

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 457
H.P. 158 - L.D. 193

**An Act To Amend the Laws
Governing Tournament Games**

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

Sec. 1. 17 MRSA §333-A, sub-§3, as amended by PL 2007, c. 610, §1, is further amended to read:

3. License. The license fee for a tournament game license is ~~\$200 per tournament~~, as follows:

A. Two hundred dollars for tournaments with up to 100 players;

B. Three hundred dollars for tournaments with 101 to 150 players;

C. Four hundred dollars for tournaments with 151 to 200 players;

D. Five hundred dollars for tournaments with 201 to 250 players; and

E. Six hundred dollars for tournaments with 251 to 300 players.

Sec. 2. 17 MRSA §333-A, sub-§4, as amended by PL 2007, c. 610, §2, is further amended to read:

4. Tournament. The organization licensed to conduct a tournament game under this section shall display the rules of the game and the license issued to conduct the tournament. The maximum number of players allowed is 100 unless the tournament is held on premises owned by the licensee, in which case the maximum number of players allowed is 300. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament play. The maximum entry fee to play in the tournament is \$100, except the organization may add to the player entry fee to defray the cost of the license fee, as long as the total additional amount collected from all players does not exceed \$200. Only one entry fee is permitted per person. A tournament must be completed within 48 hours. Other games of chance are prohibited, except for lucky seven or similar sealed tickets.

Sec. 3. 17 MRSA §333-A, sub-§5, as amended by PL 2007, c. 610, §3, is further amended to read:

5. Proceeds. ~~Seventy-five percent~~ No less than 75% of the entry fees under subsection 4 must be paid as prizes to the winners of the tournament.

See title page for effective date.

CHAPTER 458
H.P. 318 - L.D. 430

**An Act To Allow the Licensing
of Minibars in Hotel Rooms**

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

Sec. 1. 28-A MRSA §2, sub-§19-A is enacted to read:

19-A. Minibar. "Minibar" means a self-contained, locking cabinet, refrigerated or unrefrigerated, designed for the storage, dispensation and sale of alcoholic beverages and related merchandise.

Sec. 2. 28-A MRSA §1012, sub-§6 is enacted to read:

6. Minibar license. The bureau may issue a license for the placement of a minibar to an operator of a hotel licensed under section 1061 or in accordance with the license required by Title 30-A, section 3811 subject to the following conditions and applicable rules established by the bureau:

A. The fee for a minibar license for a hotel holding an existing license under section 1061 is \$100 annually plus \$5 for each room in which a minibar is placed, not to exceed a maximum of \$900 per hotel;

B. The fee for a minibar license for a hotel holding an existing license under Title 30-A, section 3811 is \$200 annually plus \$10 for each room in which a minibar is placed;

C. A minibar may be stocked with beer, wine and distilled spirits as well as other complementary merchandise;

D. Supplies of beer and wine for a hotel minibar must be purchased from a wholesale licensee;

E. Supplies of distilled spirits for a hotel minibar must be purchased from an agency liquor store;

F. A hotel must maintain invoices for all alcoholic beverages stocked in a minibar and must maintain records of all sales of alcoholic beverages sold or dispensed from a minibar;

G. A minibar must be equipped with a secure locking device that may be unlocked only by persons 21 years of age or older;

H. A hotel room equipped with a minibar may be rented only to a person who is 21 years of age or older and who has demonstrated proof of age by presenting proper identification as described in section 2087 unless the minibar is secured in a manner that prevents access by a person under 21 years of age;

I. The registered occupant of a hotel room equipped with a minibar is liable for any violation of liquor laws by anyone under 21 years of age who also occupies or enters the room; and

J. A minibar may be stocked and serviced only by an employee who is 21 years of age or older.

The Department of Public Safety may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Implementation. The Department of Public Safety shall implement the provisions of this Act using existing departmental personnel and resources.

See title page for effective date.

CHAPTER 459

H.P. 353 - L.D. 498

An Act Regarding Alcoholic Beverage Tastings

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

Sec. 1. 28-A MRSA §460 is enacted to read:

§460. Agency liquor store taste testing of distilled spirits

1. Taste testing on agency liquor store premises. Subject to the conditions in subsection 2, the bureau may authorize an agency liquor store stocking at least 200 different codes of distilled spirits products to conduct taste testing of distilled spirits on that licensee's premises. Any other consumption of alcoholic beverages on an agency liquor store's premises is prohibited, except as permitted under section 1205 or 1207.

2. Conditions on taste-testing activities. The conditions under this subsection apply to taste-testing activities under this section.

A. Distilled spirits may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of distilled spirits having an alcohol content of 80 proof or less; or, for distilled spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

C. Distilled spirits must be dispensed using a standard measuring device.

D. Distilled spirits having an alcohol content of greater than 80 proof may not be offered for tast-

ing at the same time as distilled spirits having an alcohol content of 80 proof or less.

E. A person may not be charged a fee for any distilled spirits served as part of a taste-testing activity.

F. A person may not be served who is visibly intoxicated.

G. Taste testing must be limited to a designated area.

H. Taste testing must be conducted within the hours of retail sale established in this Title.

I. The agency liquor store must obtain the written permission of the bureau before conducting any taste-testing activity.

J. The agency liquor store may conduct up to 3 tastings per month but no more than 12 taste-testing events per year, including tastings conducted under sections 1205 and 1207.

K. Taste testing is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

L. The agency liquor store must notify the bureau of the date and time scheduled for all taste-testing events.

M. The agency liquor store must purchase all distilled spirits served at a taste testing from the wholesale liquor provider as defined in section 501.

N. Taste-testing activities must be conducted in a manner that precludes the possibility of observation by children. The Department of Public Safety shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the operation and effectiveness of this paragraph.

3. Rules. The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-A MRSA §1205, as amended by PL 2005, c. 32, §1, is further amended to read:

§1205. Taste testing of wine

1. Taste testing on off-premise retail licensee's premises. Subject to the conditions in subsection 2, the bureau may authorize an off-premise retail licensee, ~~50% or more of whose gross income is derived from the sale of wine, malt liquor or spirits,~~ stocking at least 125 different wine labels or a fine wine store to conduct taste testings of wine on that licensee's premises. Any other consumption of alcoholic beverages