

MAINE STATE LEGISLATURE

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L.D. 201

Date: 4/6/23

(Filing No. S-19)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 101, L.D. 201, "An Act to Make Permanent the Ability of Certain Retailers and Distilleries to Sell Liquor for Off-premises Consumption and Cocktails for On-premises Consumption"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 created a public health emergency and prompted subsequent public health measures, which resulted in economic hardship and insecurity for restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, in response to the economic hardship facing restaurants, bars, tasting rooms, distilleries and small distilleries, the Legislature enacted Public Law 2021, chapter 3, which temporarily allowed on-premises retailers to sell liquor to customers through take-out and delivery service if the liquor was accompanied by a food order; Public Law 2021, chapter 91, which temporarily allowed distilleries or small distilleries to sell for on-premises consumption cocktails containing samples of distilleries' spirits products; and Public Law 2021, chapter 514, which extended the time in which these activities may take place; and

Whereas, the lingering effects of the public health emergency and subsequent public health measures continue to impact the economic health of Maine restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, with a statutory repeal date for these laws, Maine restaurants, bars, tasting rooms, distilleries and small distilleries face economic uncertainty and inhibited innovation; and

Whereas, with the busy summer season quickly approaching, there is a need to make a technical correction to a statutory cross-reference within the definition of "food order" in

COMMITTEE AMENDMENT

ROS

1 the requirement for providing liquor to customers through take-out and delivery service;
2 and

3 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
4 the meaning of the Constitution of Maine and require the following legislation as
5 immediately necessary for the preservation of the public peace, health and safety; now,
6 therefore,'

7 Amend the bill by inserting before section 1 the following:

8 **'Sec. 1. 28-A MRSA §1056, sub-§1, ¶C**, as enacted by PL 2021, c. 3, §1, is
9 amended to read:

10 C. "Food order" means an order of a full ~~course~~ meal as defined in section 2, subsection
11 ~~15, paragraph R-1~~ 11-E or an order of a cold or hot meal including but not limited to a
12 sandwich, salad, hamburger, cheeseburger, hot dog, pizza or other food item that
13 customarily appears on a restaurant menu. "Food order" does not include an order
14 consisting solely of a prepackaged snack food or foods such as popcorn, chips or
15 pretzels.

16 **Sec. 2. 28-A MRSA §1056, sub-§2, ¶C**, as enacted by PL 2021, c. 3, §1, is
17 amended by amending subparagraph (1) to read:

18 (1) If the qualified on-premises retailer is licensed under this chapter to sell wine
19 for on-premises consumption, it may sell wine for off-premises consumption ~~only~~
20 in an approved container, in an original container or as an ingredient in an approved
21 cocktail. An approved cocktail sold by a qualified on-premises retailer under this
22 subparagraph may not contain spirits unless the qualified on-premises retailer is
23 also licensed to sell spirits for on-premises consumption under this chapter.

24 **Sec. 3. 28-A MRSA §1056, sub-§2, ¶C**, as enacted by PL 2021, c. 3, §1, is
25 amended by amending subparagraph (2) to read:

26 (2) If the qualified on-premises retailer is licensed under this chapter to sell malt
27 liquor for on-premises consumption, it may sell malt liquor for off-premises
28 consumption ~~only~~ in an approved container or an original container.'

29 Amend the bill by adding before the summary the following:

30 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
31 takes effect when approved.'

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

SUMMARY

34 This amendment adds an emergency preamble and emergency clause to the bill. This
35 amendment also removes the requirement that wine and malt liquor sold for off-premises
36 consumption be sold only in an original container and instead allows wine to be sold for
37 off-premises consumption in an approved container, in an original container or as an
38 ingredient in an approved cocktail and allows malt liquor to be sold for off-premises
39 consumption in an approved container or in an original container. It also makes a technical
40

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COMMITTEE AMENDMENT "A" to S.P. 101, L.D. 201 (S-19)

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correction to the cross-reference for the definition of "full meal" in the definition of "food order."

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 201

LR 882(02)

An Act to Make Permanent the Ability of Certain Retailers and Distilleries to Sell Liquor for Off-premises Consumption and Cocktails for On-premises Consumption

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-19)
Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.