

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

## **An Act To Authorize Auxiliary Liquor Licenses for the Consumption of Alcoholic Beverages within Designated Entertainment Districts**

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

**Sec. 1. 28-A MRSA §2, sub-§15, ¶B**, as reenacted by PL 1989, c. 158, §1, is amended to read:

B. "Auditorium" means any commercially operated indoor or outdoor facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts, ~~which~~that charges a fee and ~~which~~ has adequate facilities for the sale and consumption of liquor.

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

D-2. "Common consumption area" means an area designed as a common area within an entertainment district in which the public is permitted to consume spirits, wine and malt liquor sold by licensees within the entertainment district.

**Sec. 3. 28-A MRSA §2, sub-§15, ¶F-2** is enacted to read:

F-2. "Entertainment district" means an area that is located within a municipality or unincorporated place and is established by ordinance of the municipal legislative body or the county commissioners of the unincorporated place. An entertainment district must include at least one of the following:

(1) An auditorium;

(2) A hotel;

(3) A restaurant; and

(4) A manufacturer.

**Sec. 4. 28-A MRSA §2, sub-§20-A** is enacted to read:

**20-A. Municipal legislative body.** "Municipal legislative body" has the same meaning as in Title 30-A, section 2001, subsection 9.

**Sec. 5. 28-A MRSA c. 11** is enacted to read:

### **CHAPTER 11**

### **ENTERTAINMENT DISTRICTS**

## **§ 221. Entertainment districts**

**1. Entertainment district.** A municipal legislative body or the county commissioners of an unincorporated place may establish by ordinance an entertainment district within the municipality or unincorporated place for the purpose of designating a common consumption area.

For purposes of this section, an entertainment district ordinance adopted in accordance with this subsection must:

- A. Specify the boundaries of the entertainment district and identify the common consumption area by identifiable landmarks or coordinates and include a map depicting the entertainment district and common consumption area;
- B. Specify the maximum number of acres permitted to be within an entertainment district and the common consumption area, if any;
- C. Specify the hours of operation of a common consumption area; and
- D. Specify the maximum number, if any, of licensed premises within the entertainment district that are eligible for an auxiliary license.

**2. Hearings; findings.** The municipal officers of a municipality or the county commissioners of an unincorporated place in which an entertainment district has been established in accordance with subsection 1 may hold a public hearing pursuant to section 653 for the consideration of an application for an auxiliary license under section 1012, subsection 2. In addition to the grounds for denial set forth in section 653, subsection 2, an application for an auxiliary license in an entertainment district under section 1012, subsection 2 may be denied if:

- A. The applicant fails to establish that the licensed premises and common consumption area can be operated without creating a safety risk to the properties within the entertainment district;
- B. The applicant fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the municipal officers or the county commissioners and names the local licensing authority as an additional insured; or
- C. The use is not compatible with the reasonable requirements of or existing uses in the entertainment district.

**Sec. 6. 28-A MRSA §1012, sub-§2,** as amended by PL 2017, c. 17, §6, is further amended to read:

**2. Auxiliary license.** A Class A restaurant or a Class I hotel located at a ski area, a golf course or a disc golf course, or a Class I golf club or a Class I or a Class V club located at a golf course or a disc golf course may apply for one additional licensed premises at the same area for consumption of spirits, wine or malt liquor on the premises. A restaurant, an auditorium, a hotel or a manufacturer of any license class located within an entertainment district may apply for an auxiliary license for consumption of spirits,

wine or malt liquor within the common consumption area of the entertainment district. An application for an auxiliary license for a restaurant, auditorium, hotel or manufacturer of any license class located within an entertainment district is subject to the local approval required under section 221; section 1051, subsection 2; and section 1075.

A. The license fee is.....\$100.

**Sec. 7. 28-A MRSA §1051, sub-§2**, as amended by PL 2003, c. 493, §9 and affected by §14, is further amended to read:

**2. Local approval of application for license.** The initial application for the license must first be approved under section 653 by the municipal officers of the municipality in which the applicant's premises are located or, if the premises are located in an unincorporated place, the application must be approved by the county commissioners of the county within which the unincorporated place is located. An applicant for an auxiliary license under section 1012, subsection 2 for the consumption of spirits, wine or malt liquor within the common consumption area of an entertainment district in which the applicant's premises are located must certify that the entertainment district includes a common consumption area and has been established in accordance with section 221.

**Sec. 8. 28-A MRSA §1051, sub-§3**, as amended by PL 2017, c. 337, §1, is further amended to read:

**3. Liquor not to be consumed elsewhere.** Except as provided in paragraphs A and B and in ~~section~~sections 1012, 1075 and 1207, a licensee for the sale of liquor to be consumed on the premises where sold may not personally or by an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises or noncontiguous real estate that meets the conditions specified in subsection 9. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

A. Subject to law and the rules of the bureau, hotel or bed and breakfast licensees may sell liquor in the original packages or by the drink to bona fide registered room guests. Any sale to a guest may be delivered to the guest's room only by a hotel or bed and breakfast employee.

B. A licensee may serve liquor at locations other than the licensed premises under the off-premise catering license issued under section 1052.

**Sec. 9. 28-A MRSA §1069-A, sub-§1**, as amended by PL 1997, c. 373, §93, is further amended to read:

**1. Issuance of licenses.** The bureau may issue ~~licenses~~a license to an auditorium under this section for the sale of spirits, wine and malt liquor to be consumed on the premises of the auditorium or within the common consumption area of an entertainment district adjacent to auditoriums or including the auditorium, as defined in section 2, subsection 15, paragraph B.

**Sec. 10. 28-A MRSA §1075**, as amended by PL 2017, c. 17, §8, is further amended to read:

## § 1075. Auxiliary licenses

**1. Licenses for ski areas, golf courses and disc golf courses.** The bureau may issue one auxiliary license under this section for additional premises to a Class A restaurant or Class A restaurant/lounge, to a Class I hotel located at a ski area, golf course or disc golf course, to a Class I golf club or to a Class I or Class V club located at a golf course or disc golf course, if the following requirements are met:

- A. The additional premises are located at the same ski area, golf course or disc golf course where the Class A restaurant, Class A restaurant/lounge, lounge, hotel or qualified club is licensed;
- B. Food is for sale at the additional premises, although not necessarily prepared there;
- C. The additional premises are properly equipped, including tables, chairs and restrooms; and
- D. The Department of Health and Human Services licenses the additional premises.

**2. Sales for consumption on slopes or courses prohibited.** This section does not permit a ski area to sell liquor for consumption on the slopes away from the licensed area. Except as provided in section 1075-A, a golf course or disc golf course may not sell liquor for consumption on the course away from the licensed area.

**3. Licenses for common consumption areas within entertainment districts.** The bureau may issue one auxiliary license for additional premises in a common consumption area under this section to a restaurant, an auditorium, a hotel or a manufacturer of any license class located within an entertainment district established in accordance with section 221, if:

- A. The restaurant, auditorium or hotel is a licensed establishment located within the entertainment district;
- B. The common consumption area within the entertainment district is properly equipped with tables, chairs and restrooms;
- C. The common consumption area has obtained any required licensing from the Department of Health and Human Services; and
- D. The bureau has not yet issued the maximum number of auxiliary licenses within the entertainment district, if applicable.

## SUMMARY

This bill authorizes the issuance of auxiliary liquor licenses for the consumption of spirits, wine and malt liquor within entertainment districts authorized by and located within municipalities or unincorporated places.