

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 433

S.P. 151

In Senate, February 4, 2003

### **An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees**

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Reference to the Committee on Legal and Veterans 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 MAYO of Sagadahoc.  
Cosponsored by Representative COWGER of Hallowell, Representative CLARK of Millinocket and Senators: BLAIS of Kennebec, DAVIS of Piscataquis, WOODCOCK of Franklin, Representatives: McNEIL of Rockland, MOORE of Standish, O'NEIL of Saco, SAVIELLO of Wilton, THOMAS of Orono.

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

**Sec. 1. 28-A MRSA §2, sub-§10-B** is enacted to read:

10-B. Debit card. "Debit card" means a card, code or other device, other than a check draft or similar paper instrument, by the use of which a person may institute an electronic fund transfer.

**Sec. 2. 28-A MRSA §705, sub-§1**, as amended by PL 1993, c. 266, §9, is further amended to read:

**1. Sales for cash.** Except as provided in paragraph A, no a licensee or licensee's employee or agent may not sell or offer to sell any liquor except for cash, by check or by major credit card. For purposes of this subsection, the use of a debit card is deemed to be a sale for cash.

A. Credit may be extended:

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

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

(3) By an on-premise licensee to the host of a private, prearranged function without a credit card.

B. A right of action does not exist to collect claims for credits extended contrary to this section.

C. This section does not prohibit a licensee from giving credit to a purchaser for the actual price charged for the beverage container deposit on the packages or original containers, as defined in Title 32, chapter 28, as a credit on any sale, or from paying the amount actually charged for such deposit on the packages or original containers.

D. Except as provided in subparagraph (1), no licensee or licensee's employee or agent may sell, offer to sell or furnish any liquor to any person on a passbook or store order, or receive from any person any goods, wares, merchandise or other articles in exchange for liquor.

(1) This paragraph does not apply to beverage container deposits on packages or original containers that were originally purchased from that licensee by the person returning the packages or original containers.

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## SUMMARY

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This bill permits retail liquor licensees to sell liquor with a debit card and considers the use of a debit card the same as a cash transaction.