

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND SEVENTEEN

—
 S.P. 90 - L.D. 304

An Act To Authorize Auxiliary Liquor Licenses at Disc Golf Courses

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 economic opportunities associated with the sport of disc golf are limited to the seasons of summer and early fall; and

Whereas, delaying the opportunity for disc golf courses to provide full-service recreation means a loss of those economic opportunities and a loss of potential revenue to the State; 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. 28-A MRSA §2, sub-§15, ¶F-1 is enacted to read:

F-1. "Disc golf course" means any commercially operated facility offering disc golfing to the general public for a fee, food for sale and adequate facilities for the sale and consumption of liquor. A disc golf course consists of no less than 18 disc holes with a total distance of no less than 5,000 feet per 18 disc holes and has a value of not less than \$50,000.

Sec. 2. 28-A MRSA §1001, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses;

Sec. 3. 28-A MRSA §1003, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses;

Sec. 4. 28-A MRSA §1004, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses:

Sec. 5. 28-A MRSA §1005, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses:

Sec. 6. 28-A MRSA §1012, sub-§2, as amended by PL 1995, c. 195, §1, is further amended to read:

2. Auxiliary license. A Class A restaurant or a Class I hotel located at a ski area ~~or~~ 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. The license fee is.....\$100.

Sec. 7. 28-A MRSA §1012, sub-§4, as amended by PL 2005, c. 108, §1, is further amended to read:

4. Golf course or disc golf course mobile service bar. A licensee who is the owner of a golf course or disc golf course may apply for a license to sell malt liquor from a mobile service bar as provided in section 1075-A. The license fee per calendar year is \$100.

Sec. 8. 28-A MRSA §1075, as amended by PL 2005, c. 108, §§2 and 3, is further amended to read:

§1075. Auxiliary licenses at ski areas, golf courses and disc golf courses

1. Licenses. The bureau may issue one auxiliary license under this section for additional premises to ~~any~~ a Class A restaurant or Class A restaurant/lounge, to a Class I hotel located at a ski area ~~or~~ golf course or disc golf course, ~~or~~ 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 ~~or~~ 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.

Sec. 9. 28-A MRSA §1075-A, as amended by PL 2009, c. 472, §§1 to 3, is further amended to read:

§1075-A. Golf course and disc golf course mobile service bar

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Mobile service bar" means a golf cart or other similar vehicle staffed by an employee of the golf course or disc golf course and outfitted for storage, cooling or refrigeration and sale and service of malt liquor in cans or bottles.

2. License. The bureau may issue a license for a mobile service bar to a licensee who owns a golf course or disc golf course or may issue a license for a mobile service bar to a Class A restaurant, Class A restaurant/lounge or Class I hotel located at a golf course or disc golf course and to a golf course or disc golf course owner. The licensee shall ensure that:

A. All individuals selling, serving or dispensing malt liquor from a mobile service bar are employees of the golf course or disc golf course, except as provided in subsection 2-A;

B. The licensee does not possess or permit possession, sale or consumption of any malt liquor on the golf course or disc golf course other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted;

C. A sufficient number of employees are deployed to adequately control and ensure adherence to laws applying to the serving, sale and consumption of malt liquor on the golf course or disc golf course;

D. Service or consumption of any liquor is not allowed in parking lots except as otherwise provided in this chapter;

E. A licensee or licensee's employees do not allow patrons to leave the golf course or disc golf course with any liquor;

F. Only one standard serving of malt liquor is served to an individual at a time;

G. Signs are posted that state that a patron may not bring alcoholic beverages onto the premises of the golf course or disc golf course;

H. Signs are placed on the mobile service bar that state that service or consumption of any liquor by a person under 21 years of age is prohibited;

I. Malt liquor from a mobile service bar is purchased and consumed only by those patrons engaged in a round of golf or disc golf;

J. The operator of a mobile service bar is at least 21 years of age and has successfully completed an alcohol server education course; and

K. The operator of a mobile service bar has the ability and necessary tools to immediately contact a golf course or disc golf course employee working at the part of the golf course or disc golf course licensed as an on-premises establishment or an employee of a Class A restaurant or Class A restaurant/lounge operating under a

contract with a municipal golf course or disc golf course for assistance in enforcing the provisions of this section.

2-A. Municipal golf course or disc golf course. Notwithstanding subsection 2, paragraph A, employees of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course or disc golf course that does not have a license to serve alcoholic beverages may sell, serve or dispense malt liquor from a mobile service bar under the same conditions prescribed by subsection 2.

3. Penalty. A person who brings alcoholic beverages onto the premises of a golf course or disc golf course commits a civil violation for which a fine of not less than \$250 nor more than \$1,500 may be adjudged.

4. Revocation and suspension of license. A licensee who holds a license issued by the bureau under this section and any other licenses that that licensee holds to sell liquor for on-premises consumption are subject to chapter 33 to the same extent as are other on-premises licensees.

5. Transportation of open containers prohibited. A patron of a golf course or disc golf course licensed under this section who operates a golf cart is prohibited from transporting an open container of liquor across a public way as defined by Title 29-A, section 2112-A, subsection 1, paragraph D.

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