

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 141

H.P. 87

House of Representatives, January 10, 2023

**An Act to Simplify the Sale of Food Requirement for Certain
Licenses for the Sale of Liquor to Be Consumed on the Licensed
Premises**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SUPICA of Bangor.

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

2 **Sec. 1. 28-A MRSA §2, sub-§15, ¶D-1**, as amended by PL 2021, c. 658, §17, is
3 further amended to read:

4 D-1. "Curling center" means a facility that offers curling facilities to the public for a
5 fee, ~~that offers food for sale to the public~~ and that has adequate facilities for the sale
6 and consumption of liquor.

7 **Sec. 2. 28-A MRSA §2, sub-§15, ¶F-1**, as amended by PL 2021, c. 658, §17, is
8 further amended to read:

9 F-1. "Disc golf course" means a commercially operated facility that offers disc golfing
10 facilities to the public for a fee, ~~that offers food for sale to the public~~ and that has
11 adequate facilities for the sale and consumption of liquor. A disc golf course must have
12 no fewer than 18 disc golfing holes with a total distance of no less than 5,000 feet per
13 18 disc golfing holes and must have a value of not less than \$50,000.

14 **Sec. 3. 28-A MRSA §2, sub-§15, ¶G**, as amended by PL 2021, c. 658, §17, is
15 further amended to read:

16 G. "Golf course" means a commercially operated facility, whether publicly or privately
17 owned, that offers golfing facilities to the public for a fee, including a regulation-size
18 golf course of no fewer than 9 holes and an average total of not less than 1,200 yards
19 per 9 holes, that has a value of not less than \$100,000, ~~that offers food for sale to the~~
20 ~~public~~ and that has adequate facilities for the sale and consumption of liquor.

21 **Sec. 4. 28-A MRSA §2, sub-§15, ¶J**, as amended by PL 2021, c. 658, §17, is
22 further amended to read:

23 J. "Indoor ice skating center" means a commercially operated indoor facility that offers
24 ice skating facilities to the public for a fee, ~~that offers food for sale to the public~~ and
25 that has adequate facilities for the sale and consumption of liquor.

26 **Sec. 5. 28-A MRSA §2, sub-§15, ¶K**, as amended by PL 2021, c. 658, §17, is
27 further amended to read:

28 K. "Indoor racquet center" means a commercially operated indoor facility with 4 or
29 more courts or areas designed or used for the playing of a racquet sport, that is open to
30 the public for a fee, ~~that offers food for sale to the public~~ and that has adequate facilities
31 for the sale and consumption of liquor. Racquet sports include tennis, squash, handball,
32 paddleball, pickleball and badminton.

33 **Sec. 6. 28-A MRSA §2, sub-§15, ¶L**, as amended by PL 2021, c. 658, §17, is
34 further amended to read:

35 L. "Class A lounge" means a place where ~~food and liquor are~~ is sold at tables, booths
36 and counters.

37 **Sec. 7. 28-A MRSA §2, sub-§15, ¶T-1**, as amended by PL 2021, c. 658, §17, is
38 further amended to read:

39 T-1. "Tavern" means a place where ~~food and~~ malt liquor may be sold at tables, booths
40 and counters.

1 **Sec. 8. 28-A MRSA §1063, sub-§2**, as amended by PL 2021, c. 658, §180, is
2 repealed.

3 **Sec. 9. 28-A MRSA §1063, sub-§2-A** is enacted to read:

4 **2-A. Income from sale of food requirement.** At least 10% of the gross annual
5 income must be from the sale of food for each Class A restaurant or Class A
6 restaurant/lounge.

7 **Sec. 10. 28-A MRSA §1063, sub-§3**, as amended by PL 2021, c. 658, §180, is
8 further amended to read:

9 **3. Bureau to determine whether new applicant would probably meet sale of food**
10 **requirement.** The bureau may not issue an initial license to a Class A restaurant or a Class
11 A restaurant/lounge unless it determines that the applicant would probably meet the
12 ~~requirements~~ requirement of subsection ~~2~~ 2-A.

13 **Sec. 11. 28-A MRSA §1063, sub-§4**, as amended by PL 2021, c. 658, §180, is
14 further amended to read:

15 **4. Proof of compliance with sale of food requirement for license renewal.** The
16 bureau may not renew a Class A restaurant's or a Class A restaurant/lounge's license unless
17 the licensee furnishes the bureau with proof that the previous year's business met the
18 ~~requirements~~ requirement of subsection ~~2~~ 2-A. If the bureau determines that the licensee
19 has not satisfied the ~~requirements~~ requirement of subsection ~~2~~ 2-A, the bureau may renew
20 the license for only one year, during which the licensee must meet the ~~requirements~~
21 requirement of subsection ~~2~~ 2-A to be eligible for further license renewal.

22 **Sec. 12. 28-A MRSA §1065, sub-§2**, as enacted by PL 1987, c. 45, Pt. A, §4, is
23 repealed.

24 **Sec. 13. 28-A MRSA §1073**, as amended by PL 2021, c. 658, §192, is further
25 amended by amending the section headnote to read:

26 **§1073. Indoor racquet centers; indoor ice skating centers; golf courses; curling**
27 **centers; bowling centers; and disc golf courses**

28 **Sec. 14. 28-A MRSA §1073, sub-§1**, as amended by PL 2021, c. 658, §192, is
29 further amended to read:

30 **1. Issuance of licenses.** The bureau may issue licenses under this section for the sale
31 of spirits, wine and malt liquor for on-premises consumption to bowling centers, curling
32 centers, disc golf courses, golf courses, indoor ice skating centers and indoor racquet
33 centers as defined in section 2, subsection 15, paragraphs B-1, D-1, F-1, G, J and K,
34 respectively.

35 **Sec. 15. 28-A MRSA §1073, sub-§2**, as amended by PL 2021, c. 658, §192, is
36 repealed.

37 **Sec. 16. 28-A MRSA §1073, sub-§3**, as amended by PL 2021, c. 658, §192, is
38 further amended to read:

39 **3. Separate area for sale of food and liquor.** A licensee under this section shall set
40 aside a separate area for the sale and consumption of ~~food and~~ liquor in accordance with
41 the rules of the bureau.

