

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 426

6
7 S.P. 159

In Senate, February 5, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Najarian of Cumberland.

Cosponsored by Representative Hoglund of Portland.

11
12 STATE OF MAINE
13

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

17 AN ACT to Provide a Class A Lounge Liquor
18 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22 Sec. 1. 28 MRSA §2, sub-§8, ¶K, as repealed and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, §1, is amended to read:

24 K. "Class A restaurant" ~~shall mean~~ means a repu-
25 table place operated by responsible persons of
26 good reputation which is ~~properly equipped and~~
27 ~~which prepares and serves full course meals hab-~~
28 ~~itually and regularly used for the purpose of~~
29 ~~providing food for the public by remaining open,~~
30 ~~each operational day, for the service of food for~~
31 ~~a continuous period of time extending over the~~
32 ~~hours of at least 2 of the regular morning, af-~~
33 ~~ternoon and evening meals. Class A restaurants~~
34 ~~shall be equipped with a separate and complete~~
35 ~~kitchen and shall maintain adequate dining room~~
36 ~~equipment and capacity for preparing and serving~~

1 full course meals upon the premise. A full course
2 meal shall consist of a diversified selection of
3 food which could not ordinarily be consumed with-
4 out the use of tableware and which could not con-
5 veniently be consumed while standing or walking
6 about. In municipalities having a population of
7 above 50,000 persons, year-round Class A restau-
8 rants must do a minimum of \$50,000 per year in
9 sale and service of food to the public on their
10 premises. In municipalities having a population
11 of above 50,000 persons, part-time licensees must
12 do a minimum of \$30,000 business in sale or ser-
13 vice of food to the public on their premises as a
14 requirement for a part-time license not in excess
15 of 6 consecutive months and \$20,000 business in
16 sale or service of food to the public on their
17 premises as a requirement for a part-time license
18 not in excess of 3 consecutive months. In munici-
19 palities having a population of 30,001 to 50,000
20 persons, year-round Class A restaurants must do a
21 minimum of \$40,000 per year in sale and service
22 of food to the public on their premises. In mu-
23 nicipalities having a population of 30,001 to
24 50,000 persons, part-time licensees must do a
25 minimum of \$25,000 business in sale or service of
26 food to the public on their premises as a re-
27 quirement for a part-time license not in excess
28 of 6 consecutive months and \$20,000 in sale or
29 service of food to the public on their premises
30 as a requirement for a part-time license not in
31 excess of 3 consecutive months. In municipalities
32 having a population of 20,001 to 30,000 persons,
33 year-round Class A restaurants must do a minimum
34 of \$30,000 per year in sale and service of food
35 to the public on their premises and part-time li-
36 censees must do a minimum of \$20,000 business in
37 sale and service of food to the public on their
38 premises as a requirement for a part-time license
39 not in excess of 6 consecutive months. In munici-
40 palities having a population of 20,000 persons or
41 less, year-round Class A restaurants must do a
42 minimum of \$20,000 per year in sale and service
43 of food to the public on their premises, and
44 part-time licensees must do a minimum of \$15,000
45 business in sale or service of food to the public
46 on their premises as a requirement for a part-
47 time license not in excess of 6 consecutive

1 months. If the judgment of the commission is that
2 the applicant would probably qualify, then a li-
3 cense shall be issued. In no case shall the com-
4 mission renew any license for the sale of liquor
5 under this subsection unless they are furnished
6 with proof that the previous year's business con-
7 formed to the income provisions of this subsec-
8 tion. The commission is specifically authorized
9 to make such rules and regulations as they deem
10 necessary for carrying out this subsection.

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

13 K-1. "Class A lounge" means a reputable place
14 operated by responsible people of good reputa-
15 tion, where food may be sold and liquors are sold
16 at tables, booths and counters and where minors
17 are not permitted to remain on the licensed
18 premises unless accompanied by a parent or legal
19 guardian. All Class A lounges shall be licensed
20 by the Department of Human Services.

21 Sec. 3. 28 MRSA §301, as amended by PL 1973, c.
22 362, is further amended to read:

23 §301. Proximity to churches and schools; exception

24 No new ~~hotel, restaurant, tavern or club~~ licenses
25 for the consumption of alcoholic beverages on the
26 premises where sold shall be granted under this Title
27 to new premises within 300 feet of a public or pri-
28 vate school, school dormitory, church, chapel or par-
29 ish house in existence as such at the time such new
30 license is applied for, measured from the main en-
31 trance of the premises to the main entrance of the
32 school, school dormitory, church, chapel or parish
33 house by the ordinary course of travel, except such
34 premises as were in use as hotels or clubs on July
35 24, 1937. The commission may grant licenses to
36 premises which are either in or within 300 feet of a
37 church, chapel, parish house or post-secondary
38 school, measured as aforesaid, when the application
39 therefor has the unanimous approval of the members of
40 the commission and the written approval of a majority
41 of the officers or the written approval of the offi-
42 cer, person or pastor in charge of such church, chap-
43 el, parish house or post-secondary school.

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

3 F. Class X License, Class A Lounge, spirituous,
4 vinous and malt beverages.....\$1,500

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

7 F. Class X License, Class A Lounge, spirituous,
8 vinous and malt beverages.....\$250

9 Sec. 6. 28 MRSA §801, as amended by PL 1983, c.
10 755, §§12 and 14, is repealed and the following en-
11 acted in its place:

12 §801. Licenses generally

13 Licenses for the sale of spirituous, vinous and
14 malt liquor to be consumed on the premises where sold
15 may be issued to qualified applicants for qualified
16 premises, as defined in section 2, upon payment of
17 the fees provided, subject to the provision that the
18 initial application for the license is approved by
19 the municipal officers of the town or city in which
20 the intended qualified premise is located. If the
21 qualified premises is located in an unorganized
22 place, the application shall be approved by the coun-
23 ty commission of the county within which the unorga-
24 nized place is located. All approvals shall be accom-
25 plished pursuant to section 252-A.

26 No licensee for the sale of liquor to be consumed
27 on the premises where sold may by himself, clerk,
28 servant or agent, sell, give, furnish or deliver any
29 liquor to be consumed elsewhere than upon the li-
30 censed premise, except that, subject to law and the
31 rules of the commission, hotel licensees may sell li-
32 quor in the original packages to bona fide registered
33 room guests.

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STATEMENT OF FACT

2 This bill authorizes the Bureau of Alcoholic Bev-
3 erages to issue licenses to establishments that are
4 actually engaged in the entertainment business and
5 requires that Class A restaurants open and operate as
6 Class A restaurants. It is expected that many hotels
7 currently maintaining unrented rooms will transfer to
8 this type of license. It is anticipated that the en-
9 actment of this bill would increase revenue by
10 \$125,000 per year.

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