

MAINE STATE LEGISLATURE

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New Draft of: H. P. 1276, L. D. 1516

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1773

H. P. 1549

House of Representatives, May 11, 1977

Reported by Mr. Maxwell from Committee on Liquor Control and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Provide Malt Liquor Licenses for Caterers.

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

Sec. 1. 28 MRSA § 2, sub-§ 13-A is enacted to read:

13-A. **Qualified catering service.** "Qualified catering service" means a catering establishment as defined in Title 22, chapter 562, and licensed by the Department of Human Services. Catering services applying for year-round licenses shall, in the calendar year prior to the year in which application is made, do a minimum of \$50,000 in sale and service of food to the public. Catering services applying for part-time licenses shall, in the calendar year prior to the year in which application is made, operate for a minimum of 4 months and shall do a minimum of \$25,000 in sale and service of food to the public for a part-time license not in excess of 6 consecutive months. If the judgment of the commission is that the applicant qualifies, a license shall be issued. In no case shall the commission renew any license for the sale of malt liquor under this subsection, unless they are furnished with proof that the previous year's business conformed to the income provisions of this subsection. In no case shall the income from the sales of food placed in vending machines be included in the minimum dollar requirements as set forth in this subsection. The commission is specifically authorized to make any rules and regulations which they deem necessary to carry out the purposes of this subsection.

As used in this Title to refer to qualified catering service the term "on premises" shall mean on the premises where any event, function or gathering is being held at which the licensee is providing catering service including the service or sale of liquor.

Sec. 2. 28 MRSA § 701-A, sub-§ 1, ¶ K is enacted to read:

K. Qualified catering services.

Sec. 3. 28 MRSA § 701-A, sub-§ 2, ¶ K is enacted to read:

K. Qualified catering services.

Sec. 4. 28 MRSA § 701-A, sub-§ 3, ¶ L is enacted to read:

L. Qualified catering services.

Sec. 5. 28 MRSA § 701-A, sub-§ 4, ¶ M is enacted to read:

M. Qualified catering services.

Sec. 6. 28 MRSA § 752, 2nd sentence, as last amended by PL 1973, c. 749, § 5, is amended to read:

No other license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises, except a bona fide hotel, restaurant, tavern, club, **qualified catering service** or municipal auditorium, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern, club, **qualified catering service** or municipal auditorium is located, and if such hotel, restaurant, tavern or club or **qualified catering service** is located in an unorganized place, the application shall be approved by the county commissioners of the county within which such unorganized place is located.

Sec. 7. 28 MRSA § 801, 1st sentence, as last amended by PL 1975, c. 741, § 25, is further amended to read:

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide **qualified catering services**, hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B and civic auditoriums on payment of the fees provided; subject to the provisions of section 252 and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a **qualified catering service**, club, restaurant, hotel or municipal auditorium is operating the same, and if said **qualified catering service**, hotel, restaurant or club is located in an unorganized place, said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both.

Sec. 8. 28 MRSA § 801-C is enacted to read:

§ 801-C. Sale or service of liquor by catering services

Notwithstanding any other provision of law, licenses may be granted to **qualified catering services** located in municipalities and unincorporated places which have previously voted affirmatively on Title 28, section 101, questions pertaining to class A restaurants.

Qualified catering services holding licenses for the sale of liquor desiring to provide the service of liquor at locations other than their principal place of business shall notify the State Liquor Commission at least 24 hours in advance of any function or event at which liquor is to be sold or serviced. Notification shall be made on a form provided by the commission and shall contain the following :

1. Date, time and duration. Date, time and approximate duration;
2. Location. Location;
3. Name and address. Name and address of the person or persons, firm or corporation making arrangements;
4. Approval of municipal officers. Approval by the municipal officers of the municipality in which the catered function or event is to be held may be granted without public notice; and
5. Other information. Such other information as deemed necessary by the commission.

The commission shall decide upon each notification and shall forthwith render either its approval or denial relative to same without additional fee.

STATEMENT OF FACT

This new draft includes provisions omitted from the bill which provides licensing for qualified catering services.