

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1567

H. P. 1296

House of Representatives, April 2, 1975

Referred to Committee on Liquor Control. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pierce of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes.

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

28 MRSA § 2, sub-§ 18, as last amended by PL 1973, c. 788, § 121-A, is repealed and the following enacted in place thereof: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 equipped for preparing and serving food on the premises. 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 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 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 so qualify, then a license shall issue. 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.

STATEMENT OF FACT

This bill 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.