## MAINE STATE LEGISLATURE

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## 118th MAINE LEGISLATURE

## **FIRST REGULAR SESSION-1997**

Legislative Document

No. 257

H.P. 204

House of Representatives, January 21, 1997

An Act to Amend the Liquor Laws.

Submitted by the Department of Public Safety pursuant to Joint Rule 204. Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative TRUE of Fryeburg. Cosponsored by Representatives: BARTH of Bethel, CAMERON of Rumford, CHIZMAR of Lisbon, CROSS of Dover-Foxcroft, FISHER of Brewer, O'BRIEN of Augusta, WINSOR of Norway, Senator: CAREY of Kennebec.

2	Sec. 1. 28-A MRSA §708, sub-§6 is enacted to read:
4	
6	6. Gifts. A licensee is prohibited from offering or providing a gift to the purchaser of an alcoholic beverage either
	on the container or in the packaging.
8	Sec. 2. 28-A MRSA §709, sub-§1, ¶A, as amended by PL 1993, c.
10	266, \$16, is further amended to read:
12	A. No licensee or employee or agent of a licensee may:
14	(1) Offer or deliver any free drinks <u>liquor</u> to any person or group of persons;
16	(2) Deliver more than 2 drinks, or a pitcher of malt
18	liquor or carafe of wine containing more than one liter or 33.8 ounces, to one person at one time;
20	
22	(3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to
24	the public;
26	(4) Encourage or permit, on the licensed premises, any game or contest which that involves drinking or the
28	awarding of drinks as prizes; or
30	(5) Any other practice the specific purpose of which is to encourage customers of the licensee to drink to
32	excess; and
34	Sec. 3. 28-A MRSA §1051, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:
36	
	3. Liquor not to be consumed elsewhere. Except as provided
38	in paragraphs A and B, no licensee for the sale of liquor to be consumed on the premises where sold may personally or by his an
40	agent or employee, sell, give, furnish or deliver any liquor to
	be consumed elsewhere than upon the licensed premises. The
42	service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by
44	the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting
46	consumption beyond the barriers.
48	A. Subject to law and the rules of the semmission bureau.

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

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hotel licensees may sell liquor in the original packages or by the drink to bona fide registered room guests. Any sale

	to a guest may be delivered to the guest's room only by a
2	hotel employee.
4	B. A licensee may serve liquor at locations other than the licensed premises under the off-premise catering license
6	issued under section 1052.
8	Sec. 4. 28-A MRSA §1652, sub-§2-B is enacted to read:
10	2-B. Failure to make payments. If a winery or brewery that has not filed an excise tax surety bond fails to make tax
12	payments as required by this section, the bureau may immediately take back its license issued pursuant to section 1355, having the
14	effect of voiding the license.
16	Sec. 5. 28-A MRSA §2077-A, as amended by PL 1993, c. 60, §3, is repealed.
18	Sec. 6. 28-A MRSA §2077-B is enacted to read:
20	§2077-B. Interstate shipping of liquor prohibited
22	1. Prohibition. A person may not sell, furnish, deliver or
24	purchase liquor from an out-of-state company by mail order.
26	2. Penalty. A person who violates this section is subject to penalties listed in section 2075, subsection 4.
28	
30 <b>32</b>	SUMMARY
34	This bill does the following.
	l. It clarifies that gifts may not be offered to the
36	purchaser of an alcoholic beverage either on the container or the packaging.
38	2. It changes a reference from "drinks" to "liquor."
40	3. It regulates areas where the service and consumption of
42	liquor may take place when it is offered for sale by on-premise licensees.
44	4. It allows the Bureau of Liquor Enforcement to
46	immediately take back and void a license issued to an in-state winery or brewery when the licensee fails to make required tax
48	payments.
50	5. It prohibits the importation of liquor by mail order.