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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 635, L.D. 1551, “An Act to Support Maine Eating and Drinking Establishments by Allowing Vendors to Operate on the Premises of an Establishment with a Liquor License”

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is a way to support Maine's hospitality sector and businesses that cater to tourists, and the tourism season is crucial for the State's economy and public well-being; and

Whereas, the tourism season, which brings millions of visitors and significant revenue to the State, relies on a regulated and enjoyable environment, including accessible and responsible alcohol sales; and

Whereas, for these reasons, this legislation needs to take effect before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Sec. 1. 28-A MRSA §1051-A is enacted to read:

§1051-A. Vendor operation on premises of host licensee

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Host licensee" means an establishment licensed under this chapter to sell liquor for consumption on the premises and licensed by the Department of Health and Human

1 Services or the Department of Agriculture, Conservation and Forestry to prepare, serve,
2 sell or offer for sale food that uses the services of a licensed vendor or unlicensed
3 vendor.

4 B. "Licensed vendor" means a person that holds a license issued by the Department of
5 Health and Human Services or the Department of Agriculture, Conservation and
6 Forestry to prepare, serve, sell or offer for sale food.

7 C. "Unlicensed vendor" means a person that does not hold a license issued by the
8 Department of Health and Human Services or the Department of Agriculture,
9 Conservation and Forestry to prepare, serve, sell or offer for sale food.

10 D. "Vendor" means a licensed vendor or unlicensed vendor.

11 **2. Conditions.** A vendor may operate on the premises of a host licensee under the
12 following conditions.

13 A. If an unlicensed vendor prepares, serves, sells or offers for sale any food on the
14 premises of a host licensee, the host licensee is responsible for ensuring that the
15 preparation, serving, selling or offering for sale of food complies with applicable food,
16 health and safety rules.

17 B. If a licensed vendor prepares, serves, sells or offers for sale food, the licensed
18 vendor is responsible for ensuring that its operations comply with food, health and
19 safety rules applicable to the license to prepare, serve, sell or offer for sale food as
20 issued by the Department of Health and Human Services or the Department of
21 Agriculture, Conservation and Forestry.

22 C. A vendor may serve alcoholic beverages on the premises of the host licensee only
23 if those beverages are supplied exclusively by the host licensee and the host licensee
24 or an employee of the host licensee who is authorized to serve liquor is present.

25 D. A vendor employee may serve alcohol only if the employee is authorized to serve
26 liquor and the vendor employee has provided to the host licensee an affidavit stating
27 that the vendor employee has not been convicted of a first offense of violating section
28 2078 or section 2081, subsection 1, paragraph A or B within 2 years of the date of the
29 affidavit nor convicted of a second offense of violating section 2078 or section 2081,
30 subsection 1, paragraph A or B within 5 years of the date of the affidavit. The affidavit
31 must be executed prior to the vendor operating on the premises of a host licensee. The
32 bureau shall develop the affidavit form required by this paragraph and provide a copy
33 of the affidavit to vendors.

34 E. A vendor employee who serves alcohol on the premises of the host licensee is
35 considered a server of the host licensee for purposes of the Maine Liquor Liability Act.

36 F. The host licensee must maintain for a period of at least one year a written record of
37 all operations involving vendors, including the name and contact information of the
38 vendor, menus offered by the vendor and the dates and times of operation.

39 G. The vendor is responsible for collecting and remitting all applicable state and federal
40 sales taxes on food and beverage sales conducted during its operations on the premises
41 of the host licensee.

42 H. A host licensee is liable for any violation of the liquor laws or any rule adopted by
43 the bureau committed by a vendor on the premises of the host licensee and is subject

to any fine imposed for a violation. The license of the host licensee may be revoked or suspended and may be subject to the revocation or suspension of any other licenses that the host licensee holds.'

Amend the bill by adding before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

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

SUMMARY

This amendment replaces the bill and adds an emergency preamble and emergency clause. The amendment provides that if certain conditions are met, a licensed or unlicensed vendor may operate on the premises of an establishment licensed by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and licensed by the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry to prepare, serve, sell or offer for sale food.

FISCAL NOTE REQUIRED

(See attached)