

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FMG
R ODS

L.D. 1533

Date: 5/31/17

(Filing No. H-363)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1533, Bill, "An Act To Update the Laws Relating to Liquor Licensing and Enforcement"

Amend the bill by striking out all of sections 4 to 6 and inserting the following:

'Sec. 4. 28-A MRSA §453, sub-§2-C, as amended by PL 2013, c. 269, Pt. A, §5, is further amended to read:

2-C. Licenses. The bureau shall consider whether the applicant can satisfy the following criteria when determining whether to issue an agency liquor store license under this section:

A. ~~Except as provided in subsection 2-D, If the applicant has previously held a license to sell malt liquor and wine for off-premises consumption for more than one year immediately preceding application without, the applicant was not found to have committed~~ a violation of any provision of this Title;

B. ~~The~~ If the applicant is applying for an agency liquor store license in a municipality with a population of 1,000 or more, the applicant will be able to stock at least \$10,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license. ~~If the applicant is applying for an agency liquor store license in a municipality with a population of 999 or less, the applicant will be able to stock at least \$5,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license; and~~

C. The applicant can purchase the initial stock of spirits using a bank check or other financial instrument that certifies that funds are available; and

D. The applicant demonstrates that the applicant is likely to be a responsible licensee.'

Amend the bill by inserting after section 10 the following:

'Sec. 11. 28-A MRSA §453-D, sub-§3 is enacted to read:

3. Agency liquor store input. The bureau shall establish a process by which an agency liquor store in the same municipality as the licensee's proposed relocation may declare support of or objections to a proposed relocation. The bureau shall consider the declarations when considering approval of the relocation application. The process required by this subsection must be established by rule. The bureau shall adopt routine technical rules pursuant to Title 5, chapter 375, subsection 2-A to implement this subsection.'

Amend the bill by striking out all of section 20 and inserting the following:

'Sec. 20. 28-A MRSA §1012, sub-§4, as amended by PL 2017, c. 17, §7, is further amended to read:

4. Golf course or disc golf course mobile service bar. A licensee who is the owner of a golf course or disc golf course may apply for a license to sell ~~malt~~ liquor from a mobile service bar as provided in section 1075-A. The license fee per calendar year is \$100.'

Amend the bill by striking out all of sections 22 to 24 and inserting the following:

'Sec. 22. 28-A MRSA §1075-A, sub-§1, ¶A, as amended by PL 2017, c. 17, §9, is further amended to read:

A. "Mobile service bar" means a golf cart or other similar vehicle staffed by an employee of the golf course or disc golf course and outfitted for storage, cooling or refrigeration and sale and service of ~~malt~~ liquor ~~in cans or bottles~~.

Sec. 23. 28-A MRSA §1075-A, sub-§2, as amended by PL 2017, c. 17, §9, is further amended to read:

2. License. The bureau may issue a license for a mobile service bar to a licensee who owns a golf course or disc golf course or may issue a license for a mobile service bar to a Class A restaurant, Class A restaurant/lounge or Class I hotel located at a golf course or disc golf course ~~and to a golf course or disc golf course owner~~. The licensee shall ensure that:

A. All individuals selling, serving or dispensing ~~malt~~ liquor from a mobile service bar are employees of the golf course or disc golf course, except as provided in subsection 2-A;

B. The licensee does not possess or permit possession, sale or consumption of any ~~malt~~ liquor on the golf course or disc golf course other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted;

C. A sufficient number of employees are deployed to adequately control and ensure adherence to laws applying to the serving, sale and consumption of ~~malt~~ liquor on the golf course or disc golf course;

D. Service or consumption of any liquor is not allowed in parking lots except as otherwise provided in this chapter;

E. A licensee or licensee's employees do not allow patrons to leave the golf course or disc golf course with any liquor;

F. Only one standard serving of ~~malt~~ liquor is served to an individual at a time;

ROFS

G. Signs are posted that state that a patron may not bring ~~alcoholic beverages~~ liquor onto the premises of the golf course or disc golf course;

H. Signs are placed on the mobile service bar that state that service or consumption of any liquor by a person under 21 years of age is prohibited;

I. ~~Malt liquor~~ Liquor from a mobile service bar is purchased and consumed only by those patrons engaged in a round of golf or disc golf;

J. The operator of a mobile service bar is at least 21 years of age and has successfully completed an alcohol server education course; and

K. The operator of a mobile service bar has the ability and necessary tools to immediately contact a golf course or disc golf course employee working at the part of the golf course or disc golf course licensed as an on-premises establishment or an employee of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course or disc golf course for assistance in enforcing the provisions of this section.

Sec. 24. 28-A MRSA §1075-A, sub-§2-A, as amended by PL 2017, c. 17, §9, is further amended to read:

2-A. Municipal golf course. Notwithstanding subsection 2, paragraph A, employees of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course or disc golf course that does not have a license to serve ~~alcoholic beverages~~ liquor may sell, serve or dispense ~~malt~~ liquor from a mobile service bar under the same conditions prescribed by subsection 2.'

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

SUMMARY

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish a process by which an existing agency liquor store in the same municipality to which another agency liquor store is applying to relocate may submit support of or objections to the bureau regarding the relocation. The bill proposes to eliminate from the criteria for issuance of a new agency liquor store license that the applicant be licensed to sell beer and wine for at least one year prior to application and that the applicant was not found to have violated any provision of that license. The amendment provides that an applicant is not required to have been previously licensed to sell beer and wine, but that if the applicant was licensed to conduct those sales the applicant did so without a violation of law. The amendment adds a requirement that the applicant demonstrate that the applicant will act as a responsible licensee. The amendment also changes the laws regarding mobile service bars at golf courses and disc golf courses, reflecting changes made in Public Law 2017, chapter 17.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/26/17 *MAC*

128th MAINE LEGISLATURE

LD 1533

LR 718(02)

An Act To Update the Laws Relating to Liquor Licensing and Enforcement

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-363)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue decrease - General Fund

Fiscal Detail and Notes

Any additional costs to the Bureau of Alcoholic Beverages and Lottery Operations as a result of certain updates to the laws related to liquor licensing and enforcement are anticipated to be minor and can be absorbed within existing budgeted resources. The elimination of the fee for a relocation application is anticipated to result in a minor revenue loss.