

S. C.	Date: $3/13/17$ (Filing No. H-	L.D. 30
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:	VETERANS AND LEGAL AFFAIRS	
	Reproduced and distributed under the direction of the Clerk of the House.	
	STATE OF MAINE	
(HOUSE OF REPRESENTATIVES	
	128TH LEGISLATURE	
1	COMMITTEE AMENDMENT " A" to H.P. 31, L.D. 30, Bill, "An Act Rep Dancing on the Premises of Certain Liquor Licensees"	garding
1	Amend the bill by striking out the title and substituting the following:	
1:	'An Act To Amend the Law Governing Special Amusement Permits for Liquo Licensees'	r
1		ore the
1	'Sec. 1. 28-A MRSA §653, sub-§2, ¶D-1 is enacted to read:	
1 1 1	or entertainment required by a municipality or, in the case of an unincorporated	
2 2	Sec. 2. 28-A MRSA §1054, as amended by PL 1991, c. 377, §16, is amended to read:	further
2	§1054. Permit for music, dancing or entertainment	
2 2 2	subsection 2, no licensee for sale of liquor to be consumed on the premises may al	
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2	·	ace, the
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3	municipality or, in the case of an unincorporated place, the county commissioner	s of the

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county in which the licensed premises are located. The permit must specify which 1 activities are prohibited on the licensed premises and may include a list of which 2 activities are authorized, in accordance with local ordinances or regulations adopted by 3 4 the municipality or unincorporated place. 5 3. Term of permit. A permit is valid only for the license year of the existing 6 license. 7 4. Public hearing on permit application. Before granting a permit and after reasonable notice to the municipality and the applicant, the municipal officers shall hold a 8 9 public hearing at which the municipal officers shall take testimony of the applicant and 10 any interested members of the public. 11 5. Permit requirements. The municipal officers shall grant a permit unless they find that issuance of the permit would be detrimental to the public health, safety or 12 13 welfare, or would violate municipal ordinances or rules and regulations. 14 6. Issuance or denial of permit. Within 15 days of receiving the permit application, 15 the municipal officers shall give the applicant written notice of their decision. A. If the municipal officers deny a licensee a permit, they shall provide the licensee 16 with the reasons for the denial in writing. 17 18 B. The licensee may not reapply for a permit within 30 days after denial of an 19 application for a permit. 20 7. Municipal suspension or revocation of a permit. After a public hearing 21 preceded by notice to interested parties, the municipal officers may suspend or revoke 22 any permits which they have issued under this section on the grounds that the music, 23 dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations. 24 25 8. Appeal procedure. Any licensee who has applied for a permit and has been 26 denied, or whose permit has been revoked or suspended, may appeal the decision to the municipal board of appeals, as defined in Title 30-A, section 2691, within 30 days of the 27 28 denial, suspension or revocation. The municipal board of appeals, if the municipality has 29 such a board, may grant or reinstate the permit if it finds that: 30 A. The permitted activities would not constitute a detriment to the public health, 31 safety or welfare, or violate municipal ordinances or regulations; or 32 B. The denial, revocation or suspension was arbitrary and capricious. 9. Admission. A licensee who has been issued an amusement permit may charge 33 34 admission in designated areas approved by the special amusement permit. 35 10. Definition of entertainment. For the purposes of this section, "entertainment" includes any amusement, performance, exhibition or diversion for patrons or customers 36 37 of the licensed premises, whether provided by professional entertainers or by full-time or part time employees of the licensee whose incidental duties include activities with an 38 39 entertainment value.

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11. Municipal ordinances or regulations. A municipality shall adopt ordinances or 1 2 authorize the municipal officers to establish written regulations governing the following 3 aspects of the permits. 4 A. These ordinances or regulations shall must govern: 5 (1) The issuance, suspension and revocation of these permits; (2) The classes of permits and fees for the issuance of these permits; 6 7 (3) The music, dancing or entertainment permitted under each class; and 8 (4) Other limitations on these activities required to protect the public health, safety and welfare. 9 10 B. These ordinances or regulations may specifically determine: 11 (1) The location and size of premises to which the permits may apply; (2) The facilities that may be required for the permitted activities on those 12 13 premises: 14 (3) The hours during which the permitted activities may take place; and 15 (4) The lighting level required, which may be lowered when the entertainment is 16 provided. 17 12. Unincorporated place. If a licensed premise is premises are located in an 18 unincorporated place, the county commissioners of the county in which the 19 unincorporated place is located shall grant, suspend or revoke permits in the same manner 20and with the same authority as municipal officers. The county commissioners shall adopt 21 regulations in the same manner as municipal officers.' 22 SUMMARY 23 This amendment replaces the bill. Current law states that a person licensed to serve 24 alcoholic beverages for consumption on the licensed premises must prohibit, with some 25 limited exceptions, music, dancing and entertainment unless the licensee has received a special amusement permit from the municipality where the establishment is located. The 26 27 amendment provides that a municipality may require a permit for music, dancing and 28 entertainment based on what is permitted or prohibited by local ordinance or regulation. 29 The amendment further specifies that when the liquor license is up for renewal a 30 municipality may deny renewal if the establishment fails to obtain a required permit or 31 fails to comply with the permit. The amendment removes certain requirements imposed 32 upon the municipality governing the process for issuance of a permit for music, dancing 33 or entertainment.

> USCAL NOTE REQUIRED (See attached)

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128th MAINE LEGISLATURE

LD 30

LR 480(02)

An Act Regarding Dancing on the Premises of Certain Liquor Licensees

Fiscal Note for Bill as Amended by Committee Amendment "/4" (14-1) Committee: Veterans and Legal Affairs Fiscal Note Required: Yes

Fiscal Note

Changes to municipal permitting

Fiscal Detail and Notes

This bill makes changes to municipal permitting requirements for music, dancing and entertainment as allowed by local ordinance to liquor licensees. There is no fiscal impact on State Government.