



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1234

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H.P. 905

House of Representatives, March 24, 2021

### **An Act To Allow Lemonade Stands and Other Food and Nonalcoholic Beverage Sales by Minors**

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Received by the Clerk of the House on March 22, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTEAU of Augusta.

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

2 **Sec. 1. 22 MRSA §2491, sub-§7**, as repealed and replaced by PL 2017, c. 322, §3,  
3 is amended to read:

4 **7. Eating establishment.** "Eating establishment" means any place where food or drink  
5 is prepared and served or served to the public for consumption on the premises or prepared  
6 and served or served ready to eat to the public for consumption off the premises. "Eating  
7 establishment" includes places in the entertainment, hospitality, recreation, restaurant and  
8 tourism industries; catering establishments; correctional facilities; hospital cafeterias;  
9 mobile eating places; public and private schools; retail frozen dairy product establishments;  
10 and workplace eating establishments and places where food is prepared for vending  
11 machines dispensing food other than in original sealed packages. "Eating establishment"  
12 does not include:

13 A. A place preparing and serving food that is licensed pursuant to state law by a state  
14 agency other than the department as long the licensing of the place includes regular  
15 food safety inspections;

16 B. A place serving food only to residents, such as a boarding home, a retirement home  
17 or an independent living place; ~~and~~

18 C. A farm stand that offers only whole, uncut fresh fruits and vegetables; ~~and~~

19 D. A stand on private property operated by a person under 18 years of age for the  
20 occasional sale of prepackaged food, baked goods, lemonade or other nonalcoholic  
21 beverages.

22 **Sec. 2. 22 MRSA §2492, sub-§4** is enacted to read:

23 **4. Stand on private property operated by a person under 18 years of age.** The  
24 department may not require a license under section 2495 or a fee under section 2494 for  
25 the operation of a stand on private property operated by a person under 18 years of age for  
26 the occasional sale of prepackaged food, baked goods, lemonade or other nonalcoholic  
27 beverages.

28 **Sec. 3. 30-A MRSA §3704** is enacted to read:

29 **§3704. Stand on private property operated by a person under 18 years of age**

30 A municipality may not require a license or permit or charge a fee under this chapter  
31 for the operation of a stand on private property operated by a person under 18 years of age  
32 for the occasional sale of prepackaged food, baked goods, lemonade or other nonalcoholic  
33 beverages.

34 **Sec. 4. 36 MRSA §1760, sub-§107** is enacted to read:

35 **107. Sales from stand on private property operated by a person under 18 years**  
36 **of age.** Sales of prepackaged food, baked goods, lemonade or other nonalcoholic beverages  
37 from a stand on private property operated by a person under 18 years of age for the  
38 occasional sale of such items.

**SUMMARY**

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This bill prohibits the Department of Health and Human Services, the State Tax Assessor and municipalities from requiring a license or a permit or charging fees or sales taxes for the operation of a stand on private property operated by a person under 18 years of age for the occasional sale of prepackaged food, baked goods, lemonade or other nonalcoholic beverages.