

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1296, L.D. 1567, Bill,
"AN ACT Concerning the Income Requirements for Class A
Restaurants under the Liquor Statutes."

Amend said Bill by inserting before the enacting clause
the following emergency preamble:

'Emergency preamble. Whereas, Acts of the Legislature do
not become effective until 90 days after adjournment unless
enacted as emergencies; and

Whereas, there are a number of class A restaurants in the
State which are experiencing financial problems and may lose
their present liquor licenses; and

Whereas, the loss of a liquor license will have detrimental
effects for many class A restaurants; and

Whereas, the economic failure of many class A restaurants
will create more unemployment and accentuate the economic
recession in Maine ; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, '

Further amend said Bill by striking out everything after
the enacting clause and inserting in place thereof the following:

'28 MRSA §2, sub-§18, as last amended by PL 1973, c. 788,
§121-A, is repealed and the following enacted in place thereof:

18. Class A restaurant. "Class A restaurant" shall mean
a reputable place operated by responsible persons of good

reputation which is properly equipped and which prepares and serves full course meals. In municipalities having a population of above 50,000 persons, year-round class A restaurants must do a minimum of \$50,000 per year in sale and service of food to the public on their premises. In municipalities having a population of above 50,000 persons, part-time licensees must do a minimum of \$30,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months and \$20,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 3 consecutive months. In municipalities having a population of 30,001 to 50,000 persons, year-round class A restaurants must do a minimum of \$40,000 per year in sale and service of food to the public on their premises. In municipalities having a population of 30,001 to 50,000 persons, part-time licensees must do a minimum of \$25,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months and \$20,000 in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 3 consecutive months. In municipalities having a population of 20,001 to 30,000 persons, year-round class A restaurants must do a minimum of \$30,000 per year in sale and service of food to the public on their premises and part-time licensees must do a minimum of \$20,000 business in sale and service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months.

In municipalities having a population of 10,001 to 20,000 persons, year-round class A restaurants must do a minimum of \$20,000 per year in sale and service of food to the public on their premises and part-time licensees must do a minimum of \$15,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months. In municipalities having a population of 5,001 to 10,000 persons, year-round class A restaurants must do a minimum of \$15,000 per year in sale and service of food to the public on their premises and part-time licensees must do a minimum of \$12,500 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months. In municipalities and unincorporated places having a population of up to 5,000 persons, year-round class A restaurants must do a minimum of \$10,000 per year in sale and service of food to the public on their premises. The commission, in the case of an applicant for a "Class A restaurant" license, is authorized to and shall exercise its judgment as to the applicant's probable qualification with the income provisions of this subsection. If the judgment of the commission is that the applicant would probably qualify, then a license shall be ^{issued.} / . In no case shall the commission renew any license for the sale of liquor under this subsection unless they are furnished with proof that the previous year's business conformed to the income provisions of this subsection. The commission is specifically authorized to make such rules and regulations as they deem necessary for carrying out this subsection.

Notwithstanding any other provision of law, and due to the

lack of snow and the energy crisis, the commission is authorized to waive the dollar food requirements for 1975 upon renewal of class A licenses under this subsection.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

The purpose of this amendment is to add an emergency preamble and an emergency clause to the bill.

The amendment deletes the requirement under the liquor statutes that class A restaurants to be licensed must derive at least 60% of their business income from the sale of food and changes certain of the income from food requirements placed on class A restaurants in municipalities of certain populations.

The amendment also clearly differentiates a class A restaurant from other types of establishments that serve food, such as short-order and sandwich shops.

Reported by the Committee on Liquor Control.

Reproduced and distributed under the direction of the Clerk of the House.

5/19/75

(Filing No. H-380)