

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 630

S.P. 194

In Senate, February 23, 1993

An Act to Amend the Liquor Laws.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

Cosponsored by Senator: SUMMERS of Cumberland, Representatives: CLARK of Millinocket,
MICHAUD of East Millinocket.

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

2
4 Sec. 1. 28-A MRSA §2, sub-§§6-A and 6-B are enacted to read:

6 6-A. B.Y.O.B. function. "B.Y.O.B. function" means an event held by a B.Y.O.B. sponsor where:

8 A. The general public is invited;

10 B. Admission is or is not charged;

12 C. A person brings liquor or imitation liquor for personal consumption;

14 D. No liquor is sold; and

16 E. Entertainment is provided.

18 6-B. B.Y.O.B sponsor. "B.Y.O.B sponsor" means a person who
20 conducts or holds a B.Y.O.B. function and is not required to
22 register as a bottle club pursuant to section 161.

24 Sec. 2. 28-A MRSA §2, sub-§24, ¶B is enacted to read:

26 B. "Premises" includes the place where a B.Y.O.B. sponsor holds or conducts a B.Y.O.B. function under a permit obtained under section 163.

28 Sec. 3. 28-A MRSA §4, as amended by PL 1991, c. 591, Pt. PP,
30 §1, is further amended to read:

32 **§4. Business days and hours**

34 No liquor or imitation liquor may be sold except as provided in this section.

36 **1. Hours for sale of liquor or imitation liquor.** Except as
38 provided in paragraphs A, and B and--C, licensees may sell or
40 deliver liquor or imitation liquor from 6 a.m. on any day until 1
a.m. of the following day.

42 A. Licensees may not sell liquor or imitation liquor on Sunday between the hours of 6 a.m. and 12 noon.

44 B. Licensees may sell liquor or imitation liquor on January
46 1st of any year from 12 midnight to 2 a.m.

2 (1) In areas in which liquor or imitation liquor may
3 be sold except on Sundays, if January 1st falls on a
4 Monday, licensees may sell or deliver liquor or
5 imitation liquor between 9 p.m. Sunday, December 31st
6 and 2 a.m. January 1st, notwithstanding any local
option decisions to the contrary.

8 ~~C.---Licensees may not sell or deliver liquor on Memorial Day~~
9 ~~before 12 noon.~~

10 **2. Consumption of liquor or imitation liquor.** Except as
11 provided in paragraphs A and B, licensees may not permit the
12 consumption of liquor or imitation liquor on their premises after
13 1:15 a.m.

16 A. Licensees may permit the consumption of liquor or
17 imitation liquor on their premises until 2:15 a.m. on
18 January 1st.

20 B. This subsection does not apply to consumption by bona
21 fide hotel guests in their rooms.

22 **3. Regulation of bottle clubs.** Except as provided in
23 paragraph A, municipalities may regulate the hours of operation
24 of bottle clubs between the hours of 1 a.m. and 6 a.m.

26 A. Municipalities may regulate the hours of operation of
27 bottle clubs between the hours of 2 a.m. and 6 a.m. on
28 January 1st.

30 **4. Local option decisions govern.** Except as provided in
31 subsection 1, paragraph B and section 353, nothing in this
32 section may be construed to allow the sale of liquor in
33 municipalities in violation of chapter 5.

36 **5. Illegal sales and purchases on Sunday.** The following
37 acts are prohibited.

38 A. No person, except a law enforcement officer in
39 performance of his that officer's duties, may purchase
40 liquor or imitation liquor on Sunday during the hours in
41 which subsection 1 prohibits sales.

44 B. No licensee or licensee's employee or agent may sell
45 liquor or imitation liquor on Sunday during the hours in
46 which subsection 1 prohibits sales, nor in any manner aid or
47 assist in violating the law relating to Sunday sale of
48 liquor or imitation liquor.

2 **6. Penalty.** Any person who violates subsection 5 commits
a Class E crime.

4 **Sec. 4. 28-A MRSA §161, sub-§§2 to 4 and 6,** as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

6 **2. Charges and fees.** Charges paid by the bottle club's
8 members or the general public for membership, admission, food,
mixers or other supplies used with liquor or imitation liquor or
10 storage or handling of liquor or imitation liquor belonging to
members or the general public are not sales, as defined in this
12 Title, or gifts.

14 **3. Minors on the premises.** The bottle club may not allow
any minor not employed by the bottle club nor accompanied by his
16 the minor's parent, legal guardian or custodian, as defined in
Title 22, section 4002, to remain on the bottle club premises,
18 except on occasions when liquor or imitation liquor is prohibited
on the bottle club premises.

20 A. A bottle club may employ minors only if an employee of
22 legal drinking age or older is present in a supervisory
capacity.

24 **4. Consumption or possession on premises.** No bottle club
26 may permit consumption or possession of liquor or imitation
liquor on the bottle club premises by minors or visibly
28 intoxicated persons.

30 **6. Civil violations and jurisdiction.** A bottle club which
that violates subsection 3, 4 ~~or~~, 5 or 7 commits a civil
32 violation for which a forfeiture may be adjudged of not less than
\$100 nor more than \$300 for the first offense; not less than \$200
34 nor more than \$500 for the 2nd offense; and \$500 for the 3rd and
subsequent offenses. The District Court has jurisdiction over
36 the civil violations, defined in this section, under Title 17-A,
section 9.

38 **Sec. 5. 28-A MRSA §163** is enacted to read:

40 **§163. B.Y.O.B. function permit**

42 **1. Permit required.** A person may not hold a B.Y.O.B.
44 function unless a permit is obtained from the Bureau of Liquor
Enforcement.

46 **2. Application.** A person must apply for a B.Y.O.B.
48 function permit at least 24 hours prior to the proposed B.Y.O.B.
function. The application must be on forms provided by the
50 Bureau of Liquor Enforcement and must be accompanied by a permit
fee of \$10 for each day the function is to be held. The

2 application must be signed by the B.Y.O.B. sponsor and must
3 contain the following information:

4 A. Name and address of each person responsible for the
5 B.Y.O.B. function;

6
7 B. The date and the beginning and ending time of the
8 B.Y.O.B. function;

10 C. The location where the B.Y.O.B. function is to be held;

12 D. The seating capacity of the location;

14 E. Written approval of the municipal officers or a
15 municipal official designated by the municipal officers, for
16 the B.Y.O.B. function to be held at the location within the
17 municipality; and

18 F. Proof that the B.Y.O.B. sponsor is at least 21 years of
19 age.

22 3. Charges and fees. Charges paid by the general public
23 for admission, food, mixers or other supplies used with liquor or
24 storage or handling of liquor that belongs to the general public
25 are not sales or gifts.

26
27 4. Minors prohibited at B.Y.O.B. function. The B.Y.O.B.
28 sponsor may not allow any minor not employed by the B.Y.O.B.
29 sponsor or not accompanied by a parent, legal guardian or
30 custodian, as defined in Title 22, section 4002, to remain at the
31 premises of a B.Y.O.B. function.

32 A B.Y.O.B. sponsor may employ a minor only if the sponsor is
33 present in a supervisory capacity.

36 5. Possession or consumption by minors. A B.Y.O.B. sponsor
37 may not allow a minor to possess or consume liquor or imitation
38 liquor on the premises of the B.Y.O.B. function.

40 6. Consumption by intoxicated persons. A B.Y.O.B. sponsor
41 may not allow a visibly intoxicated person to consume liquor on
42 the premises of the B.Y.O.B. function.

44 7. Violation of the state law. A B.Y.O.B. sponsor may not
45 knowingly allow any violation of any state law on the premises of
46 the B.Y.O.B. function.

48 8. Right of access. A B.Y.O.B. sponsor shall allow a law
49 enforcement officer to enter the premises of the B.Y.O.B.
50 function at reasonable times for the purpose of investigating
compliance with this Title.

2 Entry into the premises must be conducted in a reasonable manner
4 so as not to disrupt the operation of the B.Y.O.B. function.

6 The investigation must be limited to those areas involved in the
8 actual operation of the B.Y.O.B. function, including storage
10 areas.

12 9. Violations. A violation of this section is a civil
14 violation for which a forfeiture may be adjudged of not less than
16 \$100 nor more than \$300 for the first offense; not less than \$200
18 nor more than \$500 for the 2nd offense; and \$500 for the 3rd and
20 subsequent offenses.

22 Sec. 6. 28-A MRSA §353, as amended by PL 1991, c. 591, Pt.
24 PP, §2, is further amended to read:

26 **§353. Business hours**

28 State liquor stores and agency liquor stores may be open for
30 the sale and delivery of liquor between the hours of 6 a.m. and
32 midnight 1 a.m. in municipalities and unincorporated places that
34 have voted in favor of the operation of state liquor stores under
36 local option provisions. Notwithstanding any local option
38 decisions to the contrary, state liquor stores and agency liquor
40 stores may be open from noon Sunday to 5-p.m.--on-Sundays 1 a.m.
42 the next day. The commission shall establish the hours of
44 operation of each state liquor store.

46 Sec. 7. 28-A MRSA §703-A, as enacted by PL 1989, c. 526, §§3
48 and 28, is amended to read:

50 **§703-A. Prohibition of employment of violators as retail
employees**

1. **Employment prohibited.** No retail licensee may employ a
person as a retail employee if that person, within 5 years of the
date of that person's application for employment, has been
convicted of violating section 2078 or section 2081, subsection
1, paragraph A or B, or if that person does not hold a valid
certificate of server certification issued under section 2519.

2. **Affidavit required.** Retail licensees shall require a
person applying for employment as a retail employee to furnish to
the licensee an affidavit stating that the applicant has not been
convicted of violating section 2078 or section 2081, subsection
1, paragraph A or B, within 5 years of the date of the affidavit,
and whether or not the person is a holder of a valid certificate
of server certification issued under section 2519. The affidavit
must be executed at the time of application. The Bureau of

2 Liquor Enforcement shall develop the affidavit required by this
section and make single copies of that affidavit available to
4 retailers.

6 3. Exception. A retail licensee may employ a retail
employee who does not hold a certificate of server certification
for a period not to exceed 720 hours in a calendar year.

8
10 **Sec. 8. 28-A MRSA §704, sub-§1**, as amended by PL 1987, c. 342,
§35, is further amended to read:

12 1. Licensee may not hire employee under 17; employees who
14 are 17. No licensee for the sale of liquor to be consumed on
licensed premises may employ any person under the age of 17 years
16 in the serving or selling of liquor on the premises where the
liquor is sold. The licensee may employ a person who is 17 years
18 of age in the serving or selling of liquor on the premises where
the liquor is sold only if an employee who is at least 18 years
20 of age is present in a supervisory capacity. Effective January
1, 1997, an employee who is at least 17 years of age, but less
than 21 years of age, may serve or sell liquor only if an
22 employee at least 21 years of age is present in a supervisory
capacity.

24
26 **Sec. 9. 28-A MRSA §704, sub-§2**, as enacted by PL 1987, c. 45,
Pt. A, §4, is repealed.

28 **Sec. 10. 28-A MRSA §705, sub-§1, ¶A**, as amended by PL 1989, c.
140, is further amended to read:

30 A. Credit may be extended:

32 (1) By a hotel or club to bona fide registered guests
34 or members;

36 (2) By a hotel or Class A restaurant to the holder of
a credit card which that authorizes the holder to
38 charge goods or credits; and

40 (3) By ~~a hotel or Class A restaurant~~ an on-premise
42 licensee to the host of a private, prearranged function
without a credit card.

44 **Sec. 11. 28-A MRSA §705, sub-§2**, as amended by PL 1987, c.
342, §37, is further amended to read:

46
48 2. **Prohibited sales of liquor or imitation liquor to be
consumed off the premises.** No licensee or licensee's employee or
agent may sell, furnish, give or deliver malt liquor, imitation
50 liquor or wine to be consumed off the premises to:

2 A. A person who is visibly intoxicated; or
4 ~~D.---A-person-of-known-intemperate-habits;--or~~
6 E. A minor. Any licensee who accepts an order or receives
8 payment for liquor or imitation liquor from a minor violates
this paragraph.

10 **Sec. 12. 28-A MRSA §705, sub-§3**, as amended by PL 1987, c.
12 342, §38, is further amended to read:

14 **3. Prohibited sales of liquor or imitation liquor to be**
16 **consumed on the premises.** No licensee or licensee's employee or
agent may sell, furnish, give, serve or permit to be served any
18 liquor or imitation liquor to be consumed on the premises where
sold to:

20 A. A person who is visibly intoxicated; or
22 ~~D.---A-person-of-known-intemperate-habits;--or~~
24 E. A minor. Any licensee who accepts an order or receives
26 payment for liquor or imitation liquor from a minor violates
this paragraph.

28 **Sec. 13. 28-A MRSA §705, sub-§4**, as amended by PL 1989, c.
526, §§4 and 28, is further amended to read:

30 **4. Permitting consumption or possession by a minor on the**
32 **premises.** No licensee, or agent or employee of a licensee, may
34 permit a minor to consume or possess liquor or imitation liquor
on the premises.

36 **Sec. 14. 28-A MRSA §709, sub-§1, ¶A**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

- 38 A. No licensee or employee or agent of a licensee may:
- 40 (1) Offer or deliver any free drinks to any person or
42 group of persons;
 - 44 (2) Deliver more than 2 drinks, or a pitcher of malt
liquor or carafe of wine containing more than one liter
46 or 33.3 ounces, to one person at one time;
 - 48 (3) Sell, offer to sell or deliver to any person or
50 group of persons an unlimited number of drinks for a
fixed price, except at private functions not open to
the public;

2 (4) Encourage or permit, on the licensed premises, any
game or contest which involves drinking or the awarding
of drinks as prizes; or

4
6 (5) Any other practice the specific purpose of which
is to encourage customers of the licensee to drink to
excess; and

8
10 **Sec. 15. 28-A MRSA §709, sub-§2, ¶D**, as amended by PL 1987, c.
342, §45, is further amended to read:

12 D. The sale or delivery of wine, malt liquor or mixed
14 drinks by the bottle, or carafe or pitcher containing not
more than one liter or 33.3 ounces, when sold with meals or
to more than one person;

16
18 **Sec. 16. 28-A MRSA §714, sub-§1, ¶A**, as enacted by PL 1991, c.
543, is amended to read:

20 A. "Keg" means a container capable of holding at least 7.75
2 gallons of liquid.

22
24 **Sec. 17. 28-A MRSA §714, sub-§3, ¶B**, as enacted by PL 1991, c.
543, is amended to read:

26 B. The seller of the keg shall ~~require the purchaser to~~
complete a form designed and approved by the Director of the
28 Bureau of Liquor Enforcement and supplied to the seller by
the distributor of the keg. The form must be printed and
30 distributed, without fee, by the wholesaler of the keg. The
form must include the name, address and date of birth of the
32 purchaser and the identification number of the keg. The
form must summarize the requirements of this section, the
34 penalties for violating any provision of this section and
the penalties for providing alcohol to a minor. The seller
36 shall provide one copy of the form to the purchaser and
retain the ~~form~~ original as a record subject to chapter 31.

38
40 **Sec. 18. 28-A MRSA §751, sub-§1, ¶C**, as amended by PL 1987, c.
342, §48, is further amended to read:

42 C. The fact that the licensee paid by cash or check for all
liquor bought by ~~him~~ the licensee at the time of or before
44 delivery of the liquor as evidenced by invoices, which must
be retained by the licensee; and

46
48 **Sec. 19. 28-A MRSA §751, sub-§1, ¶D**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

50 D. The name and address of every person from whom the
liquor was purchased; and

2 Sec. 20. 28-A MRSA §751, sub-§1, ¶E is enacted to read:

4 E. In the case of an on-premise licensee, records of food
6 purchases.

8 Sec. 21. 28-A MRSA §1201, sub-§3-A is enacted to read:

10 3-A. Sale of liquor for off-premise consumption to retailer
12 prohibited. A person licensed under this section, or an agent or
14 employee of the person, may not knowingly sell liquor to another
16 retailer licensed under this section for resale except as
18 provided in section 606 and the rules adopted pursuant to section
20 62.

22 Sec. 22. 28-A MRSA §1202, sub-§§1 and 2, as enacted by PL 1987,
24 c. 45, Pt. A, §4, are amended to read:

26 1. **Employees under 17.** No employee under 17 years of age
28 may accept payment for the sale of malt liquor or wine at the
30 check-out counter of an off-premise retail licensee licensee's
32 establishment.

34 2. **Employees who are 17.** An employee who is 17 years of
36 age may accept payment only if an employee who is at least 18
38 years old is present in the off-premise retail licensee
40 licensee's establishment in a supervisory capacity. Effective
42 July 1, 1997, an employee who is at least 17 years of age, but
44 less than 21 years of age, may accept payment only if an employee
46 who is at least 21 years old is present.

48 Sec. 23. 28-A MRSA §1206 is enacted to read:

§1206. Consumption prohibited on off-premise retail premises

A person may not consume liquor or imitation liquor on the
 premises of an off-premise licensee licensed under this chapter
 except as provided in section 1205.

 Sec. 24. 28-A MRSA §2051, sub-§1, as amended by PL 1987, c.
 342, §§118 and 119, is further amended to read:

 1. **Prohibited acts.** A minor may not:

 A. Purchase any liquor or imitation liquor;

 B. Consume any liquor or imitation liquor, except in his
 the minor's own home in the presence of his a parent, legal
 guardian or custodian, as defined in Title 22, section 4002;

2 C. Have on his the minor's person any liquor or imitation
4 liquor in any premises licensed for the sale of liquor to be
consumed on the premises;

6 D. Present or offer to any licensee, the licensee's agent
8 or employee any written or oral evidence of age which that
is false, fraudulent or not actually his the minor's own,
for the purpose of:

10 (1) Ordering, purchasing, attempting to purchase or
12 otherwise procuring or attempting to procure, the
serving of any liquor or imitation liquor; or

14 (2) ~~To-gain~~ Gaining access to a licensed premise when
16 minors are not allowed;

18 D-1. Have in his the minor's possession a false
20 identification card;

22 D-2. Sell, furnish or give a false identification card to a
minor; or

24 E. Have any liquor or imitation liquor in his the minor's
26 possession except:

28 (1) In the scope of his the minor's employment; or

30 (2) In his the minor's own home in the presence of his
32 the minor's parent, legal guardian or custodian, as
defined in Title 22, section 4002.

34 **Sec. 25. 28-A MRSA §2052, sub-§§1 and 2, as enacted by PL 1987,**
c. 45 Pt. A, §4, are amended to read:

36 **1. Minor may not transport liquor or imitation liquor;**
38 **exception.** Except as provided in paragraph A, no minor may
knowingly transport or knowingly permit to be transported any
40 liquor or imitation liquor in a motor vehicle under his the
minor's control.

42 A. A minor may transport liquor or imitation liquor or
44 permit liquor or imitation liquor to be transported in a
motor vehicle if in the scope of his the minor's employment,
46 or at the request of his the minor's parent, legal guardian
or custodian, as defined in Title 22, section 4002.

48 **2. No conviction if liquor not within minor's section.** No
50 minor may be found in violation of any offense under this section
if liquor or imitation liquor is found outside the passenger or

2 driver's section of a motor vehicle under his the minor's
control, unless the minor has actual knowledge of the presence of
4 the liquor or imitation liquor. The trunk or locked glove
compartment of any vehicle shall may not be construed under this
6 section to be within the passenger or driver's section of the
motor vehicle.

8 Sec. 26. 28-A MRSA §2075, sub-§4, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

10 4. Penalties. Any person who illegally imports spirits, or
12 causes spirits to be shipped into the State commits a Class-E
crime civil violation for which a forfeiture not to exceed \$500
14 must be adjudged.

16 Sec. 27. 28-A MRSA §2075, sub-§5 is enacted to read:

18 5. Forfeiture of spirits. Notwithstanding section 2221-A,
if a person fails to appear in court on the date and time
20 specified in response to a Uniform Summons and Complaint issued
for a violation of this section, either in person or by counsel,
22 the court shall order the spirits imported or transported in
excess of that allowed by subsection 1 or 2 to be forfeited to
24 the State. As part of every adjudication and forfeiture imposed
under this section the court shall order the spirits imported or
26 transported in excess of that allowed by subsection 1 or 2 to be
forfeited to the State. Spirits forfeited under this subsection
28 must be disposed of as prescribed in section 2229.

30 Sec. 28. 28-A MRSA §2077, sub-§4, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

32 4. Penalties. Any person who illegally transports malt
34 liquor or wine into or within the State commits a Class-E
crime civil violation for which a forfeiture not to exceed \$500 must be
36 adjudged.

38 Sec. 29. 28-A MRSA §2077, sub-§5 is enacted to read:

40 5. Forfeiture of malt liquor or wine. Notwithstanding
section 2221-A, if a person fails to appear in court on the date
42 and time specified in response to a Uniform Summons and Complaint
issued for a violation of this section, either in person or by
44 counsel, the court shall order the malt liquor or wine imported
or transported in excess of that allowed by subsection 1 or 2 to
46 be forfeited to the State. As part of every adjudication and
forfeiture imposed under this section the court shall order the
48 malt liquor or wine imported or transported in excess of that
allowed by subsection 1 or 2 to be forfeited to the State. Malt
50 liquor or wine forfeited under this subsection must be disposed
of as prescribed in section 2229.

2 **Sec. 30. 28-A MRSA §2081, sub-§1**, as amended by PL 1989, c.
293, §§1 to 3, is further amended to read:

4 **1. Offense.** Except as provided in subsection 2, no person
6 may knowingly:

8 A. Procure, or in any way aid or assist in procuring,
furnish, give, sell or deliver liquor or imitation liquor
10 for or to a minor;

12 B. Allow any minor under that person's control, or in any
place under that person's control, to possess or consume
14 liquor or imitation liquor; or

16 C. Procure, or in any way aid or assist in procuring,
furnish, give, sell or deliver liquor or imitation liquor to
18 a visibly intoxicated person.

20 **Sec. 31. 28-A MRSA §2081, sub-§2**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

22 **2. Exceptions.** This section does not apply to a person who
24 serves liquor or imitation liquor to a minor in a home in the
presence of the minor's parent, legal guardian or custodian, as
26 defined in Title 22, section 4002.

28 **Sec. 32. 28-A MRSA §2084**, as amended by PL 1987, c. 623, §18,
is repealed.

30 **Sec. 33. 28-A MRSA §2519, sub-§1**, as enacted by PL 1987, c.
32 45, Pt. A, §4, is amended to read:

34 **1. Approval of alcohol server education courses.** The
Commissioner of Public Safety shall approve alcohol server
36 education courses which for a period of 2 years that meet the
criteria developed under this section. The commissioner may
38 renew approval provided the course meets the criteria applicable
at the time of renewal.

40 Course providers may request renewal by submitting current course
42 material at least 60 days prior to the date of expiration.

44 **Sec. 34. 28-A MRSA §2519, sub-§5**, as enacted by PL 1991, c.
591, Pt. L, §8, is repealed.

46 **Sec. 35. 28-A MRSA §2519, sub-§§6 to 10** are enacted to read:
48

2 6. Server certification. A retail employee must obtain a
3 certificate of server certification as follows.

4 A. A person who is a retail employee as of the effective
5 date of this subsection shall obtain a certificate of server
6 certification prior to January 1, 1997.

8 B. A person who wants to become a retail employee on or
9 after the effective date of this subsection shall obtain a
10 certificate of server certification after successfully
11 completing an approved alcohol server education course and
12 before beginning employment.

14 7. Issuance of certificate of server certification. The
15 Bureau of Liquor Enforcement is responsible for issuing a
16 certificate of server certification. The applicant is required
17 to successfully complete an examination approved by the advisory
18 committee.

20 The application or renewal fee is \$5 and is payable whether the
21 applicant successfully completes the examination or not. All
22 necessary expenses of administering this section must be paid out
23 of the fees received for testing.

24 An applicant must renew certification annually. Notwithstanding
25 annual renewal, the applicant is only required to successfully
26 complete the examination biennially beginning the year of the
27 original application.

30 8. Course accountability. The Director of the Bureau of
31 Liquor Enforcement may appoint an employee of the bureau to
32 monitor the alcohol server education courses to ensure that
33 providers of the courses present proper training and meet the
34 approved criteria. A provider of an approved course must provide
35 the monitor with a list of names, addresses and dates of birth of
36 instructors and also a list of names, addresses, dates of birth
37 and date of completion for persons who have successfully
38 completed the training. A provider must provide notification of
39 the place and time the course will be held and must allow the
40 monitor access to any course being given.

42 9. Alcohol server education courses; approval; suspension;
43 revocation. The commissioner may refuse to issue or renew
44 approval for an alcohol server education course. The
45 Administrative Court may suspend or revoke the approval for an
46 alcohol server education course. The following are grounds for
47 an action to refuse to issue or renew approval, suspend or revoke:

48 A. The advisory committee finds that an alcohol server
49 education course does not meet the criteria listed in
50

2 subsection 3 or the specific criteria as determined by the
3 committee;

4 B. The course when presented does not follow the specific
5 criteria as determined by the advisory committee prior to
6 issuance of approval;

8 C. The provider of the course does not provide information
9 or access to the monitor as required by subsection 8; or

10 D. Fraud or deceit is used to obtain course approval or in
11 providing the courses or issuing certificates.

12 10. Suspension or revocation of certificate of server
13 certification. The Administrative Court may suspend or revoke a
14 certificate of server certification. The following are grounds
15 for an action to suspend or revoke a certificate:

16 A. Violation of any federal or state law or rule relating
17 to liquor or substantial infraction of any rule issued by
18 the commission.

24
25
26 **STATEMENT OF FACT**

27 This bill makes the following changes to the liquor laws.

28
29 1. It creates and defines B.Y.O.B. functions and
30 establishes the manner in which they will be regulated.

31
32 2. It prohibits the sale of imitation liquor at the same
33 times as the sale of liquor is prohibited. The prohibition
34 against the sale or delivery of liquor before noon on Memorial
35 Day is repealed.

36
37 3. It applies the same prohibitions that apply to liquor at
38 bottle clubs to imitation liquor. Minors are prohibited from
39 possessing as well as consuming liquor or imitation liquor at a
40 bottle club. Further, it is made a civil violation to deny a law
41 enforcement officer access to a bottle club for the purposes of
42 investigation.

43 4. It extends the mandatory closing time for liquor stores
44 from midnight to 1:00 a.m. and from 5:00 p.m. to 1:00 a.m. on
45 Sundays.

46 5. It requires all retail employees of retail licensees to
47 possess a valid certificate of server certification effective
48 January 1, 1997. A part-time employee who does not work more
49 than 720 hours in a calendar year is exempt.

- 2 6. It requires minors who sell liquor for a licensee to be
supervised by a person who is at least 21 years of age, effective
4 January 1, 1997. Currently, a person 17 years of age may be
supervised by a person 18 years of age.
6
7. It repeals the criminal penalty for employing minors who
8 are either less than 17 years of age or not properly supervised.
The violation can be addressed administratively.
10
8. It allows any on-premise licensee, not just hotels and
12 Class A restaurants, to take credit cards.
9. It prohibits the sale or delivery of imitation liquor to
14 minors and visibly intoxicated persons by a licensee or an
employee of the licensee. References to sales to a person of
16 known intemperate habits are repealed. Further, a licensee is
prohibited from allowing a minor to consume or possess imitation
18 liquor on premises.
20
10. It prohibits a licensee from delivering a pitcher of
22 beer or a carafe of wine containing more than one liter or 33.3
ounces to one person at a time.
24
11. It redefines a "keg" as a container that holds at least
26 2 gallons of liquor rather than the current 7.75 gallons.
12. It changes the responsibility for filling out the
28 required forms when buying a keg from the purchaser to the
seller. The purchaser will be provided with a copy.
30
13. It requires a retail licensee to keep invoices of
32 liquor and food purchases.
34
14. It prohibits the sale of liquor by one retailer to
36 another if the retailer knows that it will be resold.
15. It requires that a minor who is employed by an
38 off-premise licensee must be supervised by an employee who is at
40 least 21 years of age effective January 1, 1997.
16. It prohibits the consumption of liquor or imitation
42 liquor on the premises of an off-premise licensee.
44
17. It prohibits a minor from consuming or possessing
46 imitation liquor except in the minor's home with appropriate
supervision.
48
18. It prohibits a minor from transporting imitation liquor
50 in a vehicle.

- 2 19. It reduces illegal importation or transportation of
4 spirits from a Class E crime to a civil violation with a maximum
fine of \$500.
- 6 20. It allows the court to order the forfeiture of malt
8 liquor, wine or spirits that are illegally imported or
transported into the State if the defendant fails to appear at
10 the arraignment or if the defendant is adjudicated to have
committed the violation.
- 12 21. It reduces illegal importation or transportation of
14 malt liquor or wine from a Class E crime to a civil violation
with a maximum fine of \$500.
- 16 22. It prohibits a person from selling to or allowing any
18 minor under the person's control to possess liquor or imitation
liquor unless the person is a parent, legal guardian or custodian.
- 20 23. It repeals a section that makes it a civil violation
22 for an agent of a licensee to sell to a minor. This type of
violation can be taken care of administratively.
- 24 24. It makes changes to the alcohol servers program. Under
26 this bill, the Commission of Public Safety may approve a
particular alcohol servers program for a 2-year period. The
28 Director of the Bureau of Liquor Enforcement may appoint a liquor
enforcement officer to monitor the programs. A potential retail
30 employee must complete a course and take a standardized
examination in order to obtain a certificate of server
32 certification. All current retail employees have to obtain a
certificate by January 1, 1997. The Commissioner of Public
34 Safety and the Administrative Court may suspend or revoke course
approval and a certificate of server certification under criteria
36 outlined in section 35.