a weekly newspaper having
7 general circulation in the municipality where the premises are located.

8 C. If the municipal officers or the county commissioners, as the case may be, fail to
9 take final action on an application for a new on-premises license or, transfer of the
10 location of an existing on-premises license or common consumption area license
11 within 60 days of the filing of an application, the application is deemed approved and
12 ready for action by the bureau. For purposes of this paragraph, the date of filing of
13 the application is the date the application is received by the municipal officers or
14 county commissioners. This paragraph applies to all applications pending before
15 municipal officers or county commissioners as of the effective date of this paragraph
16 as well as all applications filed on or after the effective date of this paragraph. This
17 paragraph applies to an existing on-premises license that has been extended pending
18 renewal. The municipal officers or the county commissioners shall take final action
19 on an on-premises license that has been extended pending renewal within 120 days of
20 the filing of the application.

21 D. If an application is approved by the municipal officers or the county
22 commissioners but the bureau finds, after inspection of the premises and the records
23 of the applicant, that the applicant does not qualify for the class of license applied for,
24 the bureau shall notify the applicant of that fact in writing. The bureau shall give the
25 applicant 30 days to file an amended application for the appropriate class of license,
26 accompanied by any additional license fee, with the municipal officers or county
27 commissioners, as the case may be. If the applicant fails to file an amended
28 application within 30 days, the original application must be denied by the bureau.
29 The bureau shall notify the applicant in writing of its decision to deny the application
30 including the reasons for the denial and the rights of appeal of the applicant.

31 **Sec. 7. 28-A MRSA §653, sub-§2-A** is enacted to read:

32 **2-A. Common consumption area license applications.** In addition to the grounds
33 for denial set forth in subsection 2, the municipal officers may deny a common
34 consumption area license if:

35 A. The applicant fails to establish that the common consumption area can be
36 operated without creating a safety risk to the properties within the entertainment
37 district;

38 B. The applicant fails to obtain or maintain a properly endorsed general liability and
39 liquor liability insurance policy that is reasonably acceptable to the municipal officers
40 and names the local licensing authority as an additional insured; or

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

43 **Sec. 8. 28-A MRSA §1012, sub-§7** is enacted to read:

1 **7. Common consumption area license.** A licensed auditorium, hotel, restaurant,
2 Class A restaurant or Class A restaurant/lounge or a manufacturer licensed under section
3 1355-A may apply for a common consumption area license to operate a common
4 consumption area within an entertainment district established in accordance with section
5 221. The license fee is \$100.

6 **Sec. 9. 28-A MRSA §1051, sub-§3,** as amended by PL 2017, c. 337, §1, is
7 further amended to read:

8 **3. Liquor not to be consumed elsewhere.** Except as provided in paragraphs A and
9 B and in ~~section 1207~~ sections 1012, 1080 and 1208, a licensee for the sale of liquor to be
10 consumed on the premises where sold may not personally or by an agent or employee,
11 sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed
12 premises or noncontiguous real estate that meets the conditions specified in subsection 9.
13 The service and consumption of liquor must be limited to areas that are clearly defined
14 and approved in the application process by the bureau as appropriate for the consumption
15 of liquor. Outside areas must be controlled by barriers and by signs prohibiting
16 consumption beyond the barriers.

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

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

23 **Sec. 10. 28-A MRSA §1080** is enacted to read:

24 **§1080. Common consumption areas**

25 **1. Issuance of licenses.** The bureau may issue a common consumption area license
26 under this section to a licensed auditorium, hotel, restaurant, Class A restaurant or Class
27 A restaurant/lounge or a manufacturer licensed under section 1355-A if:

28 A. The auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or
29 manufacturer is a licensed establishment located within an entertainment district
30 established in accordance with section 221;

31 B. The premises of the auditorium, hotel, restaurant, Class A restaurant, Class A
32 restaurant/lounge or manufacturer are adjacent to the common consumption area or,
33 if the auditorium is an outdoor facility, the premises of the auditorium are adjacent to
34 or within the common consumption area;

35 C. The common consumption area is properly equipped with tables, chairs and
36 restrooms;

37 D. The common consumption area has obtained any required licensing from the
38 Department of Health and Human Services; and

39 E. The bureau has not yet issued the maximum number of common consumption
40 area licenses permitted by the entertainment district ordinance.

COMMITTEE AMENDMENT “ ” to S.P. 551, L.D. 1680

1 within the premises of the common consumption area, which must be controlled by
2 barriers and by signs prohibiting consumption beyond the barriers.

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FISCAL NOTE REQUIRED

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(See attached)