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## **An Act To Update the Laws Relating to Liquor Licensing and Enforcement**

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

**Sec. 1. 28-A MRSA §2, sub-§15, ¶G**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. "Golf ~~club~~course" means ~~any~~any commercially operated facility, whether publicly or privately owned, offering golfing facilities to the general public for a fee, ~~which includes~~including a regulation size golf course of not less than 9 holes and an average total of not less than 1,200 yards per 9 holes, ~~which that~~ has a value of not less than \$100,000, ~~which that~~ offers food for sale to the public and ~~which that~~ has adequate facilities for the sale and consumption of liquor.

**Sec. 2. 28-A MRSA §2, sub-§26**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**26. Retail sale.** "Retail sale" means any single sale of liquor ~~of less than 20 gallons, or its metric equivalent,~~ for consumption on or off the premises where sold and whether in the original package or as a mixed drink for immediate consumption.

**Sec. 3. 28-A MRSA §10, sub-§2-B, ¶B**, as enacted by PL 2015, c. 494, Pt. D, §9, is amended to read:

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed establishment and may be served only when accompanying food or a full course meal prepared in a separate and complete kitchen on the premises. A restaurant under this paragraph must serve food. For the purposes of this paragraph, ~~"full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking~~"food" includes cold or hot meals, including sandwiches and salads, but is not limited to hamburgers, cheeseburgers, hot dogs, pizzas and other food items that customarily appear on a restaurant menu. "Food" does not include prepackaged snack foods such as popcorn, chips or pretzels. A Class A restaurant under this paragraph must serve a full course meal.

**Sec. 4. 28-A MRSA §453, sub-§2-C, ¶A**, as amended by PL 2013, c. 269, Pt. A, §5, is repealed.

**Sec. 5. 28-A MRSA §453, sub-§2-C, ¶B**, as enacted by PL 2009, c. 213, Pt. JJJJ, §2, is repealed.

**Sec. 6. 28-A MRSA §453, sub-§2-C, ¶B-1** is enacted to read:

B-1. The applicant will be able to stock the following inventory purchased from the bureau:

- (1) In a municipality with a population of 1,000 or more, at least \$10,000 worth of spirits; and
- (2) In a municipality with a population of 999 or less, at least \$5,000 worth of spirits; and

**Sec. 7. 28-A MRSA §453, sub-§2-D**, as amended by PL 2015, c. 221, §2, is repealed.

**Sec. 8. 28-A MRSA §453-A, sub-§9**, as enacted by PL 2011, c. 460, §1, is repealed.

**Sec. 9. 28-A MRSA §453-D, sub-§1**, as enacted by PL 2011, c. 135, §1, is amended to read:

**1. Relocation application requirements.** The bureau shall permit a change of location of an agency liquor store licensee if:

A. The licensee submits a ~~\$2,000 relocation fee~~ and an application in a form prescribed by the bureau;

B. The application includes proof of receipt of municipal approval of the relocation;

C. The licensee has held the license and operated as an agency liquor store for no less than one year at the currently licensed location, unless the relocation is directly related to retroactive zoning or unintentional destruction of the property that prevents rebuilding at the current location; ~~and~~

D. The proposed location of the agency liquor store meets all applicable criteria for licensure for an agency liquor store; ~~and~~

E. The application includes proof of notification, in the form of a certified mail receipt, that all agency liquor stores in the same municipality as the licensee's proposed relocation site were notified of the proposed relocation before receiving approval under paragraph B.

**Sec. 10. 28-A MRSA §453-D, sub-§2**, as enacted by PL 2011, c. 135, §1, is repealed.

**Sec. 11. 28-A MRSA §601, sub-§2, ¶J**, as amended by PL 1997, c. 373, §51, is further amended to read:

J. The applicant is a golf ~~club~~course or a restaurant located on the property of a golf ~~club~~course and the Maine Human Rights Commission has found reasonable grounds to believe that the golf ~~club~~course has denied membership to a person in violation of Title 5, chapter 337, subchapter ~~V~~5, and has determined that conciliation efforts under Title 5, ~~chapter 337~~, section 4612, subsection 3 have not succeeded. The Maine Human Rights Commission shall notify the bureau when the golf ~~club~~course has corrected its discriminatory membership practices, after which the applicant ceases to be disqualified under this paragraph.

**Sec. 12. 28-A MRSA §652, sub-§6**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**6. Public service license.** One public service license is sufficient to cover all steamboats, cars, railroads and aircraft operated by any one public service corporation.

**Sec. 13. 28-A MRSA §706, sub-§1**, as amended by PL 1997, c. 437, §3, is further amended to read:

**1. Acceptable identification.** A licensee may refuse to serve liquor to any person who fails to display upon request an identification card issued under Title 29-A, section 1410, including an official identification card issued by a federally recognized Indian tribe in the State as described in Title 29-A, section 1410, subsection 7, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11.

**Sec. 14. 28-A MRSA §712, sub-§2**, as repealed and replaced by PL 2013, c. 165, §1, is amended to read:

**2. Serve from faucet, spigot, dispensing apparatus by trade name.** A licensee may not furnish or serve any ~~malt~~ liquor from any faucet, spigot or other dispensing apparatus, unless:

A. The trade name or brand of the ~~malt~~ liquor served appears in full sight of the customer in legible lettering upon the faucet, spigot or dispensing apparatus; or

B. The licensee displays a list of all ~~malt liquors~~liquor currently available on tap that is clearly visible to patrons of the establishment in a manner that allows a patron to identify the trade name or brand of the ~~malt~~ liquor that is being dispensed from each faucet, spigot or dispensing apparatus.

**Sec. 15. 28-A MRSA §714, sub-§1, ¶A**, as enacted by PL 1991, c. 543, is amended to read:

A. "Keg" means a container capable of holding at least ~~7.755~~ gallons of liquid.

**Sec. 16. 28-A MRSA §1001, sub-§3, ¶G**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. Golf ~~clubs~~courses;

**Sec. 17. 28-A MRSA §1003, sub-§3, ¶G**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. Golf ~~clubs~~courses;

**Sec. 18. 28-A MRSA §1004, sub-§3, ¶G**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. Golf ~~clubs~~courses;

**Sec. 19. 28-A MRSA §1005, sub-§3, ¶G**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. Golf ~~clubs~~courses;

**Sec. 20. 28-A MRSA §1012, sub-§4**, as amended by PL 2005, c. 108, §1, is further amended to read:

**4. Golf course mobile service bar.** A licensee who is the owner of a golf course may apply for a license to sell ~~malt~~ liquor from a mobile service bar as provided in section 1075-A. The license fee per calendar year is \$100.

**Sec. 21. 28-A MRSA §1073**, as amended by PL 1997, c. 373, §100, is further amended to read:

**§ 1073. Indoor racquet clubs; ice skating clubs; golf courses; curling clubs; and bowling centers**

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

**2. Food availability.** The licensee shall offer food for sale to the public at all times that liquor is for sale. For bowling centers, at least 10% of the gross annual income, not including income from the bowling business, must be from the sale of food.

**3. Separate area for sale of food and liquor.** The licensee shall set aside a separate area for the sale and consumption of food and liquor in accordance with the rules of the bureau. For bowling centers, that separate area may not include the area in which the game of bowling is conducted.

**Sec. 22. 28-A MRSA §1075-A, sub-§1, ¶A**, as enacted by PL 2003, c. 579, §4, is amended to read:

A. "Mobile service bar" means a golf cart or other similar vehicle staffed by an employee of the golf course and outfitted for storage, cooling or refrigeration and sale and service of malt liquor in cans or bottles.

**Sec. 23. 28-A MRSA §1075-A, sub-§2**, as amended by PL 2009, c. 472, §§1 and 2, is further amended to read:

**2. License.** The bureau may issue a license for a mobile service bar to a licensee who owns a golf course or may issue a license for a mobile service bar to a Class A restaurant, Class A restaurant/lounge or Class I hotel located at a golf course ~~and to a golf course owner~~. The licensee shall ensure that:

A. All individuals selling, serving or dispensing malt liquor from a mobile service bar are employees of the golf course, except as provided in subsection 2-A;

B. The licensee does not possess or permit possession, sale or consumption of any malt liquor on the golf course other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted;

C. A sufficient number of employees are deployed to adequately control and ensure adherence to laws applying to the serving, sale and consumption of malt liquor on the golf course;

D. Service or consumption of any liquor is not allowed in parking lots except as otherwise provided in this chapter;

E. A licensee or licensee's employees do not allow patrons to leave the golf course with any liquor;

F. Only one standard serving of ~~malt~~ liquor is served to an individual at a time;

G. Signs are posted that state that a patron may not bring ~~alcoholic beverages~~ liquor onto the premises of the golf course;

H. Signs are placed on the mobile service bar that state that service or consumption of any liquor by a person under 21 years of age is prohibited;

I. ~~Malt liquor~~ Liquor from a mobile service bar is purchased and consumed only by those patrons engaged in a round of golf;

J. The operator of a mobile service bar is at least 21 years of age and has successfully completed an alcohol server education course; and

K. The operator of a mobile service bar has the ability and necessary tools to immediately contact a golf course employee working at the part of the golf course licensed as an on-premises establishment or an employee of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course for assistance in enforcing the provisions of this section.

**Sec. 24. 28-A MRSA §1075-A, sub-§2-A**, as enacted by PL 2009, c. 472, §3, is amended to read:

**2-A. Municipal golf course.** Notwithstanding subsection 2, paragraph A, employees of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course that does not have a license to serve ~~alcoholic beverages~~ liquor may sell, serve or dispense malt liquor from a mobile service bar under the same conditions prescribed by subsection 2.

**Sec. 25. 28-A MRSA §2519, sub-§1**, as amended by PL 2001, c. 502, §1, is further amended to read:

**1. Approval of alcohol server education courses.** ~~The commissioner or the commissioner's~~ director of the bureau or director's designee shall approve alcohol server education courses for a period of 2 years that meet the criteria developed under this section. ~~The commissioner~~ director may renew approval provided the course meets the criteria applicable at the time of renewal.

Course providers may request renewal by submitting current course material at least 60 days prior to the date of expiration.

**Sec. 26. 28-A MRSA §2519, sub-§2**, as amended by PL 2011, c. 657, Pt. AA, §76 and PL 2013, c. 368, Pt. V, §61, is further amended to read:

**2. Advisory committee; appointment.** ~~The commissioner~~ director of the bureau shall appoint the Server Education Advisory Committee consisting of 8 members, to include:

A. A representative of the faculty at the Maine Criminal Justice Academy;

B. A liquor enforcement officer;

- C. A representative of the Department of the Attorney General;
- D. A representative of the Department of Health and Human Services;
- E. A representative of the education community;
- F. A representative of a statewide liquor licensee organization;
- G. A representative of a statewide trial lawyers organization; and
- H. A representative of the bureau.

**Sec. 27. 28-A MRSA §2519, sub-§4**, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

**Sec. 28. 28-A MRSA §2519, sub-§6-B**, as amended by PL 2001, c. 502, §4, is further amended to read:

**6-B. Suspension of certificate.** ~~The commissioner or the commissioner's~~director of the bureau or director's designee may suspend or revoke an alcohol server instructor's or advisor's certificate upon the recommendation of the advisory committee. The following are grounds for an action to suspend or revoke a certificate:

- A. Repeated instances of failure to provide timely, accurate or legible information required by subsection 7;
- B. Repeated instances of failure to follow the course outline or cover the course criteria that were used to gain approval; or
- C. Receipt of a request to suspend or revoke a certificate from the administrator of the course approved by the advisory committee to train instructors.

**Sec. 29. 28-A MRSA §2519, sub-§7**, as amended by PL 1999, c. 519, §8, is further amended to read:

**7. Course accountability.** ~~The chief~~director of the bureau or director's designee may appoint an ~~officer~~employee of the bureau to monitor each alcohol server education course to ensure that the course presents proper training and meets the approved criteria. The bureau shall maintain a record of the participants who have completed an alcohol server training course. Each instructor of an approved course shall provide the ~~chief~~bureau with the names, addresses, dates of birth and the driver's license numbers, state identification card numbers or social security numbers of students who complete the course and the date of completion. The instructors shall forward \$3 to the bureau for every name submitted. The amounts collected must be retained by the bureau to cover costs related to alcohol server education training.

**Sec. 30. 28-A MRSA §2519, sub-§8**, as amended by PL 2001, c. 502, §6, is further amended to read:

**8. Alcohol server education courses; approval; suspension; revocation.** ~~The commissioner or the commissioner's~~director of the bureau or director's designee may refuse to issue or renew approval for an alcohol server education course. ~~The commissioner or the commissioner's~~director

of the bureau or director's designee may suspend or revoke approval for an alcohol server education course upon the recommendation of the advisory committee after reviewing the report of the monitor. The following are grounds for an action to refuse to issue or renew approval or to suspend or revoke approval.

- A. The advisory committee finds that an alcohol server education course does not meet the criteria listed in subsection 3 or specific criteria determined by the committee.
- B. The course, when presented, does not follow specific criteria determined by the advisory committee before issuance of approval.
- C. The instructor of the course does not provide information or access to the monitor as required by subsection 7.
- D. Fraud or deceit is used to obtain course approval or in providing the course or issuing certificates.

A person aggrieved by a decision of the ~~commissioner or the commissioner's~~director of the bureau or director's designee to refuse to issue or renew approval or to suspend or revoke approval for an alcohol server education course may, within 30 days of receipt of that decision, appeal the decision to the District Court.

**Sec. 31. 28-A MRSA §2519, sub-§9**, as enacted by PL 2001, c. 502, §7, is amended to read:

**9. Approval of Internet-based alcohol server education courses.** The ~~commissioner or the commissioner's~~director of the bureau or director's designee may approve an Internet-based alcohol server education course if the course meets the criteria developed under this section. An approved Internet-based alcohol server education course must have an advisor, certified under subsection 6-D, available to answer questions for persons using the Internet-based alcohol server education course.

## SUMMARY

This bill:

1. Replaces the term "golf club" with "golf course" to eliminate the confusion in Title 28-A between golf clubs and other types of clubs;
2. Eliminates a threshold amount for a single retail purchase of liquor;
3. Clarifies which type of establishments on the same premises as an off-premises retailer must serve full course meals or food;
4. Removes the requirement that a business prior to being considered for an agency liquor store license must have sold malt liquor and wine for one year and have been violation free for that same period;
5. Amends language that establishes a minimum inventory value of spirits based on the population threshold established in the Maine Revised Statutes, Title 28-A, section 461;
6. Removes language providing an exception for businesses with more than 5 locations in the State that are sold to a company that has sold malt liquor or wine in another state;

7. Eliminates the fee for an application for a relocation of an agency liquor store within the same municipality and adds a requirement that the application for relocation include proof that all existing agency liquor stores in the same municipality were notified of the relocation prior to approval by that municipality;

8. Repeals the requirement that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations hold a public hearing on the relocation application. The only approval needed is from the municipality on the relocation request by the agency liquor store;

9. Adds railroads to the list of public service corporation licensees in order to align with the definition of "public service corporation";

10. Clarifies that identification issued by a federally recognized Indian tribe in the State is an acceptable form of identification for the purposes for purchasing liquor;

11. Amends the provision of law requiring that any malt liquor served from a faucet, spigot or dispensing apparatus must be identified by trade name to include all types of liquor;

12. Reduces the number of gallons that constitute a keg;

13. Establishes that mobile service bars used on golf courses may serve all types of liquor; and

14. Corrects provisions of law to refer to the director of the bureau instead of the Commissioner of Administrative and Financial Services. These changes were inadvertently left out of Public Law 2013, chapter 368, Part V and Public Law 2013, chapter 476, Part A. The bill also provides that the director or the director's designee may approve an alcohol server education course that meets specific criteria.