

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 306

S.P. 132

In Senate, February 8, 2021

**An Act To Temporarily Waive Certain Requirements for
Relicensing for Restaurants That Serve Liquor**

(EMERGENCY)

Received by the Secretary of the Senate on February 4, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

Cosponsored by Senator: President JACKSON of Aroostook, Representative: CAIAZZO of Scarborough.

1 **Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas**, the spread of the novel coronavirus disease referred to as COVID-19 has
4 created a public health emergency; and

5 **Whereas**, in response to this public health emergency, the Governor issued an
6 executive order on March 18, 2020 requiring all restaurants to close their dine-in facilities;
7 and

8 **Whereas**, although restaurants across the State were permitted to reopen for dine-in
9 service by June 17, 2020, they were required to limit indoor seating capacity and, beginning
10 November 20, 2020, were additionally required to close their dine-in facilities by 9:00 p.m.
11 nightly to prevent spread of the virus; and

12 **Whereas**, the combined effects of the public health emergency and subsequent public
13 health measures have negatively impacted the ability of restaurants to satisfy certain criteria
14 for maintenance of their licenses to sell liquor for on-premises consumption under current
15 law; and

16 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
17 the meaning of the Constitution of Maine and require the following legislation as
18 immediately necessary for the preservation of the public peace, health and safety; now,
19 therefore,

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

21 **Sec. 1. One-time waiver of requirements for food sales for license renewal.**
22 Notwithstanding any provision of the law to the contrary, an applicant for renewal of an
23 on-premises retail license issued by the Department of Administrative and Financial
24 Services, Bureau of Alcoholic Beverages and Lottery Operations under the Maine Revised
25 Statutes, Title 28-A is not required to demonstrate that it has satisfied any applicable
26 requirement under Title 28-A, chapter 43 for income from the sale of food during the
27 previous year if the license to be renewed expires on or before January 1, 2022.

28 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
29 takes effect when approved.

30 **SUMMARY**

31 This bill temporarily exempts restaurants and other entities seeking renewal of a license
32 to sell beer, wine or spirits for on-premises consumption from any applicable requirement
33 that a certain percentage or dollar amount of their sales during the previous year must have
34 been from the sale of food. This temporary waiver of the requirement for food sales applies
35 only to the renewal of licenses that expire on or before January 1, 2022.