

STATE OF MAINE

—

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—

H.P. 31 - L.D. 30

**An Act To Amend the Law Governing Special Amusement Permits for
Liquor Licensees**

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

Sec. 1. 28-A MRSA §653, sub-§2, ¶D-1 is enacted to read:

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

Sec. 2. 28-A MRSA §1054, as amended by PL 1991, c. 377, §16, is further amended to read:

§1054. Permit for music, dancing or entertainment

~~1. **Activities and entertainment prohibited.** Without the permit described in subsection 2, no licensee for sale of liquor to be consumed on the premises may allow on the premises the following:~~

~~A. Any music, except radio or other mechanical device;~~

~~B. Any dancing; or~~

~~C. Entertainment of any sort.~~

2. Permit required. If a municipality or, in the case of an unincorporated place, the county commissioners may require a licensee for sale of liquor to be consumed on the premises provides activities or entertainment listed in subsection 1, the licensee must first to obtain a special-amusement permit for music, dancing or entertainment from the municipality or, in the case of an unincorporated place, the county commissioners of the county in which the licensed premises are located. The permit must specify which activities are prohibited on the licensed premises and may include a list of which activities are authorized, in accordance with local ordinances or regulations adopted by the municipality or unincorporated place.

3. Term of permit. A permit is valid only for the license year of the existing license.

~~**4. Public hearing on permit application.** Before granting a permit and after reasonable notice to the municipality and the applicant, the municipal officers shall hold a public hearing at which the municipal officers shall take testimony of the applicant and any interested members of the public.~~

~~**5. Permit requirements.** The municipal officers shall grant a permit unless they find that issuance of the permit would be detrimental to the public health, safety or welfare, or would violate municipal ordinances or rules and regulations.~~

6. Issuance or denial of permit. Within 15 days of receiving the permit application, the municipal officers shall give the applicant written notice of their decision.

A. If the municipal officers deny a licensee a permit, they shall provide the licensee with the reasons for the denial in writing.

B. The licensee may not reapply for a permit within 30 days after denial of an application for a permit.

7. Municipal suspension or revocation of a permit. After a public hearing preceded by notice to interested parties, the municipal officers may suspend or revoke any permits which they have issued under this section on the grounds that the music, dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

8. Appeal procedure. Any licensee who has applied for a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the municipal board of appeals, as defined in Title 30-A, section 2691, within 30 days of the denial, suspension or revocation. The municipal board of appeals, if the municipality has such a board, may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations; or

B. The denial, revocation or suspension was arbitrary and capricious.

~~**9. Admission.** A licensee who has been issued an amusement permit may charge admission in designated areas approved by the special amusement permit.~~

~~**10. Definition of entertainment.** For the purposes of this section, "entertainment" includes any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensee whose incidental duties include activities with an entertainment value.~~

11. Municipal ordinances or regulations. A municipality shall adopt ordinances or authorize the municipal officers to establish written regulations governing the following aspects of the permits.

A. These ordinances or regulations ~~shall~~ must govern:

- (1) The issuance, suspension and revocation of these permits;
- (2) The classes of permits and fees for the issuance of these permits;
- (3) The music, dancing or entertainment permitted under each class; and
- (4) Other limitations on these activities required to protect the public health, safety and welfare.

B. These ordinances or regulations may specifically determine:

- (1) The location and size of premises to which the permits may apply;
- (2) The facilities that may be required for the permitted activities on those premises;
- (3) The hours during which the permitted activities may take place; and
- (4) The lighting level required, which may be lowered when the entertainment is provided.

12. Unincorporated place. If a licensed ~~premise is~~ premises are located in an unincorporated place, the county commissioners of the county in which the unincorporated place is located shall grant, suspend or revoke permits in the same manner and with the same authority as municipal officers. The county commissioners shall adopt regulations in the same manner as municipal officers.