

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in subsection 4 in the last line (page 1, line 4 in L.D.) by striking out the following: "1051, subsection 3-A" and inserting the following: '1207'

Amend the bill in section 2 in subsection 3 in the 2nd line (page 1, line 8 in L.D.) by striking out the following: "subsection 3-A" and inserting the following: 'section 1207'

Amend the bill by striking out all of section 3 (page 1, lines 21 to 27 in L.D.)

Amend the bill in section 4 in subsection 3 in the 2nd line (page 1, line 31 in L.D.) by striking out the following: "1051, subsection 3-A" and inserting the following: '1207'

Amend the bill in section 5 in §1206 in the first paragraph in the 2nd line (page 1, line 37 in L.D.) by striking out the following: "section 1051, subsection 3-A and section 1205" and inserting the following: 'section sections 1205 and 1207'

Amend the bill by inserting after section 5 the following:

**‘Sec. 6. 28-A MRSA §1207** is enacted to read:

### **§ 1207. Dual liquor license**

Notwithstanding any other provision of law, the bureau may issue a dual liquor license to a retail establishment to serve wine and malt liquor to be consumed on the premises in accordance with subsection 2 if that establishment is licensed to sell wine and malt liquor to be consumed off the premises and meets the criteria listed in subsection 1.

**1. Minimum criteria.** In order for the bureau to issue a dual liquor license in accordance with this section the following criteria must be met:

- A. The licensee has submitted an application as prescribed by the bureau and the fee under subsection 3 to the bureau;
- B. The licensee’s establishment includes a full kitchen that prepares hot and cold meals to be consumed on the premises;
- C. The licensee’s establishment includes at least one restroom available for use by patrons;
- D. The licensee has dedicated an area of the establishment with table seating for a minimum of 16 people to sit and eat a meal prepared by the licensee;
- E. The licensee carries a combined stock of at least \$35,000 of malt liquor and wine;
- F. The licensee has not committed a violation of this chapter during the past 2 years; and
- G. The licensee has received approval from the appropriate municipal officers prior to submitting an application to the bureau.

**2. License requirements.** The holder of a dual liquor license is governed by the following when serving malt liquor or wine to be consumed on the premises:

- A. Each serving of malt liquor or wine must be dispensed by the licensee or an employee of the licensee who is at least 18 years of age from a stock of malt liquor or wine that is separated from the malt liquor and wine that is for sale for consumption off the premises;
- B. The licensee shall ensure that at least 2 employees at least 18 years of age are present at all times when malt liquor or wine is being consumed on the premises with at least one whose primary responsibility is sales of malt liquor, wine and other items sold to be consumed off the premises;
- C. Malt liquor or wine may be served only to be consumed on the premises when accompanied by a meal;
- D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; and
- E. A licensee may not serve malt liquor or wine to be consumed on the premises after 8:00 p.m.

**3. License fee.** The license fee for a dual liquor license is \$600 annually in addition to the license to sell malt liquor or wine for consumption off the premises.

**4. Rules.** The bureau shall adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Liquor Enforcement 0293**

Initiative: Provides funding for one Public Safety Inspector II position and related All Other costs.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$63,106	\$66,852
All Other	\$12,000	\$12,000
<b>GENERAL FUND TOTAL</b>	<b>\$75,106</b>	<b>\$78,852</b>

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

**SUMMARY**

Current law prohibits retail stores licensed to sell alcoholic beverages for consumption off the premises from allowing patrons to consume alcoholic beverages on the premises. This amendment establishes a dual liquor license for retail establishments that sell beer and wine to be consumed off the premises. The dual liquor license will allow certain off-premises licensees to serve beer and wine to be consumed on the premises. The licensee would be required to stock at least \$35,000 in beer and wine, provide table seating for at least 16 persons, have a full kitchen that prepares meals and has staff dedicated to accommodating customers purchasing items to be taken away from the store. Beer or wine could be served only when accompanied by a meal. A dual liquor license with a \$600 annual fee would be issued in addition to the off-premises license. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**