

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2533

H.P. 1807

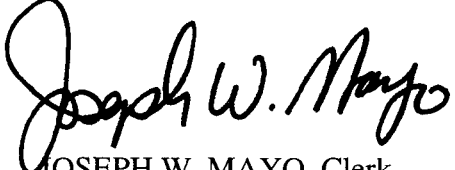
House of Representatives, January 31, 2000

An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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


JOSEPH W. MAYO, Clerk

Presented by Representative TUTTLE of Sanford.

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

2 **Sec. 1. 22 MRSA §1542, sub-§2, ¶N** is enacted to read:

4 N. Smoking is not prohibited in bowling centers, pool halls
6 and off-track betting facilities licensed in accordance with
8 Title 28-A, section 1080.

10 **Sec. 2. 28-A MRSA §2, sub-§15, ¶N-1** is enacted to read:

12 N-1. "Pool hall" means a pool hall or billiard room with 4
14 or more pool tables or billiard tables.

16 **Sec. 3. 28-A MRSA §1001, sub-§3, ¶J-1** is enacted to read:

18 J-1. Off-track betting facilities:

20 **Sec. 4. 28-A MRSA §1001, sub-§3, ¶K-1** is enacted to read:

22 K-1. Pool halls:

24 **Sec. 5. 28-A MRSA §1051, sub-§2**, as amended by PL 1999, c.
421, §6, is further amended to read:

26 **2. Local approval of application for license.** Except for
28 licenses issued pursuant to section 1063-A 1080, subsection 1,
30 paragraph C, the initial application for the license must first
32 be approved under section 653 by 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
 application must be approved by the county commissioners of the
 county within which the unincorporated place is located.

34 **Sec. 6. 28-A MRSA §1063-A**, as enacted by PL 1999, c. 421,
36 §7, is repealed.

38 **Sec. 7. 28-A MRSA §1073**, as amended by PL 1997, c. 373, §100,
is further amended to read:

40 **§1073. Indoor racquet clubs; ice skating clubs;**
42 **golf club facilities; and curling clubs**

44 **1. Issuance of licenses.** The bureau may issue licenses
46 under this section for the sale of spirits, wine and malt liquor
48 to be consumed on the premises to ~~bowling centers~~, curling clubs,
 golf clubs, indoor ice skating clubs and indoor racquet clubs as
 defined in section 2, subsection 15, paragraphs B-1, D-1, G, J
 and K respectively.

2 **2. Food availability.** The licensee shall offer food for
sale to the public at all times that liquor is for sale. For
4 ~~bowling centers, at least 10% of the gross annual income, not~~
~~including income from the bowling business, must be from the sale~~
6 ~~of food.~~

8 **3. Separate area for sale of food and liquor.** The licensee
shall set aside a separate area for the sale and consumption of
10 food and liquor in accordance with the rules of the bureau. For
~~bowling centers, that separate area may not include the area in~~
12 ~~which the game of bowling is conducted.~~

14 **Sec. 8. 28-A MRSA §1080** is enacted to read:

16 **§1080. Bowling centers, pool halls and off-track**
18 **betting facilities**

20 **1. Issuance of licenses.** The bureau may issue licenses
under this section for the sale of spirits, wine and malt liquor
22 to be consumed on the premises to:

24 A. Bowling centers, as defined in section 2, subsection 15,
paragraph B-1;

26 B. Pool halls, as defined in section 2, subsection 15,
paragraph N-1; and

28 C. Off-track betting facilities, as defined in section 2,
30 subsection 15, paragraph R-2. A licensee may not permit any
minor in an off-track betting lounge. For purposes of this
32 paragraph and notwithstanding section 2, subsection 20,
"minor" means a person who has not reached 18 years of age.

36 **SUMMARY**

38 This bill repeals the existing categories of liquor licenses
for bowling centers and off-track betting facilities and creates
40 a new category of liquor license for pool halls, bowling centers
and off-track betting facilities. A "pool hall" is defined as a
42 pool hall or billiard room that has 4 or more pool or billiard
tables. Under this new license, a pool hall, bowling center or
44 off-track betting facility may be issued a license for the sale
of spirits, wine or malt liquor to be consumed on the premises.
46 Under this new category of license, the issuance of a license is
not linked to the percentage of sales of food. The bill also
48 specifies that smoking is not prohibited in a bowling center,
pool hall or off-track betting facility licensed under this new
50 category of liquor license.