## MAINE STATE LEGISLATURE

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## 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

Legislative Document

No. 898

H.P. 648

House of Representatives, February 2, 1999

An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality.

(EMERGENCY)

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

OSEPH W. MAYO, Clerk

Presented by Representative LEMOINE of Old Orchard Beach.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: BAGLEY of Machias, BOUFFARD of Lewiston, FRECHETTE of
Biddeford, GAGNON of Waterville, MAILHOT of Lewiston, O'NEIL of Saco, TUTTLE of
Sanford.

Whereas, current law does not authorize municipalities and unincorporated places to require liquor liability insurance; and  Whereas, municipalities may not revoke licenses to selliquor due to lack of proof of liquor liability insurance; and  Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore.  Be it enacted by the People of the State of Maine as follows:  Sec. 1. 28-A MRSA §1051, sub-§2-A is enacted to read:  2-A. Liquor liability insurance required. The municipal officers of the municipality in which the applicant's premises are located or, if the premises are located in an unincorporated place, the commissioners of the county within which the unincorporated place is located may make local approval for application for the license contingent upon proof of liquor liability insurance with minimum coverage of \$50,000 effective for the duration of the license.  A. The liquor liability insurance policy must contain provision that requires the insurer to notify the municipality or unincorporated place within 10 days, by first class mail, of any lapse or change of coverage of that policy.  B. The municipal officer or county commissioner shall notify the licensee within 5 days of notification of a lapse or change of coverage in the insurance policy indicating the automatic revocation of the establishment's liquor license.  C. The licensee shall respond to the municipal officer or county commissioner within 5 days of notification of the license revocation.  D. If the licensee can show proof of a new policy or give good cause as to the reason for lapse or change of coverage.		Emergency preamble. Whereas, Acts of the Legislature do not
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	48	license revocation.

E. If the license is not restored by the municipality or unincorporated place and the licensee is not satisfied with this result, the licensee may appeal to the governing body of the municipality or unincorporated place.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

10 SUMMARY

This bill authorizes municipalities and unincorporated places to require from an applicant for a liquor license proof of liquor liability insurance with minimum coverage of \$50,000 before approval of an application for a liquor license is granted. The insurance policy must include a provision that requires the insurer to notify the municipality or unincorporated place of a lapse in coverage. Any lapse in coverage results in automatic revocation of a liquor license. If the licensee can show proof of new insurance or give good cause as to the reason for the lapse, the revocation will be withdrawn.