

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 678

H.P. 459

House of Representatives, March 3, 2015

**An Act Concerning the Ability of On-premises Liquor Licensees To
Dispense Liquor in Sealed Refillable Containers**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CHENETTE of Saco.
Cosponsored by Senator VALENTINO of York and
Representatives: BATES of Westbrook, FECTEAU of Biddeford, HOBBS of Saco,
HOGAN of Old Orchard Beach.

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

2 **Sec. 1. 28-A MRSA §2, sub-§26**, as enacted by PL 1987, c. 45, Pt. A, §4, is
3 amended to read:

4 **26. Retail sale.** "Retail sale" means any single sale of liquor of less than 20 gallons,
5 or its metric equivalent, for consumption on or off the premises where sold and whether
6 in the original package, in a sealed refillable container or as a mixed drink for immediate
7 consumption.

8 **Sec. 2. 28-A MRSA §2, sub-§27**, as amended by PL 1997, c. 373, §18, is further
9 amended to read:

10 **27. Retailer.** "Retailer" means any person licensed by the bureau to engage in the
11 purchase and resale of liquor in the original container, sealed refillable container or by the
12 drink, for consumption on or off the premises where sold. "Retailer" does not include
13 wholesalers as defined in subsection 35.

14 A. "~~Off-premise~~ Off-premises retail licensee" means a person licensed to sell liquor
15 in sealed bottles, containers or original packages to be consumed off the premises
16 where sold.

17 B. "~~On-premise~~ On-premises retail licensee" means a person licensed to sell liquor to
18 be consumed on the premises where sold or in sealed refillable containers.

19 **Sec. 3. 28-A MRSA §1051, sub-§3**, as amended by PL 2009, c. 438, §2, is
20 further amended to read:

21 **3. Liquor not to be consumed elsewhere.** Except as provided in paragraphs A ~~and~~
22 ~~B to C~~ and in section 1207, no licensee for the sale of liquor to be consumed on the
23 premises where sold may personally or by an agent or employee, sell, give, furnish or
24 deliver any liquor to be consumed elsewhere than upon the licensed premises. The
25 service and consumption of liquor must be limited to areas that are clearly defined and
26 approved in the application process by the bureau as appropriate for the consumption of
27 liquor. Outside areas must be controlled by barriers and by signs prohibiting
28 consumption beyond the barriers.

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

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

35 C. A person licensed under this section may dispense liquor from a keg into a
36 sealable refillable container for resale to be consumed off the premises. A sealable
37 refillable container must be sealed by the licensee subsequent to dispensing for resale
38 off the premises under this paragraph. For purposes of this paragraph, "keg" has the
39 same meaning as in section 714, subsection 1, paragraph A.

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SUMMARY

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This bill allows on-premises retail liquor licensees to dispense liquor from kegs into

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sealable refillable containers for resale.