

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 520

H.P. 399

House of Representatives, February 6, 2001

**An Act Concerning Small Breweries That Are Licensed to Serve Liquor
on Premises.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: BUNKER of Kossuth Township, COLWELL of Gardiner, RINES of
Wiscasset, SAVAGE of Buxton, STANLEY of Medway, TESSIER of Fairfield, TUTTLE of
Sanford, Senator: KILKELLY of Lincoln.

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

4 **Sec. 1. 28-A MRSA §1051, sub-§3,** as amended by PL 1999, c.
5 236, §2, is further amended to read:

6 **3. Liquor not to be consumed elsewhere.** Except as provided
7 in paragraphs A and B and C, no licensee for the sale of liquor
8 to be consumed on the premises where sold may personally or by an
9 agent or employee, sell, give, furnish or deliver any liquor to
10 be consumed elsewhere than upon the licensed premises. The
11 service and consumption of liquor must be limited to areas that
12 are clearly defined and approved in the application process by
13 the bureau as appropriate for the consumption of liquor. Outside
14 areas must be controlled by barriers and by signs prohibiting
15 consumption beyond the barriers.

16
17 A. Subject to law and the rules of the bureau, hotel or bed
18 and breakfast licensees may sell liquor in the original
19 packages or by the drink to bona fide registered room
20 guests. Any sale to a guest may be delivered to the guest's
21 room only by a hotel or bed and breakfast employee.

22
23 B. A licensee may serve liquor at locations other than the
24 licensed premises under the ~~off-premise~~ off-premises
25 catering license issued under section 1052.

26
27 C. A licensee who is also the holder of a small brewery
28 license may personally or by an agent or employee give tours
29 of the small brewery to patrons of the establishment
30 licensed for on-premises consumption in accordance with
31 section 1355, subsection 2, paragraph D. Liquor may not be
32 served or sold to patrons while touring the brewery except
33 as provided in section 1355.

34 **Sec. 2. 28-A MRSA §1355, sub-§2, ¶F** is enacted to read:

35
36 F. If the holder of a small brewery license is also
37 licensed to serve liquor to be consumed on the premises for
38 a location other than the brewery, the licensee may
39 personally or by an agent or employee give tours of the
40 brewery to patrons of the location licensed for on-premises
41 consumption. The sale or service of liquor is prohibited
42 during tours, except that patrons may sample products as
43 provided in this section.

44
45
46
47 **SUMMARY**

48
49 **50** This bill amends the law governing a licensee who is
50 licensed to operate a small brewery and is licensed to sell

liquor for on-premises consumption. This bill changes current
2 law by permitting patrons of the establishment licensed to sell
liquor for on-premises consumption to receive tours of the
4 brewery from the licensee or the licensee's employees and sample
the brewery product as provided by current law. Liquor may not
6 be sold to patrons while on a tour of the brewery.