APPROVED
MARCH 17, 2021
BY GOVERNOR

CHAPTER
7
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-ONE

S.P. 132 - L.D. 306

An Act To Temporarily Waive Certain Requirements for Relicensing for Restaurants That Serve Liquor

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

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

Whereas, in response to this public health emergency, the Governor issued an executive order on March 18, 2020 requiring all restaurants to close their dine-in facilities; and

Whereas, although restaurants across the State were permitted to reopen for dine-in service by June 17, 2020, they were required to limit indoor seating capacity and, beginning November 20, 2020, were additionally required to close their dine-in facilities by 9:00 p.m. nightly to prevent spread of the virus; and

Whereas, the combined effects of the public health emergency and subsequent public health measures have negatively impacted the ability of restaurants to satisfy certain criteria for maintenance of their licenses to sell liquor for on-premises consumption under current law; 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,

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

Sec. 1. One-time waiver of requirements for food sales for license renewal. Notwithstanding any provision of the law to the contrary, an applicant for renewal of an on-premises retail license issued by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations under the Maine Revised Statutes, Title 28-A is not required to demonstrate that it has satisfied any applicable requirement under Title 28-A, chapter 43 for income from the sale of food during the previous year if the license to be renewed expires, prior to the granting of any extension

under section 2, during the period beginning on January 1, 2021 and ending on January 1, 2022. The bureau must grant any license renewal denied between January 1, 2021 and the effective date of this Act if the sole reason for the denial was the licensee's failure to demonstrate compliance with any applicable requirement under Title 28-A, chapter 43 for income from the sale of food.

Sec. 2. One-time extension of on-premises retail licenses. Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, upon receipt of an application for renewal of an on-premises retail license issued under the Maine Revised Statutes, Title 28-A that expires during the period beginning on the effective date of this Act and ending one year after that date, shall grant a 90-day extension of the license if the license to be renewed was active during the entire period beginning March 18, 2020 and ending June 16, 2020.

Sec. 3. Retroactivity. This Act applies retroactively to January 1, 2021.

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