

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 172

H.P. 149

House of Representatives, January 27, 2011

**An Act To Exempt Nonprofit Organizations from the Laws
Governing Serving Alcohol near a Church**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Senator TRAHAN of Lincoln and
Representatives: BRIGGS of Mexico, MAZUREK of Rockland, SANBORN of Gorham.

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

2 **Sec. 1. 28-A MRSA §701, sub-§1**, as amended by PL 2005, c. 269, §1, is further
3 amended to read:

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

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

12 C. The restriction in this subsection does not apply if a public or private school,
13 school dormitory, church, chapel or parish house:

14 (1) Locates in a commercial zone that includes restaurants or bars as permitted
15 uses and that had been established pursuant to a zoning ordinance as defined in
16 Title 30-A, section 4301, subsection 15-A prior to the public or private school,
17 school dormitory, church, chapel or parish house locating in the commercial
18 zone; or

19 (2) Is located in a downtown as defined in Title 30-A, section 4301, subsection
20 5-A.

21 D. The restriction in this subsection relating to a church, chapel or parish house does
22 not apply to an applicant or licensee that is a nonprofit organization.

23 **SUMMARY**

24 This bill exempts a nonprofit organization from the prohibition against licensing
25 premises that are within 300 feet of a church, chapel or parish house for the sale of liquor
26 to be consumed on the premises.