

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 762

7 H.P. 614 House of Representatives, February 15, 1983

8 Submitted by the Department of Finance and Administration pursuant to
9 Joint Rule 24.

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

EDWIN H. PERT, Clerk
Presented by Representative McSweeney of Old Orchard Beach.

11 Cosponsors: Representative Daggett of Manchester, Representative
Rotondi of Athens and Representative Callahan of Mechanic Falls.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide a Class A Lounge
18 Liquor License.
19

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

22 Sec. 1. 28 MRSA §2, sub-§8, ¶K, as repealed and
23 replaced by PL 1975, c. 741, is amended to read:

24 K. Class A restaurant. "Class A restaurant"
25 shall mean means a reputable place operated by
26 responsible persons of good reputation which is
27 properly equipped and which prepares and serves
28 full course meals which is habitually and regu-
29 larly used for the purpose of providing food for
30 the public by remaining open, each operational
31 day, for the service of food for a continuous
32 period of time extending over the hours of at
33 least 2 of the regular morning, afternoon and
34 evening meals. Class A restaurants shall be

1 equipped with a separate and complete kitchen and
2 shall maintain adequate dining room equipment and
3 capacity for preparing and serving full course
4 meals upon the premise. A full course meal shall
5 consist of a diversified selection of food which
6 could not ordinarily be consumed without the use
7 of tableware and which could not conveniently be
8 consumed while standing or walking about. In
9 municipalities having a population of above
10 50,000 persons, year-round Class A restaurants
11 must do a minimum of \$50,000 per year in sale and
12 service of food to the public on their premises.
13 In municipalities having a population of above
14 50,000 persons, part-time licensees must do a
15 minimum of \$30,000 business in sale or service of
16 food to the public on their premises as a re-
17 quirement for a part-time license not in excess
18 of 6 consecutive months and \$20,000 business in
19 sale or service of food to the public on their
20 premises as a requirement for a part-time license
21 not in excess of 3 consecutive months. In munici-
22 palities having a population of 30,001 to 50,000
23 persons, year-round Class A restaurants must do a
24 minimum of \$40,000 per year in sale and service
25 of food to the public on their premises. In
26 municipalities having a population of 30,001 to
27 50,000 persons, part-time licensees must do a
28 minimum of \$25,000 business in sale or service of
29 food to the public on their premises as a re-
30 quirement for a part-time license not in excess
31 of 6 consecutive months and \$20,000 in sale or
32 service of food to the public on their premises
33 as a requirement for a part-time license not in
34 excess of 3 consecutive months. In municipalities
35 having a population of 20,001 to 30,000 persons,
36 year-round Class A restaurants must do a minimum
37 of \$30,000 per year in sale and service of food
38 to the public on their premises and part-time
39 licensees must do a minimum of \$20,000 business
40 in sale and service of food to the public on
41 their premises as a requirement for a part-time
42 license not in excess of 6 consecutive months. In
43 municipalities having a population of 20,000 per-
44 sons or less, year-round Class A restaurants must
45 do a minimum of \$20,000 per year in sale and ser-
46 vice of food to the public on their premises, and
47 part-time licensees must do a minimum of \$15,000

1 business in sale or service of food to the public
2 on their premises as a requirement for a part-
3 time license not in excess of 6 consecutive
4 months. If the judgment of the commission is that
5 the applicant would probably qualify, then a li-
6 cense shall be issued. In no case ~~shall~~ may the
7 commission renew any license for the sale of liqu-
8 or under this subsection unless they are fur-
9 nished with proof that the previous year's busi-
10 ness conformed to the income provisions of this
11 subsection. The commission is specifically
12 authorized to make such rules and regulations as
13 they deem necessary for carrying out this subsec-
14 tion.

15 Sec. 2. 28 MRSA §2, sub-§8, ¶K-1 is enacted to
16 read:

17 K-1. Class A lounge. Class A lounge means a
18 reputable place operated by responsible people of
19 good reputation, where food may be sold and liqu-
20 ors are sold at tables, booths and counters and
21 where no minor may be permitted to remain on the
22 licensed premises unless accompanied by his
23 parent or legal guardian. All Class A lounges
24 shall be licensed by the Department of Human Ser-
25 vices.

26 Sec. 3. 28 MRSA §301, as amended by PL 1973, c.
27 362, is further amended to read:

28 §301. Proximity to churches and schools; exception

29 No new ~~hotel, restaurant, tavern or club~~ licenses
30 for the consumption of alcoholic beverages on the
31 premises where sold ~~shall~~ may be granted under this
32 Title to new premises within 300 feet of a public or
33 private school, school dormitory, church, chapel or
34 parish house in existence as such at the time such
35 the new license is applied for, measured from the
36 main entrance of the premises to the main entrance of
37 the school, school dormitory, church, chapel or
38 parish house by the ordinary course of travel, except
39 such premises as were in use as hotels or clubs on
40 July 24, 1937. The commission may grant licenses to
41 premises which are either in or within 300 feet of a
42 church, chapel, parish house or post-secondary

1 school, measured as aforesaid, when the application
2 therefor has the unanimous approval of the members of
3 the commission and the written approval of a majority
4 of the officers or the written approval of the offi-
5 cer, person or pastor in charge of such church,
6 chapel, parish house or post-secondary school.

7 Sec. 4. 28 MRSA §701, sub-§1, ¶F is enacted to
8 read:

9 F. Class X License, Class A lounges, spirituous,
10 vinous and malt beverages.....\$1,500

11 Sec. 5. 28 MRSA §701, sub-§3, ¶F is enacted to
12 read:

13 F. Class X License, Class A lounges, spirituous,
14 vinous and malt beverages.....\$ 250

15 Sec. 6. 28 MRSA §801, as amended by PL 1981, c.
16 698, §128, is repealed and the following enacted in
17 its place:

18 §801. Licenses generally

19 Licenses for the sale of spirituous, vinous or
20 malt liquor to be consumed on the premises where sold
21 may be issued to qualified applicants for qualified
22 premises as defined in section 2 upon payment of the
23 fees provided, subject to the provision that the ini-
24 tial application therefor be approved by the municip-
25 al officers of the town or city in which the
26 intended qualified premise is located. If the quali-
27 fied premise is located in an unorganized place, the
28 application shall be approved by the county commis-
29 sion of the county within which that unorganized
30 place is located. All approvals shall be accom-
31 plished pursuant to section 252-A.

32 No licensee for the sale of liquor to be consumed
33 on the premises where sold may be himself, clerk,
34 servant or agent, sell, give, furnish or deliver any
35 liquor to be consumed elsewhere that upon the li-
36 icensed premise except subject to law and the rules of
37 the commission, hotel licensees may sell liquor in
38 the original packages to bona fide registered room
39 guests.

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STATEMENT OF FACT

This bill authorizes the Department of Finance and Administration to issue licenses to establishments that are actually engaged in the entertainment business and would require that Class A restaurants open and operate as Class A restaurants. It is expected that many hotels currently maintaining unrented rooms will transfer to this type of license. It is anticipated that the enactment of this bill would increase revenues by \$125,000 per year.

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