

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1066

S.P. 435

In Senate, March 7, 2023

**An Act to Allow a Restaurant to Serve a Bottle of Wine to the
Person Who Brought the Bottle**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator POULIOT of Kennebec.
Cosponsored by Representative SUPICA of Bangor.

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

2 **Sec. 1. 28-A MRSA §709, sub-§2, ¶K**, as amended by PL 2021, c. 658, §106, is
3 further amended to read:

4 K. Donations authorized under section 708-C; or

5 **Sec. 2. 28-A MRSA §709, sub-§2, ¶M**, as enacted by PL 2015, c. 494, Pt. A, §34,
6 is amended to read:

7 M. Product supplied by licensees authorized under section 1052-D for the purposes of
8 providing taste-testing samples under a taste-testing event license; or

9 **Sec. 3. 28-A MRSA §709, sub-§2, ¶N** is enacted to read:

10 N. A restaurant, Class A restaurant or Class A restaurant/lounge giving, serving or
11 permitting to be served a bottle of wine as authorized under section 1051, subsection
12 10.

13 **Sec. 4. 28-A MRSA §1051, sub-§10** is enacted to read:

14 **10. Consumption of bottles of wine not sold on the premises.** A restaurant, Class
15 A restaurant or Class A restaurant/lounge licensed by the State to sell wine on the premises
16 may give, serve or permit to be served a bottle of wine furnished by a person who has
17 purchased a full meal to be consumed on the premises by that person or by another person
18 within the same group as the person who furnished the wine and may charge a fee, not to
19 exceed \$100, for this service. A restaurant, Class A restaurant or Class A restaurant/lounge
20 may permit a person who furnished the bottle of wine to remove the partially consumed
21 bottle of wine from the premises upon departure as long as the person is not visibly
22 intoxicated as defined in section 2503, subsection 7 and the bottle of wine is removed and
23 transported in a manner consistent with subsections 4 and 5, respectively.

24 **SUMMARY**

25 This bill allows a restaurant, Class A restaurant or Class A restaurant/lounge licensed
26 by the State to sell wine on the premises to allow a person who has purchased a full meal
27 to provide a bottle of wine to consume on the premises. A restaurant, Class A restaurant or
28 Class A restaurant/lounge may charge a fee, not to exceed \$100. The person may remove
29 and transport the partially consumed bottle of wine in a manner consistent with the
30 provisions of law regarding the removal and transport of a partially consumed bottle of
31 wine purchased from a restaurant, Class A restaurant or Class A restaurant/lounge.