

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1627

S.P. 604

In Senate, May 3, 2005

An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MITCHELL of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and
Senators: GAGNON of Kennebec, PLOWMAN of Penobscot, Representatives: LEWIN of
Eliot, MOORE of Standish, NUTTING of Oakland, PATRICK of Rumford, THOMPSON of
China.

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

Sec. 1. 28-A MRSA §10, sub-§4 is enacted to read:

4. Application. This section does not apply to a fine wine store, as defined in section 1205, that is licensed under section 1051, subsection 3-A.

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

3. Liquor not to be consumed elsewhere. Except as provided in paragraphs A and B and in subsection 3-A, no licensee for the sale of liquor to be consumed on the premises where sold may personally or by an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises. The service and consumption of liquor must be 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 barriers and by signs prohibiting consumption beyond the barriers.

A. Subject to law and the rules of the bureau, hotel or bed and breakfast 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 hotel or bed and breakfast employee.

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

Sec. 3. 28-A MRSA §1051, sub-§3-A is enacted to read:

3-A. Fine wine stores. Notwithstanding any other provision of law to the contrary, a licensed establishment that is a fine wine store, as defined in section 1205, that prepares and sells food to be consumed on the premises of the licensed establishment may be issued a license under this section if the malt liquor or wine to be served on the premises of the licensed establishment is accompanied by a meal.

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

3. Cannot sell liquor to be consumed on premises. No Except as provided in section 1051, subsection 3-A, a person licensed under this section may not sell malt liquor or wine to be consumed on the premises.

Sec. 5. 28-A MRSA §1206, as enacted by PL 1993, c. 266, §23, is amended to read:

§1206. Consumption prohibited on off-premise retail premises

A person may not consume liquor on the premises of an off-premise licensee licensed under this chapter except as provided in section 1051, subsection 3-A and section 1205.

SUMMARY

This bill allows dual liquor licenses for on-premises consumption and off-premises retail sales for fine wine stores that also prepare and sell food for consumption on their premises.