

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1107

H.P. 781

House of Representatives, March 21, 2017

An Act To Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol

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 PARRY of Arundel.
Cosponsored by Senator DION of Cumberland and
Representatives: CEBRA of Naples, FARRIN of Norridgewock, GOLDEN of Lewiston,
KINNEY of Limington, O'CONNOR of Berwick, SANDERSON of Chelsea, SYLVESTER of
Portland, Senator: BELLOWS of Kennebec.

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

2 **Sec. 1. 28-A MRSA §4, sub-§1**, as amended by PL 2015, c. 74, §1, is further
3 amended to read:

4 **1. Hours for sale of liquor.** Except as provided in paragraphs B ~~and D~~ to E,
5 licensees may sell or deliver liquor from 5 a.m. on any day until 1 a.m. of the following
6 day.

7 B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

8 (1) In areas in which liquor may be sold except on Sundays, if January 1st falls
9 on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday,
10 December 31st and 2 a.m. January 1st, notwithstanding any local option
11 decisions to the contrary.

12 D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4
13 a.m. on any day until 1 a.m. the following day.

14 E. On-premises retail licensees may sell liquor from 4 a.m. to 1 a.m. the following
15 day or 5 a.m. to 2 a.m. the following day if:

16 (1) The legislative body of a municipality votes to extend by one hour the sale of
17 liquor at establishments licensed for on-premises consumption within the
18 municipality;

19 (2) The municipality has a full-time police department or contracts with the
20 county sheriff or State Police to provide coverage during the extended hour of
21 operation; and

22 (3) The municipality notifies the bureau of the extended hour within 30 days of
23 adoption.

24 **Sec. 2. 28-A MRSA §4, sub-§2**, as amended by PL 1993, c. 730, §14, is further
25 amended to read:

26 **2. Consumption and possession of liquor.** Except as otherwise provided in
27 ~~paragraphs A and B~~ this subsection, licensees may not permit the consumption or
28 possession of liquor on their premises after 1:15 a.m.

29 A. Licensees may permit the consumption of liquor on their premises until 2:15 a.m.
30 on January 1st.

31 A-1. Notwithstanding paragraph A, on-premises retail licensees may permit the
32 consumption of liquor on their premises until 2:15 a.m. if:

33 (1) The legislative body of a municipality votes to extend by one hour the sale of
34 liquor at establishments licensed for on-premises consumption within the
35 municipality;

36 (2) The municipality has a full-time police department or contracts with the
37 county sheriff or State Police to provide coverage during the extended hour of
38 operation; and

(3) The municipality notifies the bureau of the extended hour within 30 days of adoption.

B. This subsection does not apply to consumption or possession by bona fide hotel guests in their rooms.

Sec. 3. 28-A MRSA §4, sub-§4, as amended by PL 1991, c. 528, Pt. PP, §1 and affected by Pt. RRR and amended by c. 591, Pt. PP, §1, is further amended to read:

4. Local option decisions govern. Except as provided in subsection 1, ~~paragraph~~ paragraphs B and E and section 353, nothing in this section may be construed to allow the sale of liquor in municipalities in violation of chapter 5.

SUMMARY

This bill allows a municipality to extend the time for the sale or delivery of liquor by licensed establishments by one hour, by either opening earlier than 5 a.m. or closing later than 1 a.m., within that municipality. This bill also allows a municipality to extend by one hour, to 2:15 a.m., the permitted consumption or possession of liquor in licensed establishments. In order to extend the time of operation, consumption or possession, the legislative body of that municipality must vote to extend by one hour the sale or consumption or possession of liquor at establishments licensed for on-premises consumption within the municipality; the municipality must have a full-time police department or contract with the county sheriff or State Police to provide coverage during the extended hour of operation; and the municipality must notify the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations of the extended hour within 30 days of adoption.