

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 989

H.P. 681

House of Representatives, March 12, 2009

An Act To Allow for a Dual Liquor License

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VALENTINO of Saco.
Cosponsored by Representatives: FITTS of Pittsfield, PINKHAM of Lexington Township,
TRINWARD of Waterville, Senator: SULLIVAN of York.

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

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

3 4. Application. This section does not apply to a dual license holder licensed under
4 section 1051, subsection 3-A.

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

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

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

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

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

22 3-A. Dual licensee. Notwithstanding any other provision of law to the contrary, an
23 off-premise retail licensee with a license to sell malt liquor and a license to sell wine to be
24 consumed off the premises, as provided under sections 1007 and 1009, and that prepares
25 food to be consumed on the premises of the licensed establishment may be issued a
26 license under this section if malt liquor or wine to be served on the premises of the
27 licensed establishment is accompanied by a meal.

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

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

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

35 **§1206. Consumption prohibited on off-premise retail premises**

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

SUMMARY

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This bill allows an establishment licensed to sell beer or wine for consumption off premises to also have a license for on-premises consumption of beer and wine as long as the beer or wine is served to accompany a meal.