

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1289

S.P. 464

In Senate, April 9, 2015

**An Act To Allow Retail Liquor Licensees To Sell Alcoholic
Beverages for On-premises and Off-premises Consumption at One
Location**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative TURNER of Burlington and
Senators: CUSHING of Penobscot, LIBBY of Androscoggin, Representatives: ESPLING of
New Gloucester, GUERIN of Glenburn, O'CONNOR of Berwick, SANDERSON of Chelsea,
SAWICKI of Auburn.

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

2 **Sec. 1. 28-A MRSA §10**, as amended by PL 2013, c. 344, §1, is further amended
3 to read:

4 **§10. Class A restaurant and off-premise retail licensee on same premises**

5 **1. Class A restaurant or restaurant and off-premise retail licensee on same**
6 **premises not prohibited.** If a portion of premises is licensed as an off-premise retail
7 licensee, no provision within this Title may be construed to prohibit issuance of a Class
8 III or Class IV license to the same licensee for a restaurant or Class A restaurant for the
9 remaining portion of the premises, as long as necessary qualifications are maintained for
10 each ~~separately licensed area~~ license.

11 **2. Access between the 2 licensed areas.** There may be access between the 2
12 licensed areas for the licensee or the licensee's employees if it is through areas open only
13 to the licensee or the employees. There must be complete nonaccess between the 2
14 licensed areas by the public.

15 ~~**2-A. Access exception.** Notwithstanding subsection 2, there may be access between~~
16 ~~the 2 licensed areas by the public as provided by this subsection.~~

17 ~~A. There may be access between the 2 licensed areas when there is a clear~~
18 ~~delineation of space, by a wall or permanent barrier that separates the 2 licensed areas~~
19 ~~and allows only one clearly defined and controlled point of access for patrons~~
20 ~~between the licensed establishments. The controlled point of access is not required to~~
21 ~~include a door that must be physically opened and closed.~~

22 ~~B. When access between the 2 licensed areas exists for patrons of either~~
23 ~~establishment, all malt liquor and wine sold for on-premises consumption must be~~
24 ~~served by an employee of the licensed establishment and may be served only when~~
25 ~~accompanying a full meal prepared in a separate and complete kitchen on the~~
26 ~~premises. For the purposes of this paragraph, "full meal" means a diversified~~
27 ~~selection of food that cannot ordinarily be consumed without the use of tableware and~~
28 ~~cannot be conveniently consumed while standing or walking.~~

29 ~~C. Malt liquor or wine sold or served on the premises may not be transported by a~~
30 ~~patron or employee of either establishment from one licensed area to another. The~~
31 ~~licensee shall ensure that easily readable signs are conspicuously posted to inform the~~
32 ~~public that transfer of alcoholic beverages from one licensed area to another is strictly~~
33 ~~prohibited.~~

34 ~~This subsection is repealed September 30, 2015.~~

35 **2-B. Access exception.** Notwithstanding subsection 2, premises licensed as an off-
36 premise retail licensee may also be licensed as a Class III licensee, Class IV licensee or
37 Class A restaurant as long as alcoholic beverages served or sold as individual servings for
38 on-premises consumption are served by an employee of the Class III, Class IV or Class A
39 restaurant licensee.

