

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1643

H.P. 1220

House of Representatives, December 8, 2003

An Act To Promote Fairness for Small Businesses That Serve Alcoholic Beverages

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 3, 2003. Referred to the Committee on Legal and Veterans Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRUNO of Raymond.

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

4 **Sec. 1. 28-A MRSA §1013** is enacted to read:

6 **§1013. Class XII licenses**

8 **1. Types of liquor that may be sold.** A Class XII licensee
may sell wine and malt liquor to be consumed off the premises
where sold.

10 **2. Fees.** The fee for a Class XII license is as follows:

12 **A. Full-time, one year, \$220.**

14 **3. Eligible premises.** The following premises are eligible
16 to obtain a Class XII license:

18 **A. Class A restaurants that hold a Class I, Class III or**
20 **Class IV license and that offer food to be consumed off the**
premises where sold; and

22 **B. Restaurants that hold a Class III or Class IV license**
24 **and that offer food to be consumed off the premises where**
sold.

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

28 **3. Liquor not to be consumed elsewhere.** Except as provided
30 in paragraphs A and, B and C, no a licensee for the sale of
liquor to be consumed on the premises where sold may not
32 personally or by an agent or employee, sell, give, furnish or
deliver any liquor to be consumed elsewhere than upon the
34 licensed premises. The service and consumption of liquor must be
36 limited to areas that are clearly defined and approved in the
application process by the bureau as appropriate for the
consumption of liquor. Outside areas must be controlled by
38 barriers and by signs prohibiting consumption beyond the barriers.

40 **A.** Subject to law and the rules of the bureau, hotel or bed
and breakfast licensees may sell liquor in the original
42 packages or by the drink to bona fide registered room
guests. Any sale to a guest may be delivered to the guest's
44 room only by a hotel or bed and breakfast employee.

46 **B.** A licensee may serve liquor at locations other than the
licensed premises under the off-premise catering license
48 issued under section 1052.

2 C. A restaurant or Class A restaurant that holds a Class
3 XII license may sell wine and malt liquor to be consumed off
4 the premises of the licensee.

6 **Sec. 3. 28-A MRSA §1201, sub-§3**, as enacted by PL 1987, c.
7 45, Pt. A, §4, is amended to read:

8 **3. May not sell liquor to be consumed on premises.** No
9 Except for those restaurants and Class A restaurants holding a
10 Class XII license, a person licensed under this section may not
11 sell malt liquor or wine to be consumed on the premises.

12 **Sec. 4. 28-A MRSA §1206**, as enacted by PL 1993, c. 266, §23,
13 is amended to read:

16 **§1206. Consumption prohibited on off-premise retail premises**

17 A person may not consume liquor on the premises of an
18 off-premise licensee licensed under this chapter except as
19 provided in section 1205 or if it is wine or malt liquor that is
20 provided by a Class XII licensee.

22 **Sec. 5. 28-A MRSA §2074, sub-§1**, as amended by PL 1997, c.
23 306, §2, is further amended to read:

24 **1. Transportation on-premises or off-premises.** Except as
25 provided in section 1051 and for wine or malt liquor provided by
26 a Class XII licensee, any person who transports liquor onto or
27 off of the premises of an on-premise retail licensee is guilty of
28 a Class E crime.

32 **SUMMARY**

34 This bill allows a restaurant that has been licensed to sell
35 spirits, wine or malt liquor for consumption on the premises of
36 the restaurant to obtain a license to also sell wine and malt
37 liquor to be consumed off the premises of the restaurant.