

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1389

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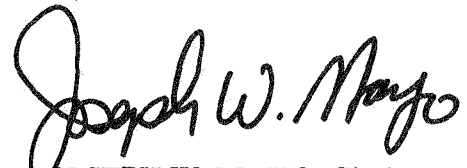
H.P. 997

House of Representatives, March 5, 1997

**An Act to Allow Partially Consumed Bottles of Wine to be Taken from  
Restaurants.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Portland.  
Cosponsored by Senator DAGGETT of Kennebec and  
Representatives: BRAGDON of Bangor, FISHER of Brewer, PLOWMAN of Hampden,  
TRUE of Fryeburg, TUTTLE of Sanford, WATERHOUSE of Bridgton, Senator: MITCHELL  
of Penobscot.

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

4 **Sec. 1. 28-A MRSA §1051, sub-§§4 and 5** are enacted to read:

6 4. Partially consumed bottles of wine. Notwithstanding  
8 subsection 3, any establishment licensed by the State to sell  
10 wine on the premises may permit a person who has purchased a full  
12 course meal, and purchased and partially consumed a bottle of  
14 table wine with the meal, to remove the partially consumed bottle  
from the premises upon departure, provided that the person is not  
visibly intoxicated as provided in section 2503, subsection 7,  
and the bottle of table wine is removed and transported in a  
manner consistent with subsection 5.

16 5. Transporting partially consumed bottles. A partially  
18 consumed bottle of table wine that is removed from the premises  
20 under subsection 4 must be securely sealed and bagged by the  
22 licensee, either to be in conformance with any applicable open  
24 container law for those patrons on foot or transported in the  
trunk of a motor vehicle. If the vehicle is not equipped with a  
trunk, the securely sealed opened table wine bottle may be  
transported in that compartment of the vehicle that is the least  
accessible to the driver.

26 **SUMMARY**

28 This bill allows restaurant patrons to transport unfinished  
30 bottles of wine purchased at the restaurant from the premises.  
32 It requires that the wine must be ordered with a meal by patrons  
34 and the wine must be partially consumed on the premises. The  
purchaser may not be visibly intoxicated and the partially  
consumed bottle of wine must be resealed and bagged by the  
licensee.