

# MAINE STATE LEGISLATURE

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L.D. 1627

DATE: 3-23-06

(Filing No. S-518)

LEGAL AND VETERANS AFFAIRS

Reported by: Minority

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 604, L.D. 1627, Bill, "An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 28-A MRSA §1013 is enacted to read:

§1013. Class XII licenses

1. Types of liquor that may be sold. A Class XII licensee may sell wine to be consumed off the premises where sold.

2. Fee. The fee for a full-time, one-year Class XII license is \$420.

3. Eligible premises. A restaurant that qualifies for a Class III license and that offers food to be consumed on and off the premises where sold is eligible to obtain a Class XII license.

4. Requirements. The holder of a Class XII license must meet the following requirements:

A. The licensee must have on display for sale a minimum of 125 different wine labels on the licensed premises;

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2 B. The sale of wine for off-premises consumption must  
4 account for at least 50% of annual gross retail sales of the  
establishment;

6 C. The square footage of the combined retail and restaurant  
8 space on the licensed premises may not exceed 2,500 square  
feet;

10 D. An employee or person hired to serve wine for  
12 on-premises consumption or to sell wine for off-premises  
consumption shall complete a seller-server education course  
14 and provide proof of completion to the bureau; and

16 E. The licensee may have a financial interest in only one  
18 establishment eligible for a Class XII license that sells  
alcoholic beverages for either off-premises or on-premises  
consumption.

20 **Sec. 2. 28-A MRSA §1051, sub-§3**, as amended by PL 1999, c.  
22 236, §2, is further amended to read:

24 **3. Liquor not to be consumed elsewhere.** Except as provided  
26 in paragraphs A and, B and C, no a licensee for the sale of  
28 liquor to be consumed on the premises where sold may not  
30 personally or by an agent or employee, sell, give, furnish or  
32 deliver any liquor to be consumed elsewhere than upon the  
licensed premises. The service and consumption of liquor must be  
limited to areas that are clearly defined and approved in the  
application process by the bureau as appropriate for the  
consumption of liquor. Outside areas must be controlled by  
barriers and by signs prohibiting consumption beyond the barriers.

34 A. Subject to law and the rules of the bureau, hotel or bed  
36 and breakfast licensees may sell liquor in the original  
38 packages or by the drink to bona fide registered room  
guests. Any sale to a guest may be delivered to the guest's  
room only by a hotel or bed and breakfast employee.

40 B. A licensee may serve liquor at locations other than the  
42 licensed premises under the ~~off-premise~~ off-premises  
catering license issued under section 1052.

44 C. A restaurant that holds a Class XII license may sell  
46 wine to be consumed on or off the premises of the licensee.

48 **Sec. 3. 28-A MRSA §1201, sub-§3**, as enacted by PL 1987, c. 45,  
Pt. A, §4, is amended to read:

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3. **May not sell liquor to be consumed on premises.** No  
2 Except for a restaurant holding a Class XII license, a person  
4 licensed under this section may not sell malt liquor or wine to  
be consumed on the premises.

6 **Sec. 4. 28-A MRSA §1206**, as enacted by PL 1993, c. 266, §23,  
8 is amended to read:

10 **§1206. Consumption prohibited on premises of off-premises retail  
licensees**

12 A person may not consume liquor on the premises of an  
14 off-premise off-premises licensee licensed under this chapter  
except as provided in section 1205 or except for wine that is  
16 provided by a Class XII licensee.

18 **Sec. 5. 28-A MRSA §2074, sub-§1**, as amended by PL 1997, c.  
306, §2, is further amended to read:

20 **1. Transportation on premises or off premises.** Except as  
22 provided in section 1051 and except for wine provided by a Class  
XII licensee, any person who transports liquor onto or off of the  
24 premises of an on-premise on-premises retail licensee is guilty  
of a Class E crime.

26 **Sec. 6. Appropriations and allocations.** The following  
28 appropriations and allocations are made.

30 **PUBLIC SAFETY, DEPARTMENT OF**

32 **Liquor Enforcement 0293**

34 Initiative: Appropriates funds for one additional Auditor I  
position needed to audit Class XII licensees.

36 <b>GENERAL FUND</b>	<b>2005-06</b>	<b>2006-07</b>
38 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$38,294
All Other	\$0	\$2,009
40 GENERAL FUND TOTAL	<u>\$0</u>	<u>\$40,303'</u>

44 **SUMMARY**

46 This amendment replaces the bill and is the minority report  
48 of the committee. It creates a new license that allows a  
restaurant to have a license to sell wine for off-premises and  
50 on-premises consumption. The fee for this license is \$420.  
Premises eligible for this license must carry at least 125 labels

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of wine for retail sale and generate at least 50% of their annual gross income from the sale of wine for off-premises consumption and may not exceed 2,500 square feet. The holder of this license may not have a financial interest in any other establishment licensed to sell alcoholic beverages for either off-premises or on-premises consumption. This amendment also requires that people employed by the licensed premises to sell wine for either off-premises or on-premises consumption complete a seller-server education course.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 1627

LR 2330(02)

## An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Minority Report

### Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Net Cost (Savings)</b>				
General Fund	\$0	(\$80,167)	(\$73,430)	(\$68,840)
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$40,303	\$47,040	\$51,630
<b>Revenue</b>				
General Fund	\$0	\$120,470	\$120,470	\$120,470

#### Fiscal Detail and Notes

Beginning in fiscal year 2006-07, the establishment of a new liquor retail license will increase annual General Fund revenue collected by the Department of Public Safety by an estimated \$120,470. In addition, the department will require an additional General Fund appropriation of \$40,303 in fiscal year 2006-07 for the costs of an additional Auditor I position necessary to audit licensees in this new licensure category.