



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS

8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008

KIRSTEN LC FIGUEROA
COMMISSIONER

JANET T. MILLS
GOVERNOR

LOUIS J. LUCHINI
DIRECTOR

April 23, 2025

Testimony of the Bureau of Alcoholic Beverages and Lottery Operations
Joint Standing Committee on Veterans and Legal Affairs

In Support of LD 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

Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs: I am Louis Luchini and I'm the Director of the Bureau of Alcoholic Beverages and Lottery Operations. We are here to testify in support of LD 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*.

The popularity of innovative restaurant arrangements, like pop-up kitchens, has grown significantly in recent years. These arrangements don't fit neatly under the current system of regulation, which is what this legislation seeks to address. Allowing a pop-up restaurant to operate within a host restaurant with a liquor license will provide opportunities for both the pop-up and the host facility. This can be an important trial for chefs or potential restaurateurs to gain exposure and experience prior to making the leap to starting a restaurant. We support that concept.

BABLO appreciates the communication and flexibility of Sen. Timberlake and Hospitality Maine during the development of this legislation. We support an amended bill that addresses our concerns:

- **Liability.** We ask that the host restaurant maintain liability for any actions that occur on their licensed premises. Revenues and sales of alcohol would be conducted under and controlled by the host licensee or an authorized employee of the host that is eligible to serve liquor. As an example, we want to prevent a situation where a person whose license had been revoked for selling alcohol to minors is able to "pop-up" into another restaurant and sell alcohol.
- **Violations.** Similarly to liability, we need clarity on which entity is responsible for violations. We prefer that the host entity would be subject to any potential violations, as they are the only one possessing a liquor license.
- **Responsible beverage server training.** Beginning on Line 13, the bill states that "persons involved in the service of alcoholic beverages must meet state requirements for responsible beverage service training." The State does not have any requirements for responsible server training, though a few municipalities do. We do, however, require licensees' servers to sign an affidavit stating that they have not been convicted of violating certain liquor laws in previous years. We recommend requiring the host licensee to have pop-up staff (that serve alcohol) sign the affidavit, just as the host's employees do. The host would then maintain the records in the event BABLO requests documentation or records.

Thanks for your consideration. I'm happy to answer questions now or at the work session.



Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station
Augusta, ME 04333-0008
Tel: (207) 624-7220 Fax: (207) 287-3434
Email inquiry: MaineLiquor@Maine.gov

INSTRUCTIONS REGARDING THE AFFIDAVIT

As of July 1, 1990, each applicant for employment as a seller or server of alcoholic beverages is required to submit a completed affidavit stating they have not been convicted of the laws of Illegal Sale of Liquor and/or Furnishing Liquor to a Minor.

If the applicant refuses to submit or sign the affidavit or states that they have been convicted of either of those laws, that person cannot be hired in that capacity.

LICENSEE REQUIREMENT

The licensee is required to supply the affidavit to the applicant. You should witness the signing of the affidavit by the applicant.

There is no need to forward the affidavit to this office, simply keep it on file in your records and make it available to a Liquor Inspector at their request.

The Liquor Licensing & Enforcement Division is required to supply each licensed premise with one affidavit form and the licensee is responsible to make copies of it to have on hand to supply to the applicants.

AFFIDAVIT

I, _____, reside at:
(Print Name)

Address: _____ City: _____

State: _____ Zip Code: _____

I do state that, within the last two years from the date of this statement, I have not be convicted of the Class E crime of selling liquor within this State without a valid license (currently 28-A M.R.S.A. Section 2078). Nor have I, within the last two years from the date of this statement, been convicted of violating the following statute:

FURNISHING OR ALLOWING POSSESSION OR CONSUMPTION OF LIQUOR OR IMITATION LIQUOR 28-A M.R.S.A. SECTION 2081

No person may knowingly procure, or in any way, aid or assist in the procuring, furnishing, giving or deliver liquor or imitation liquor for or to a minor or allow any minor under his/her control, or in any place under his/her control to possess or consume liquor or imitation liquor.

No person may knowingly procure, or in any way, aid or assist in the procuring, furnishing, giving or deliver liquor to or for a visibly intoxicated person or allow any visibly intoxicated person under his/her control to possess or consume liquor.

I have not been convicted of violating both Section 2078 and Section 2081 within the last five years from the date of this statement. Nor have I been convicted of violating either Section 2078 or Section 2081 twice within the last five years from the date of this statement.

WARNING: Any person who makes a false statement in this affidavit is guilty of a crime pursuant to 28-A M.R.S.A Section 2085.

Date

Signature

Date

Printed Name

Date

Witness Signature

This affidavit is to be kept as part of the licensee's records.

(Reproduce as necessary)