

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 594

6
7 S.P. 232

In Senate, February 19, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Brown of Washington.

Cosponsored by Senator Hichens of York, Representative Michael of
11 Auburn and Representative Randall of East Machias.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Outlaw "Happy Hour" in all Retail
18 Establishments that have a Maine
19 Liquor License.
20

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

23 Sec. 1. 28 MRSA §305, 3rd and 4th ¶¶, as re-
24 pealed and replaced by PL 1975, c. 741, §17, are re-
25 pealed.

26 Sec. 2. 28 MRSA §305-A is enacted to read:

27 §305-A. Prohibition of certain practices

28 1. Required records. All licensees shall main-
29 tain a schedule of the prices charged for all drinks
30 to be served and consumed on the licensed premises or
31 in any room or part of the premises. The prices
32 shall be effective for not less than one calendar
33 week.

1 2. Certain practices prohibited. The following
2 practices are prohibited.

3 A. No licensee, employee or agent of a licensee
4 may:

5 (1) Offer or deliver any free drinks to any
6 person or group of persons;

7 (2) Deliver more than 2 drinks to one per-
8 son at one time;

9 (3) Sell, offer to sell or deliver to any
10 person or group of persons any drinks at a
11 price less than the price regularly charged
12 for those drinks during the same calendar
13 week, except at private functions not open
14 to the public;

15 (4) Sell, offer to sell or deliver to any
16 person an unlimited number of drinks during
17 any set period of time for a fixed price,
18 except at private functions not open to the
19 public;

20 (5) Sell, offer to sell or deliver drinks
21 to any person or group of persons on any one
22 day at prices less than those charged the
23 general public on that day, except at pri-
24 ate functions not open to the public;

25 (6) Sell, offer to sell or deliver malt
26 beverages or mixed drinks by the pitcher ex-
27 cept to 2 or more persons at any one time;

28 (7) Increase the volume of alcoholic bever-
29 ages contained in a drink without increasing
30 proportionately the price regularly charged
31 for that drink during the same calendar
32 week; or

33 (8) Encourage or permit, on the licensed
34 premises, any game or contest which involves
35 drinking or the awarding of drinks as
36 prizes.

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A.

3. Exceptions. Nothing contained in subsection 2 may be construed as to prohibit licensees from offering free food or entertainment at any time; or to prohibit licensees from, including a drink as part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person; or to prohibit those licensed under section 501 from offering free wine tastings; or to prohibit those licensed as bonafide hotels under section 801 from offering room services to registered guests.

4. Application. The provisions of this section shall be deemed to be a condition of every license issued by the commission to sell alcoholic beverages to be consumed on the premises.

STATEMENT OF FACT

This bill outlaws "happy hour" and similar practices intended to increase the sale of liquor in every retail establishment with a state liquor license for on-premises consumption.

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