

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 297

H. P. 252

House of Representatives, February 2, 1979

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Ms. Small of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Permit Performing Arts Centers to Serve Alcoholic Beverages.

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

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

11-A. **Performing arts center.** "Performing arts center" shall mean any charitable or nonprofit corporation incorporated as a corporation without capital stock under Title 13-A, section 81, which:

- A. Has as its primary purpose the encouragement, promotion and presentation of the arts for the benefit of the general public;
- B. Has been in existence one year prior to first applying for a license under section 252; and
- C. Has presented, in the 12 months prior to first applying for a license, a minimum of 24 public performances of theater, music, dance or other performing arts.

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

I-1. Performing arts centers.

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

I-1. Performing arts centers.

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

I-1. Performing arts centers.

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

I-1. Performing arts centers.

Sec. 6. 28 MRSA § 752, 2nd sentence, as repealed and replaced by PL 1977, c. 564, § 103, is amended to read: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~~, civic auditorium ~~or~~ **performing arts centers**, 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~~ , civic auditorium ~~or~~ **performing arts centers** 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, first sentence, as last amended by PL 1977, c. 246, § 7, 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 ~~and~~ **performing arts centers** 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.

STATEMENT OF FACT

This bill allows a performing arts center to serve alcoholic beverages, thus giving performing arts centers similar privileges to those extended to civic auditoriums. The definition of performing arts center is drawn to limit the privileges granted by this bill only to those organizations which are truly designed to serve the public and promote the arts, and which have already established an existence based solely on promotion of the arts without the assistance of the sale of alcoholic beverages.