

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 87 - L.D. 141

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

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 and recreational facilities; 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 and recreational facilities; and

Whereas, the busy summer season is quickly approaching, during which time a significant portion of income is generated for restaurants, bars and recreational facilities; and

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

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

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

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

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

F-1. "Disc golf course" means a commercially operated facility that offers disc golfing facilities to the public for a fee, ~~that offers food for sale to the public~~ and that has

adequate facilities for the sale and consumption of liquor. A disc golf course must have no fewer than 18 disc golfing holes with a total distance of no less than 5,000 feet per 18 disc golfing holes and must have a value of not less than \$50,000.

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

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

Sec. 4. 28-A MRSA §2, sub-§15, ¶I-1 is enacted to read:

I-1. "Indoor golf center" means a commercially operated indoor facility that offers golf simulator facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor.

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

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

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

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

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

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

Sec. 8. 28-A MRSA §2, sub-§15, ¶L-2 is enacted to read:

L-2. "Outdoor golf center" means a commercially operated outdoor facility with areas for practicing golf shots with rentable golf clubs and balls, which may include a miniature golf course that has adequate facilities for the sale and consumption of liquor. "Outdoor golf center" does not mean a golf course as defined in paragraph G.

Sec. 9. 28-A MRSA §2, sub-§15, ¶T-1, as amended by PL 2021, c. 658, §17, is further amended to read:

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

Sec. 10. 28-A MRSA §1001, sub-§3, ¶H-1 is enacted to read:

H-1. Indoor golf centers:

Sec. 11. 28-A MRSA §1001, sub-§3, ¶J-2 is enacted to read:

J-2. Outdoor golf centers:

Sec. 12. 28-A MRSA §1003, sub-§3, ¶H-1 is enacted to read:

H-1. Indoor golf centers:

Sec. 13. 28-A MRSA §1003, sub-§3, ¶J-2 is enacted to read:

J-2. Outdoor golf centers:

Sec. 14. 28-A MRSA §1004, sub-§3, ¶H-1 is enacted to read:

H-1. Indoor golf centers:

Sec. 15. 28-A MRSA §1004, sub-§3, ¶J-1 is enacted to read:

J-1. Outdoor golf centers:

Sec. 16. 28-A MRSA §1005, sub-§3, ¶H-1 is enacted to read:

H-1. Indoor golf centers:

Sec. 17. 28-A MRSA §1005, sub-§3, ¶J-1 is enacted to read:

J-1. Outdoor golf centers:

Sec. 18. 28-A MRSA §1063, sub-§2, as amended by PL 2021, c. 658, §180, is repealed.

Sec. 19. 28-A MRSA §1063, sub-§2-A is enacted to read:

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

Sec. 20. 28-A MRSA §1063, sub-§3, as amended by PL 2021, c. 658, §180, is further amended to read:

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

Sec. 21. 28-A MRSA §1063, sub-§4, as amended by PL 2021, c. 658, §180, is further amended to read:

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

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

Sec. 23. 28-A MRSA §1073, as amended by PL 2021, c. 658, §192, is further amended by amending the section headnote to read:

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

Sec. 24. 28-A MRSA §1073, sub-§1, as amended by PL 2021, c. 658, §192, is further amended to read:

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

Sec. 25. 28-A MRSA §1073, sub-§2, as amended by PL 2021, c. 658, §192, is repealed.

Sec. 26. 28-A MRSA §1073, sub-§3, as amended by PL 2021, c. 658, §192, is further amended to read:

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

Sec. 27. 28-A MRSA §1073-A, as enacted by PL 2021, c. 658, §193, is repealed.

Sec. 28. 28-A MRSA §1075, sub-§1-A, ¶B, as enacted by PL 2021, c. 658, §195, is amended to read:

B. The additional premises must offer food for sale to the public consistent with the sale of food requirement for the primary licensed premises, although the food need not be prepared at the additional premises; and

Sec. 29. 28-A MRSA §1076, sub-§3, as amended by PL 2021, c. 658, §201, is repealed.

Sec. 30. 28-A MRSA §1076, sub-§3-A is enacted to read:

3-A. Income from sale of food requirement. At least 10% of the gross annual income must be from the sale of food for both year-round and part-time qualified catering services. For purposes of this section, "year-round" means operated for more than 6 months in a year.

Sec. 31. 28-A MRSA §1076, sub-§4, as amended by PL 2021, c. 658, §202, is further amended to read:

4. Bureau to determine whether new applicant would probably meet sale of food requirement. The bureau may not issue an initial license to a qualified catering service unless it determines that the applicant would probably meet the ~~requirements~~ requirement of subsection 3 ~~3-A~~.

Sec. 32. 28-A MRSA §1076, sub-§5, as amended by PL 2021, c. 658, §203, is further amended to read:

5. Proof of compliance with sale of food requirement for license renewal. The bureau may not renew a qualified catering service's license unless the licensee furnishes the bureau with proof that the previous year's business met the ~~requirements~~ requirement of subsection 3 3-A. If the bureau determines that the licensee has not satisfied the ~~requirements~~ requirement of subsection 3 3-A, it may renew the license for only one year, during which the licensee must meet the ~~requirements~~ requirement of subsection 3 3-A to be eligible for further license renewal.

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