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Public Law
124th Legislature
First Regular Session

Chapter 438
H.P. 681 - L.D. 989

An Act To Allow for a Dual Liquor License

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

Sec. 1. 28-A MRSA §10, sub-§4 is enacted to read:

4. Application. This section does not apply to a dual license holder licensed under section 1207.

Sec. 2. 28-A MRSA §1051, sub-§3, as amended by PL 1999, c. 236, §2, is further amended to read:

3. Liquor not to be consumed elsewhere. Except as provided in paragraphs A and B and in section 1207, no licensee for the sale of liquor to be consumed on the premises where sold may personally or by an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

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

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

Sec. 3. 28-A MRSA §1201, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Cannot sell liquor to be consumed on the premises. No Except as provided in section 1207, a person licensed under this section may not sell malt liquor or wine to be consumed on the premises.

Sec. 4. 28-A MRSA §1206, as enacted by PL 1993, c. 266, §23, is amended to read:

§ 1206. Consumption prohibited on off-premise retail premises

A person may not consume liquor on the premises of an off-premise licensee licensed under this chapter except as provided in section sections 1205 and 1207.

Sec. 5. 28-A MRSA §1207 is enacted to read:

§ 1207. Dual liquor license

Notwithstanding any other provision of law, the bureau may issue a dual liquor license to a retail establishment to serve wine to be consumed on the premises in accordance with subsection 2 if that establishment is licensed to sell wine to be consumed off the premises and meets the criteria listed in subsection 1.

1. Minimum criteria. In order for the bureau to issue a dual liquor license in accordance with this section the following criteria must be met:

- A. The licensee has submitted an application as prescribed by the bureau and the fee under subsection 3 to the bureau;
- B. The licensee's establishment includes a full kitchen that prepares hot and cold meals to be consumed on the premises;
- C. The licensee's establishment includes at least 2 restrooms available for use by patrons;
- D. The licensee has dedicated an area of the establishment with table seating for a minimum of 16 people to sit and eat a meal prepared by the licensee;
- E. The licensee carries a stock of at least \$35,000 of wine;
- F. The licensee has not committed a violation of this chapter during the past 2 years; and
- G. The licensee has received approval from the appropriate municipal officers prior to submitting an application to the bureau.

2. License requirements. The holder of a dual liquor license is governed by the following when serving wine to be consumed on the premises:

- A. Each serving of wine must be dispensed by the licensee or an employee of the licensee who is at least 21 years of age from a stock of wine that is separated from the wine that is for sale for consumption off the premises;
- B. The licensee shall ensure that at least 2 employees at least 21 years of age are present at all times when wine is being consumed on the premises with at least one whose primary responsibility is sales of wine and other items sold to be consumed off the premises;
- C. Wine may be served only to be consumed on the premises when accompanied by a full meal. For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking;
- D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; and
- E. A licensee may not serve wine to be consumed on the premises after 8:00 p.m.

3. License fee. The license fee for a dual liquor license is \$600 annually in addition to the license to sell malt liquor or wine for consumption off the premises.

4. Rules. The bureau shall adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Liquor Enforcement 0293

Initiative: Provides funding for one Public Safety Inspector II position and related All Other costs.

GENERAL FUND	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$63,106	\$66,852
All Other	\$12,000	\$12,000
GENERAL FUND TOTAL	<hr/> \$75,106	<hr/> \$78,852

Effective September 12, 2009