

# MAINE STATE LEGISLATURE

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Majority

LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 681, L.D. 989, Bill, "An Act To Allow for a Dual Liquor License"

Amend the bill in section 1 in subsection 4 in the last line (page 1, line 4 in L.D.) by striking out the following: "1051, subsection 3-A" and inserting the following: '1207'

Amend the bill in section 2 in subsection 3 in the 2nd line (page 1, line 8 in L.D.) by striking out the following: "subsection 3-A" and inserting the following: 'section 1207'

Amend the bill by striking out all of section 3 (page 1, lines 21 to 27 in L.D.)

Amend the bill in section 4 in subsection 3 in the 2nd line (page 1, line 31 in L.D.) by striking out the following: "1051, subsection 3-A" and inserting the following: '1207'

Amend the bill in section 5 in §1206 in the first paragraph in the 2nd line (page 1, line 37 in L.D.) by striking out the following: "section 1051, subsection 3-A and section 1205" and inserting the following: 'section sections 1205 and 1207'

Amend the bill by inserting after section 5 the following:

'Sec. 6. 28-A MRSA §1207 is enacted to read:

§1207. Dual liquor license

Notwithstanding any other provision of law, the bureau may issue a dual liquor license to a retail establishment to serve wine and malt liquor to be consumed on the premises in accordance with subsection 2 if that establishment is licensed to sell wine and malt liquor to be consumed off the premises and meets the criteria listed in subsection 1.

1. Minimum criteria. In order for the bureau to issue a dual liquor license in accordance with this section the following criteria must be met:

A. The licensee has submitted an application as prescribed by the bureau and the fee under subsection 3 to the bureau;

B. The licensee's establishment includes a full kitchen that prepares hot and cold meals to be consumed on the premises;

COMMITTEE AMENDMENT

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C. The licensee's establishment includes at least one restroom available for use by patrons;

D. The licensee has dedicated an area of the establishment with table seating for a minimum of 16 people to sit and eat a meal prepared by the licensee;

E. The licensee carries a combined stock of at least \$35,000 of malt liquor and wine;

F. The licensee has not committed a violation of this chapter during the past 2 years; and

G. The licensee has received approval from the appropriate municipal officers prior to submitting an application to the bureau.

**2. License requirements.** The holder of a dual liquor license is governed by the following when serving malt liquor or wine to be consumed on the premises:

A. Each serving of malt liquor or wine must be dispensed by the licensee or an employee of the licensee who is at least 18 years of age from a stock of malt liquor or wine that is separated from the malt liquor and wine that is for sale for consumption off the premises;

B. The licensee shall ensure that at least 2 employees at least 18 years of age are present at all times when malt liquor or wine is being consumed on the premises with at least one whose primary responsibility is sales of malt liquor, wine and other items sold to be consumed off the premises;

C. Malt liquor or wine may be served only to be consumed on the premises when accompanied by a meal;

D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; and

E. A licensee may not serve malt liquor or wine to be consumed on the premises after 8:00 p.m.

**3. License fee.** The license fee for a dual liquor license is \$600 annually in addition to the license to sell malt liquor or wine for consumption off the premises.

**4. Rules.** The bureau shall adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Liquor Enforcement 0293**

Initiative: Provides funding for one Public Safety Inspector II position and related All Other costs.

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COMMITTEE AMENDMENT "A" to H.P. 681, L.D. 989

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<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$63,106	\$66,852
All Other	\$12,000	\$12,000
<b>GENERAL FUND TOTAL</b>	<b>\$75,106</b>	<b>\$78,852</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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**SUMMARY**

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Current law prohibits retail stores licensed to sell alcoholic beverages for consumption off the premises from allowing patrons to consume alcoholic beverages on the premises. This amendment establishes a dual liquor license for retail establishments that sell beer and wine to be consumed off the premises. The dual liquor license will allow certain off-premises licensees to serve beer and wine to be consumed on the premises. The licensee would be required to stock at least \$35,000 in beer and wine, provide table seating for at least 16 persons, have a full kitchen that prepares meals and has staff dedicated to accommodating customers purchasing items to be taken away from the store. Beer or wine could be served only when accompanied by a meal. A dual liquor license with a \$600 annual fee would be issued in addition to the off-premises license. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 124th MAINE LEGISLATURE

LD 989

LR 1354(02)

## An Act To Allow for a Dual Liquor License

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

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
General Fund	(\$104,894)	(\$101,148)	(\$99,089)	(\$96,966)
<b>Appropriations/Allocations</b>				
General Fund	\$75,106	\$78,852	\$80,911	\$83,034
<b>Revenue</b>				
General Fund	\$180,000	\$180,000	\$180,000	\$180,000

#### Fiscal Detail and Notes

This legislation provides for a dual liquor license to allow retail establishments that currently sell beer and wine to be consumed off premises to be able to sell wine and beer to be consumed on the premises. Assuming 15% of the establishments that could potentially qualify for this particular license would obtain a license, General Fund revenues will increase by \$180,000 beginning in fiscal year 2009-10. The bill includes a General Fund appropriation to the Department of Public Safety for one Public Safety Inspector II position and related administrative costs to inspect the establishments and ensure compliance.