

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1738

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S.P. 637

In Senate, December 22, 2017

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**An Act To Permit the Sale and Consumption of Alcohol in an Area  
That Is Not Contiguous to Licensed Premises**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2017. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 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 DESCHAMBAULT of York.  
Cosponsored by Representative HARRINGTON of Sanford and  
Senators: DIAMOND of Cumberland, DILL of Penobscot, MASON of Androscoggin,  
SAVIELLO of Franklin, VOLK of Cumberland, Representatives: GROHMAN of Biddeford,  
POULIOT of Augusta.

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

2 **Sec. 1. 28-A MRSA §1051, sub-§3**, as amended by PL 2009, c. 438, §2, is  
3 further amended to read:

4 **3. Liquor not to be consumed elsewhere.** Except as provided in paragraphs A and  
5 B and in section 1207, ~~no~~ a licensee for the sale of liquor to be consumed on the premises  
6 where sold may not personally or by an agent or employee, sell, give, furnish or deliver  
7 any liquor to be consumed elsewhere than upon the licensed premises or noncontiguous  
8 real estate that meets the conditions specified in subsection 9. The service and  
9 consumption of liquor must be limited to areas that are clearly defined and approved in  
10 the application process by the bureau as appropriate for the consumption of liquor.  
11 Outside areas must be controlled by barriers and by signs prohibiting consumption  
12 beyond the barriers.

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

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

19 **Sec. 2. 28-A MRSA §1051, sub-§9** is enacted to read:

20 **9. Use of noncontiguous real estate.** Notwithstanding section 2, subsection 24, a  
21 licensee that is a licensed establishment may use noncontiguous real estate as a part of the  
22 licensee's premises only if the following conditions are met:

23 A. The noncontiguous real estate is municipally owned and the licensee has obtained  
24 approval from the municipality to directly or indirectly control the noncontiguous real  
25 estate for the operations of the licensee;

26 B. The noncontiguous real estate has been approved by the bureau as a proper place  
27 for the exercise of the license privilege;

28 C. The licensee uses the noncontiguous real estate in the operation of the licensed  
29 establishment;

30 D. Only a retail employee of the licensee serves spirits, wine or malt liquor for  
31 consumption in the noncontiguous real estate; and

32 E. Spirits, wine and malt liquor are not served in the noncontiguous real estate more  
33 than one hour after the time food service is stopped or 11 p.m., whichever occurs  
34 first.

35 The area between a licensed establishment and noncontiguous real estate that meets the  
36 conditions specified in this subsection may be accessible to the public. The bureau shall  
37 adopt routine technical rules as described in Title 5, chapter 375, subchapter 2-A to  
38 implement this subsection.

**SUMMARY**

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This bill allows the sale of alcohol to persons who are on municipally owned property that is not contiguous to the licensed premises of a person licensed to sell spirits, wine or malt liquor for on-premises consumption as long as certain conditions are met, such as approval by the municipality, the exercise of control over the noncontiguous real estate by the licensee, restricting to employees of the licensee the sale of alcohol and limiting the time during which alcohol may be sold on the noncontiguous real estate. The bill also permits the public to travel between the licensed premises and noncontiguous real estate.