

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 by striking out the title and substituting the following:

**'An Act Regarding Public Service Berthing
Vessels Licensed for the Sale of Liquor'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

W. "Public service berthing vessel" means any ship, vessel or boat of any kind:

(1) That is used for navigation of the coastal waters of the State or for commercial navigation of inland waters of the State;

(2) That is licensed to carry not fewer than 6 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard with overnight berthing capacity for all passengers;

(3) In which one or more meals are served to passengers on board the vessel daily; and

(4) That can accommodate no fewer than 6 passengers for overnight voyages of at least one night from the vessel's home port.

Sec. 2. 28-A MRSA §1006, sub-§2, as amended by PL 1993, c. 410, Pt. ZZ, §11, is further amended to read:

2. Fees. The fees for a Class V license are as follows:

A. Full-time (one year).....\$ 495; and

E. Per single event.....\$ 100.

Sec. 3. 28-A MRSA §1006, sub-§3, as amended by PL 1993, c. 730, §§38 and 39, is further amended to read:

3. Eligible premises. The following premises are eligible to obtain a Class V license:

A. Clubs without catering privileges; and

B. Bed and breakfasts; and

C. Public service berthing vessels.

Sec. 4. 28-A MRSA §1080 is enacted to read:

§ 1080. Public service berthing vessels

1. Issuance of licenses. The bureau may issue a license under this section to a public service berthing vessel for the sale of spirits, wine and malt liquor to be consumed by vessel passengers on the premises.

2. Requirements. The requirements and conditions for issuing a license to a public service berthing vessel are as follows.

A. The bureau shall require that a public service berthing vessel maintain a suitable kitchen or galley and be able to prepare and serve meals to passengers on a daily basis.

B. Except as provided in paragraph C, a license issued under this section to a public service berthing vessel authorizes the licensee to sell liquor on the public service berthing vessel.

C. A licensee may sell liquor for consumption on board a public service berthing vessel that is in port or docked only if prior approval for the sale is obtained from the bureau under the license application procedure in chapter 27. A separate approval must be obtained for each port or dock location from which on-board sales of liquor are to be made.

D. Notwithstanding the provisions of sections 121 and 122, a public service berthing vessel navigating on inland waters may sell liquor without approval of the municipality or, in the case of unincorporated places, the county commissioners.

E. If a public service berthing vessel sells liquor to passengers as authorized by the license issued under this section, the licensee shall prohibit passengers from consuming liquor other than that liquor provided by the licensee. If a public service berthing vessel is not offering liquor for sale to passengers, nothing in this section prohibits that public service berthing vessel from permitting a passenger to consume on board the vessel liquor that the passenger has brought onto the vessel.

3. Storage of liquor. A public service berthing vessel licensee may store liquor to be sold to passengers in accordance with this section on the vessel or at another storage location as approved by the bureau.

4. Records. A public service berthing vessel licensee shall keep a record, in a manner prescribed by the bureau, of each day in a calendar year when liquor is served to passengers on board the vessel as authorized by a license issued under this section. A public service berthing vessel is required to provide the records to the bureau upon request of the bureau.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Alcoholic Beverages - General Operation 0015

Initiative: Provides funding for one half-time Liquor License Inspector position, one half-time Office Associate II position and related All Other expenses to include public service berthing vessels in the category of entities eligible to obtain Class V liquor licenses and to create a new single-event Class V liquor license.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$48,803	\$66,892
All Other	\$8,986	\$11,981
GENERAL FUND TOTAL	\$57,789	\$78,873

SUMMARY

This amendment replaces the bill. Like the bill, the amendment provides for a definition of public service berthing vessel. Unlike the bill, the amendment does not establish a separate license for a public service berthing vessel but rather makes the vessel eligible for a Class V liquor license that permits the sale of spirits, wine and malt liquor to passengers of the vessel. It also provides that the license may be issued for a single event or voyage. Like the bill, the amendment requires that the vessel acquire municipal approval to sell liquor on board the vessel to passengers while the vessel is docked. The amendment also makes a provision for storage of liquor to be sold by the licensed vessel and requires that records be maintained for each event when the licensed vessel sells liquor to passengers.

FISCAL NOTE REQUIRED

(See attached)