

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1336

S.P. 463

In Senate, March 17, 2005

**An Act To Promote Economic Development in Commercial and
Downtown Areas of the State**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.

Cosponsored by Representative PATRICK of Rumford and

Representatives: BROWN of South Berwick, HANLEY of Gardiner, HOTHAM of Dixfield,
MOORE of the Passamaquoddy Tribe.

2 **Emergency preamble. Whereas,** acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** this legislation needs to take effect before the
expiration of the 90-day period to encourage economic development
in commercial and downtown areas in the State, which is a vital
8 component to the overall growth and success of the State; and

10 **Whereas,** a component of some commercial districts and
downtown districts is the location of restaurants and bars in
12 order to spur activity and growth in these districts; and

14 **Whereas,** the prohibition on issuance of new liquor licenses
to businesses located within 300 feet of churches and schools is
16 primarily designed to prevent businesses from locating near
established churches and schools and selling liquor in close
18 proximity to those locations; and

20 **Whereas,** the entry of a new school or church into a
preexisting commercial zone where businesses are already allowed
22 to obtain liquor licenses, or a downtown area, should not have
the effect of disrupting the economic development plans of a
24 municipality; and

26 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
28 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
30 safety; now, therefore,

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

34 **Sec. 1. 28-A MRSA §701, sub-§1,** as amended by PL 1997, c. 373,
§64, is further amended to read:

36
38 **1. Location within 300 feet of churches and schools.**
Except as provided in ~~paragraph-B~~ paragraphs B and C, the bureau
40 may not issue a new license for the sale of liquor to be consumed
on the premises to new premises within 300 feet of a public or
42 private school, school dormitory, church, chapel or parish house
in existence as such at the time the application for the new
license is made.

44
46 B. The bureau may after holding a public hearing near the
proposed location issue licenses to premises that are either
in or within 300 feet of a church, chapel, parish house or
48 postsecondary school.

2 C. The restriction in this subsection does not apply if a
3 public or private school, school dormitory, church, chapel
4 or parish house locates:

5 (1) In a commercial zone that includes restaurants or
6 bars as permitted uses and that had been established
7 pursuant to a zoning ordinance as defined in Title
8 30-A, section 4301, subsection 15-A prior to the public
9 or private school, school dormitory, church, chapel or
10 parish house locating in the commercial zone; or

11 (2) In a downtown as defined in Title 30-A, section
12 4301, subsection 5-A.

13 **Emergency clause.** In view of the emergency cited in the
14 preamble, this Act takes effect when approved.
15

16 **SUMMARY**

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20 This bill provides that when a new church or school enters a
21 preexisting commercially zoned area that allows the issuance of
22 liquor licenses or a downtown area, the prohibition on issuing
23 liquor licenses to businesses located within 300 feet of a school
24 or church does not apply.