

| []                                 |                                       | S.P. 232,<br>ew Title)<br>EGULAR SES |   |
|------------------------------------|---------------------------------------|--------------------------------------|---|
| ONI                                | E HUNDRED AN                          | D TWELFTH 1                          | LEGISLATURE   |
| Legislative Doc                    | ument                                 |                                      | No. 16  |
| S.P. 615                           |                                       |                                      | In Senate, May 28, 19   |
| Affairs and prin<br>Brown of Washi | ted under Joint R<br>ngton. Cosponsor | Rule 2. Original red by Senator      | om the Committee on Lega<br>bill presented by Senator<br>Hichens of York,<br>tative Randall of East |
|                                    |                                       | JOY J. O'BI                          | RIEN, Secretary of the Sena   |
|                                    | STAT                                  | E OF MAINE                           |   |
| Ν                                  | IN THE Y<br>INETEEN HUND              | EAR OF OUR<br>RED AND EIG            |   |
| AN ACT                             | to Prohibit<br>Encourage E            |                                      | ractices Which<br>rinking.  |
| Be it enact<br>follows:            | ed by the Pe                          | ople of the                          | e State of Maine a  |
| 28 MRSA                            | §305-A is e                           | nacted to :                          | read:   |
| §305-A. Pro                        | ohibition of                          | certain p                            | ractices  |
|                                    | tain practi<br>re prohibite           |                                      | ited. The followin  |
| A. No<br>ee may:                   | licensee or                           | employee or                          | r agent of a licens   |
|                                    | ) Offer or<br>rson or grou            |                                      | y free drinks to an<br>ns;  |
|                                    | ) Deliver m<br>n at one tim           |                                      | drinks to one per   |

| 1<br>2<br>3<br>4     |     | (3) Sell, offer to sell or deliver to any<br>person or group of persons an unlimited num-<br>ber of drinks for a fixed price, except at<br>private functions not open to the public; |
|----------------------|-----|--|
| 5<br>6<br>7<br>8     |     | (4) Encourage or permit, on the licensed<br>premises, any game or contest which involves<br>drinking or the awarding of drinks as<br>prizes; or                                      |
| 9<br>10<br>11        |     | (5) Any other practice the specific purpose<br>of which is to encourage customers of the<br>licensee to drink to excess; and   |
| 12<br>13<br>14<br>15 |     | B. No licensee may advertise or promote in any<br>way, whether within or without the licensed<br>premises, any of the practices prohibited under<br>paragraph A.                     |
| 16<br>17             | the | 2. Exceptions. Subsection 1 does not prohibit following practices:   |
| 18<br>19             |     | A. Licensees offering free food or entertainment<br>either with or without the purchase of one drink;  |
| 20<br>21             |     | B. Licensees increasing the prices for drinks when entertainment is provided;  |
| 22<br>23             |     | C. Licensees including a drink as part of a meal package;  |
| 24<br>25<br>26       |     | D. The sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person;   |
| 27<br>28             |     | E. Those licensed under section 651 offering free wine tastings;   |
| 29<br>30             |     | F. Those licensed as bona fide hotels offering room services to registered guests;   |
| 31<br>32<br>33       |     | G. Licensees offering reduced prices for prear-<br>ranged private parties on the premises of the li-<br>censee; or   |
| 34<br>35             |     | H. Licensees whose licensed premises include more than one room charging different prices for  |

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## STATEMENT OF FACT

3 This new draft outlaws practices which encourage people to drink to excess. Free drinks or all-you-can-drink for a fixed price are specifically 4 5 6 prohibited. The Maine Revised Statutes, Title 28, already prohibits serving liquor to a 7 section 303, 8 person who is visibly intoxicated. This section will 9 eliminate the incentive to drink to reach that point. The prohibition against serving more than 2 drinks to 10 11 a person will make it illegal to serve a customer more than 2 drinks at "last call." 12

This new draft specifically does not prohibit li-13 censees from providing free food once a drink has 14 15 been purchased, so current "Happy Hour" practices of 16 a free buffet when a drink is purchased can continue. 17 Also, this new draft does not prohibit the use of the 18 term "Happy Hour." Licensees whose licenses cover more than one room, a hotel with a bar, a buffet room 19 20 and a dining room, for example, are not prohibited 21 from charging different prices in each room.

Violation of this section is subject to the same procedure that any other violations of the liquor laws face, Administrative Court action to fine the licensee or suspend or revoke the license.

26 This new draft, in conjunction with voluntary 27 server education programs sponsored by the private 28 sector, is intended to at least help address the 29 problems of excessive drinking and drunk driving.

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