

CHAPTER 1

GENERAL PROVISIONS

§1. Compliance required; penalty

Except as otherwise provided by law, a person that purchases, imports, causes to be imported, transports, causes to be transported, manufactures, possesses, sells or offers for sale alcohol in violation of law commits a Class E crime. [PL 2021, c. 658, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §2 (AMD).

§1-A. License required

Unless specifically provided under this Title, a person may not engage in wholesale or retail sales of liquor without a license issued in accordance with this Title. [PL 2013, c. 476, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §1 (NEW).

§2. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Agency liquor store. "Agency liquor store" means a person that is licensed by the bureau to sell spirits, wine and malt liquor to be consumed off the premises. [PL 2021, c. 658, §3 (AMD).]

2. Alcohol. "Alcohol" means the substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes or other substances, and includes all dilutions and mixtures of these substances. [PL 1987, c. 45, Pt. A, §4 (NEW).]

2-A. Alcohol bureau. [PL 2013, c. 368, Pt. V, §5 (RP).]

2-B. Barrel. "Barrel" means 31 United States gallons. [PL 2019, c. 529, §1 (NEW).]

2-C. Bed and breakfast guest. "Bed and breakfast guest" means a person whose name and address are registered on a registry maintained by a bed and breakfast and who is the bona fide occupant of a room of the bed and breakfast. [PL 2021, c. 658, §4 (NEW).]

2-D. Bottle, the verb. The verb "bottle" means to package spirits, wine or malt liquor for sale in containers. [PL 2021, c. 658, §5 (NEW).]

3. Bottle club. "Bottle club" means a person operating on a regular, profit or nonprofit basis a facility for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintains suitable facilities for the use of members on a regular basis or charges an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor. As used in this definition, "regularly" includes daily, weekly or monthly, but does not include once a year or less often. A bottle club is not a public place, as defined in Title 17, section 2003-A.

A. "Bottle club premises" includes all parts of contiguous real estate occupied by the bottle club over which the bottle club owner has direct or indirect control or interest and which the bottle club owner uses in the operation of the bottle club. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Bottler. "Bottler" means a person that packages spirits, wine or malt liquor for sale in containers and is not engaged in distilling, brewing, fermenting or rectifying liquor.
[PL 2021, c. 658, §6 (AMD).]

5. Brewery. "Brewery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing malt liquor by fermentation of malt, wholly or partially, or any substitute for malt; or [PL 2021, c. 658, §7 (NEW).]

B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added. [PL 2021, c. 658, §7 (NEW).]

[PL 2021, c. 658, §7 (AMD).]

6. Bureau. "Bureau" means the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.
[PL 2013, c. 368, Pt. V, §6 (AMD).]

6-A. B.Y.O.B. function. "B.Y.O.B. function" means an event held by a B.Y.O.B. sponsor where:

A. The general public is invited; [PL 1993, c. 266, §1 (NEW).]

B. Admission is or is not charged; [PL 1993, c. 266, §1 (NEW).]

C. A person brings liquor for personal consumption; [PL 1993, c. 266, §1 (NEW).]

D. No liquor is sold; and [PL 1993, c. 266, §1 (NEW).]

E. Entertainment is provided. [PL 1993, c. 266, §1 (NEW).]

[PL 1993, c. 266, §1 (NEW).]

6-B. B.Y.O.B. sponsor. "B.Y.O.B. sponsor" means a person who conducts or holds a B.Y.O.B. function and is not required to register as a bottle club pursuant to section 161.
[RR 2017, c. 1, §16 (COR).]

6-C. Business entity. "Business entity" means a partnership, corporation, firm, association or other legal entity.
[PL 2021, c. 658, §8 (NEW).]

7. Catering. "Catering" means service of liquor with or without food by a person to groups at a prearranged function.

A. "Off-premises catering" means service of liquor with or without food by a licensee to groups at prearranged functions located at a place other than the licensee's premises. [PL 2021, c. 658, §9 (AMD).]

B. "On-premises catering" means service of liquor with or without food by a licensed club having the catering privilege to groups of nonmembers at prearranged functions. [PL 2021, c. 658, §9 (AMD).]

[PL 2021, c. 658, §9 (AMD).]

8. Certificate of approval holder. "Certificate of approval holder" means:

A. An in-state manufacturer of malt liquor, wine or spirits licensed under section 1355-A; [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

B. An out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361; or [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

C. An out-of-state spirits supplier that has been issued a certificate of approval by the bureau under section 1381. [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]
[PL 2019, c. 615, §1 (RPR); PL 2019, c. 615, §7 (AFF).]

8-A. Chief.

[PL 2003, c. 451, Pt. T, §8 (RP).]

8-B. Commission. "Commission" means the State Liquor and Lottery Commission established in Title 5, section 12004-G, subsection 14.
[PL 1997, c. 373, §13 (NEW).]

9. Commission.

[PL 1993, c. 730, §6 (RP).]

9-A. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.
[PL 2013, c. 368, Pt. V, §7 (AMD).]

9-B. Club member. "Club member" means a person who, whether as a charter member or admitted in accordance with the bylaws of the club, is a bona fide member of that club and who maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address are entered on the list of members. A person who does not have full club privileges may not be considered a bona fide member.
[PL 2021, c. 658, §10 (NEW).]

10. Corporation. "Corporation" means a corporation organized and incorporated under the laws of the State or authorized to transact business within the State.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

10-A. Director.

[PL 1993, c. 730, §7 (RP).]

10-B. Dining car or passenger car. "Dining car" or "passenger car" means a railroad car in which food and liquor are served.
[PL 2021, c. 658, §11 (NEW).]

11. Distillery. "Distillery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing spirits by the process of distillation; or [PL 2021, c. 658, §12 (NEW).]

B. Producing low-alcohol spirits products. [PL 2021, c. 658, §12 (NEW).]
[PL 2021, c. 658, §12 (RPR).]

11-A. Farm winery.

[PL 2011, c. 629, §1 (RP).]

11-B. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and [PL 1999, c. 535, §1 (NEW).]

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume. [PL 1999, c. 535, §1 (NEW).]
[PL 1999, c. 535, §1 (NEW).]

11-C. Electronic funds transfer. "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.

[PL 2013, c. 476, Pt. A, §2 (AMD).]

11-D. Entertainment district. "Entertainment district" means an area that is located within a municipality that is established by ordinance of the municipal legislative body in accordance with section 221.

[PL 2019, c. 281, §1 (NEW).]

11-E. Full meal. "Full meal" means a meal consisting of a diversified selection of food that ordinarily cannot be consumed without the use of tableware and that cannot be conveniently consumed while standing or walking.

[PL 2021, c. 658, §13 (NEW).]

12. Fortified wine.

[PL 1993, c. 462, §1 (RP).]

12-A. Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than 8.5% alcohol by volume.

[PL 2015, c. 441, §1 (AMD); PL 2015, c. 441, §2 (AFF).]

12-B. Hotel guest. "Hotel guest" means a person whose name and address are registered on a registry maintained by a hotel and who is the bona fide occupant of a room of the hotel.

[PL 2021, c. 658, §14 (NEW).]

12-C. International air terminal. "International air terminal" means a terminal in an airport served by one or more bona fide international airlines.

[PL 2021, c. 658, §15 (NEW).]

12-D. International passenger in transit. "International passenger in transit" means an airline passenger who is in transit and whose point of origin or point of destination is a foreign country.

[PL 2021, c. 658, §16 (NEW).]

13. Imitation liquor. "Imitation liquor" means any product containing less than 1/2 of 1% alcohol by volume which seeks to imitate by appearance, taste and smell liquor or which is designed to carry the impression to the purchaser that the beverage has an alcohol content. "Imitation liquor" includes, but is not limited to, products bearing the brand names "Near Beer," "Brew" or "Champaigne-0."

[PL 1987, c. 45, Pt. A, §4 (NEW).]

13-A. Law enforcement officer. "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C.

[PL 2013, c. 133, §23 (AMD).]

13-B. Keg. "Keg" means a container capable of holding at least 5 gallons of liquid.

[PL 2019, c. 46, §1 (NEW).]

14. Licensee. "Licensee" means a person licensed by the bureau. "Licensee" includes, but is not limited to, agency liquor stores and certificate of approval holders.

[PL 2013, c. 368, Pt. V, §9 (AMD).]

15. Licensed establishment. "Licensed establishment" means premises to which a license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed premises applies and any

person or organization that is licensed to sell spirits, wine or malt liquor during the times and in the places and manners as specified in the license. The following may be licensed establishments.

A. "Airline corporation" means a person operating regularly scheduled intrastate or interstate passenger air transportation. [PL 2021, c. 658, §17 (AMD).]

B. "Auditorium" means a commercially operated indoor or outdoor facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts that charges a fee and has adequate facilities for the sale and consumption of liquor. [PL 2021, c. 658, §17 (AMD).]

B-1. "Bowling center" means an indoor facility that operates at least 8 regulation lanes for the purpose of conducting the game of bowling, that is open to the public and that has adequate facilities for the sale and consumption of liquor. [PL 2021, c. 658, §17 (AMD).]

B-2. "Bed and breakfast" means a place that advertises itself as a bed and breakfast where the public for a fee may obtain overnight accommodations that include a sleeping room or rooms and at least one meal per day. [RR 2017, c. 1, §17 (COR).]

C. "Civic auditorium" means a municipal, county or state or a quasi-municipal, quasi-county or quasi-state owned or operated auditorium or civic center. [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. "Club" means a group of individuals incorporated and operating in a bona fide manner solely for purposes of recreational, social, patriotic or fraternal nature and not for pecuniary gain. [PL 2021, c. 658, §17 (AMD).]

D-1. "Curling center" means a facility that offers curling facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §1 (AMD).]

D-2. "Common consumption area" means an area designated as a common area within an entertainment district in which customers of more than one common consumption area licensee are permitted to consume spirits, wine and malt liquor sold by the common consumption area licensees. [PL 2019, c. 281, §3 (NEW).]

E. [PL 2021, c. 658, §17 (RP).]

F. [PL 1987, c. 342, §4 (RP).]

F-1. "Disc golf course" means a commercially operated facility that offers disc golfing facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. A disc golf course must have no fewer than 18 disc golfing holes with a total distance of no less than 5,000 feet per 18 disc golfing holes and must have a value of not less than \$50,000. [PL 2023, c. 44, §2 (AMD).]

G. "Golf course" means a commercially operated facility, whether publicly or privately owned, that offers golfing facilities to the public for a fee, including a regulation-size golf course of no fewer than 9 holes and an average total of not less than 1,200 yards per 9 holes, that has a value of not less than \$100,000 and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §3 (AMD).]

H. "Hotel" means a place where the public obtains sleeping accommodations for consideration and where food is offered for sale to the public, whether or not under one roof. Nothing in this paragraph may be held to prevent the bureau from issuing a part-time license to a bona fide part-time hotel. [PL 2021, c. 658, §17 (AMD).]

I. "Incorporated civic organization" means an organization incorporated as a corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or charitable purpose, including but not limited to relief of poverty, advancement of education and the arts, promotion of social health, safety and welfare, fostering community and economic development, protection against animal

cruelty, combating community deterioration, lessening the burdens of government and providing assistance to the underprivileged and distressed. [PL 2021, c. 658, §17 (AMD).]

I-1. "Indoor golf center" means a commercially operated indoor facility that offers golf simulator facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §4 (NEW).]

J. "Indoor ice skating center" means a commercially operated indoor facility that offers ice skating facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §5 (AMD).]

K. "Indoor racquet center" means a commercially operated indoor facility with 4 or more courts or areas designed or used for the playing of a racquet sport, that is open to the public for a fee and that has adequate facilities for the sale and consumption of liquor. Racquet sports include tennis, squash, handball, paddleball, pickleball and badminton. [PL 2023, c. 44, §6 (AMD).]

K-1. [PL 2021, c. 658, §17 (RP).]

L. "Class A lounge" means a place where liquor is sold at tables, booths and counters. [PL 2023, c. 44, §7 (AMD).]

L-1. "Minibar" means a self-contained locking cabinet, refrigerated or unrefrigerated, designed for storing, dispensing and selling liquor and related merchandise. [PL 2021, c. 658, §17 (NEW).]

L-2. "Outdoor golf center" means a commercially operated outdoor facility with areas for practicing golf shots with rentable golf clubs and balls, which may include a miniature golf course that has adequate facilities for the sale and consumption of liquor. "Outdoor golf center" does not mean a golf course as defined in paragraph G. [PL 2023, c. 44, §8 (NEW).]

M. "Outdoor stadium" means a commercially operated outdoor facility with 3,000 or more fixed seats that is designed or used for the playing of a sport or for an event, that is open to the public for a fee and that has adequate facilities for the sale and consumption of wine, malt liquor and spirits. [PL 2021, c. 598, §1 (AMD); PL 2021, c. 658, §17 (AMD).]

N. "Performing arts center" means a charitable or nonprofit corporation incorporated as a corporation without capital stock under Title 13, chapter 81 and that has as its primary purpose the encouragement, promotion and presentation of the arts for the benefit of the public. [PL 2021, c. 658, §17 (AMD).]

N-1. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation pool tables and generates at least 50% of its gross annual income from the sale of games of pool or the rental of pool tables. [PL 2021, c. 658, §17 (NEW).]

O. "Public service corporation" means an airline corporation, railroad corporation or vessel corporation operating in the State. [PL 2021, c. 658, §17 (AMD).]

P. "Qualified catering service" means a catering establishment as defined in Title 22, chapter 562 and licensed by the Department of Health and Human Services. [PL 2021, c. 658, §17 (AMD).]

P-1. "Railroad corporation" means a corporation operating one or more dining cars or passenger cars within the State. [PL 2021, c. 658, §17 (NEW).]

Q. "Restaurant" means a place that is regularly used for the purpose of providing food for the public and that has adequate and sanitary kitchen and dining room equipment and capacity for preparing and serving suitable food for the public. [PL 2021, c. 658, §17 (AMD).]

R. "Class A restaurant" means a place that is regularly used for the purpose of providing full meals for the public on the premises, that is equipped with a separate and complete kitchen and that maintains adequate dining room equipment and capacity for preparing and serving full meals upon

the premises. A Class A restaurant/lounge is not a Class A restaurant. [PL 2021, c. 658, §17 (AMD).]

R-1. "Class A restaurant/lounge" means a place that is regularly used for the purpose of providing full meals for the public on the premises, that is equipped with a separate and complete kitchen and that maintains adequate dining room equipment and capacity for preparing and serving full meals upon the premises but that:

- (1) After 9 p.m., serves liquor and does not serve full meals; or
- (2) Maintains a room or rooms, separate from the main restaurant space, in which full meals are not regularly served and where liquor is sold at tables, booths and counters. [PL 2021, c. 658, §17 (AMD).]

R-2. [PL 2003, c. 493, §7 (RP); PL 2003, c. 493, §14 (AFF).]

R-3. [PL 2003, c. 493, §7 (RP); PL 2003, c. 493, §14 (AFF).]

S. "Ship chandler" means a retail establishment supplying provisions, including malt liquor and wine, to ships of foreign registry. [PL 1987, c. 45, Pt. A, §4 (NEW).]

T. [PL 1987, c. 342, §7 (RP).]

T-1. "Tavern" means a place where malt liquor may be sold at tables, booths and counters. [PL 2023, c. 44, §9 (AMD).]

U. [PL 1987, c. 342, §9 (RP).]

V. [PL 2021, c. 658, §17 (RP).]

W. "Vessel corporation" means a corporation operating one or more vessels within the State. [PL 2021, c. 658, §17 (NEW).]
[PL 2023, c. 44, §§1-9 (AMD).]

15-A. Liquor Licensing and Tax Division.

[PL 2013, c. 368, Pt. V, §10 (RP).]

16. Liquor. "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than 1/2 of 1% of alcohol by volume. [PL 1997, c. 767, §2 (AMD).]

16-A. Low-alcohol spirits product. "Low-alcohol spirits product" means a product containing spirits that has more than 1/2 of 1% of alcohol by volume but no more than 8% of alcohol by volume. Beginning July 1, 2019, "low-alcohol spirits product" does not mean a flavoring, such as an extract or concentrate, added to a malt beverage or wine that:

A. May or may not contain alcohol; [PL 2017, c. 301, §1 (NEW).]

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and [PL 2017, c. 301, §1 (NEW).]

C. Is not, prior to being added to a malt beverage or wine, subject to excise tax under chapter 65. [PL 2017, c. 301, §1 (NEW).]

[PL 2021, c. 658, §18 (AMD).]

17. Maine farm winery.

[PL 1993, c. 730, §11 (RP).]

18. Malt liquor. "Malt liquor" means liquor:

A. For which no less than 51% of the total alcohol by volume derives from the fermentation of malt, one or more substitutes for malt or any combination of malt and one or more substitutes for malt; and [PL 2021, c. 658, §19 (NEW).]

B. For which no more than 49% of the total alcohol by volume derives from the fermentation of flavors, other nonbeverage ingredients and adjuncts, including honey, fruit, fruit juice, fruit concentrate, herbs, spices, maple syrup and other food materials. [PL 2021, c. 658, §19 (NEW).]

"Malt liquor" does not include beverages made with malt liquor to which spirits have been added. [PL 2021, c. 658, §19 (RPR).]

19. Manufacturer. "Manufacturer" means a person who distills, rectifies, brews, ferments, bottles or otherwise produces liquor. [PL 1987, c. 45, Pt. A, §4 (NEW).]

19-A. Minibar. [PL 2021, c. 658, §20 (RP).]

20. Minor. "Minor" means a person who has not reached the age of 21 years. [PL 1987, c. 45, Pt. A, §4 (NEW).]

20-A. Municipal legislative body. "Municipal legislative body" has the same meaning as in Title 30-A, section 2001, subsection 9. [PL 2019, c. 281, §4 (NEW).]

21. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the members of the select board or councillors of a town and the assessors of plantations. [PL 2021, c. 275, §13 (AMD).]

22. Municipality. "Municipality" means a city, town or plantation. [PL 1987, c. 45, Pt. A, §4 (NEW).]

23. Person. "Person" means an individual, partnership, corporation, firm, association or other legal entity. [PL 1987, c. 45, Pt. A, §4 (NEW).]

23-A. Pool hall. [PL 2021, c. 658, §21 (RP).]

24. Premises. "Premises" means all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest that the licensee uses in the operation of the licensed business and that have been approved by the bureau as proper places for the exercise of the license privilege.

A. "Premises" includes the place where an incorporated civic organization sells or serves spirits, wine and malt liquor under a license obtained under section 1071. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. "Premises" includes the place where a B.Y.O.B. sponsor holds or conducts a B.Y.O.B. function under a permit obtained under section 163. [PL 1993, c. 266, §2 (NEW).]
[PL 1997, c. 373, §16 (AMD).]

25. Rectifier. "Rectifier" means a person that produces spirits or low-alcohol spirits products by combining spirits with other products. [PL 2021, c. 658, §22 (AMD).]

25-A. Retail employee. "Retail employee" means any person employed by a retailer to sell liquor in a licensed establishment or agency liquor store. For the purposes of violations of this Title and rules of the bureau, a retail employee is deemed an agent of the retailer or agency liquor store that employs that employee. [PL 2013, c. 368, Pt. V, §11 (AMD).]

26. Retail sale. "Retail sale" means any single sale of liquor for consumption on or off the premises where sold and whether in the original package or as a mixed drink for immediate consumption.

[PL 2017, c. 167, §2 (AMD).]

27. Retailer or retail licensee. "Retailer" or "retail licensee" means a person licensed by the bureau to engage in the purchase and resale of liquor in the original container or by the drink for on-premises or off-premises consumption. "Retailer" and "retail licensee" do not include wholesalers as defined in subsection 35.

A. "Off-premises retail licensee" means a person licensed to sell liquor in sealed bottles, containers or original packages to be consumed off the premises where sold. [PL 2021, c. 658, §23 (AMD).]

B. "On-premises retail licensee" means a person licensed to sell liquor to be consumed on the premises where sold. [PL 2021, c. 658, §23 (AMD).]

[PL 2021, c. 658, §23 (AMD).]

27-A. Reselling agent. "Reselling agent" means an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to a retail licensee licensed for on-premises consumption.

[PL 2001, c. 711, §1 (NEW).]

28. Sale or sell. "Sale" or "sell" means any transfer or delivery of liquor for a consideration.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

29. Small brewery. "Small brewery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing the person's own malt liquor by fermentation of malt, wholly or partially, or any substitute for malt; or [PL 2021, c. 658, §24 (NEW).]

B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added. [PL 2021, c. 658, §24 (NEW).]

"Small brewery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 30,000 barrels per year of malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added.

[PL 2021, c. 658, §24 (AMD).]

29-A. Small distillery. "Small distillery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing spirits by the process of distillation; or [PL 2021, c. 658, §25 (NEW).]

B. Producing low-alcohol spirits products. [PL 2021, c. 658, §25 (NEW).]

"Small distillery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 50,000 gallons per year of spirits and low-alcohol spirits products.

[PL 2021, c. 658, §25 (AMD).]

29-B. Small winery. "Small winery" means a person that ferments and ages:

A. Up to 50,000 gallons per year of the person's own wine that is not hard cider; and [PL 2021, c. 658, §26 (AMD).]

B. Up to 3,000 barrels per year of the person's own wine that is hard cider. [PL 2021, c. 658, §26 (AMD).]

[PL 2021, c. 658, §26 (AMD).]

30. Sparkling wine. "Sparkling wine" means carbonated wine.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

31. Spirits. "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of spirits of any kind. "Spirits" does not include low-

alcohol spirits products or fortified wine. Beginning July 1, 2019, "spirits" does not mean an additive or flavoring, such as an extract or concentrate, that:

A. Contains alcohol; [PL 2017, c. 301, §2 (NEW).]

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and [PL 2017, c. 301, §2 (NEW).]

C. Is not subject to excise tax under chapter 65. [PL 2017, c. 301, §2 (NEW).]
[PL 2019, c. 404, §2 (AMD).]

31-A. Spirits administration. "Spirits administration" means the management of spirits activities involving the distribution and sale of spirits by the bureau or the wholesale spirits provider. "Spirits administration" includes, but is not limited to, financial and performance management; profitable and responsible growth management; management of contracts; management of agency liquor store matters and orders; personnel management; monitoring and reporting of spirits inventory; management of bailment records and billing; management of accounts receivable, accounts payable and tax collection and reporting; and sales and profit reporting. "Spirits administration" does not include warehousing and distribution of spirits by the bureau.

[PL 2021, c. 658, §27 (AMD).]

31-B. Spirits trade marketing. "Spirits trade marketing" means oversight and management by the bureau or any person awarded a spirits trade marketing contract under section 90. "Spirits trade marketing" includes, but is not limited to, agency liquor store category management, analysis and recommendations; agency liquor store shelf reset recommendations; agency liquor store displays, advertising, point-of-sale material and event marketing recommendations; development, production and distribution of sales, marketing and informational publications; consultation and coordination with spirits suppliers on matters affecting their brands; and development, production and distribution of any social responsibility initiatives and compliance related to those initiatives.

[PL 2021, c. 658, §28 (AMD).]

31-C. Spirits supplier. "Spirits supplier" means a person that provides spirits for sale by the bureau in the State, including:

A. An in-state or out-of-state spirits manufacturer; [PL 2021, c. 658, §29 (NEW).]

B. A person that engages in the out-of-state purchase of spirits for resale to the bureau; and [PL 2021, c. 658, §29 (NEW).]

C. An agent or representative of a person described in paragraph A or B. [PL 2021, c. 658, §29 (NEW).]

[PL 2021, c. 658, §29 (NEW).]

31-D. Substitute for malt. "Substitute for malt" means rice, grain of any kind, bran, glucose, sugar and molasses and any other substitute for malt allowed by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.

[PL 2021, c. 658, §30 (NEW).]

32. State liquor store.

[PL 2013, c. 368, Pt. V, §12 (RP).]

32-A. Tenant brewery. "Tenant brewery" means a person that has submitted a brewer's notice to and received approval from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the person to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added at a manufacturing facility of another brewery that is licensed by the bureau.

[PL 2021, c. 658, §31 (AMD).]

32-B. Tenant winery. "Tenant winery" means a person who has been issued an approved application for an alternating proprietorship from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the winery to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce wine or hard cider at a manufacturing facility of another winery who is licensed by the bureau.

[PL 2015, c. 185, §1 (NEW).]

33. Unincorporated place. "Unincorporated place" means a place which is not incorporated as a municipality.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

33-A. Vessel. "Vessel" means a ship, vessel or boat of any kind used for navigation of the coastal waters or for commercial navigation of inland waters and licensed for carrying no fewer than 25 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard.

[PL 2021, c. 658, §32 (NEW).]

34. Wholesale licensee. "Wholesale licensee" means a person licensed by the bureau under section 1401 as an in-state wholesaler.

[PL 2021, c. 658, §33 (AMD).]

34-A. Wholesale spirits provider. "Wholesale spirits provider" means a person that has a contract under section 90 to serve as an agent of the State for the purpose of providing wholesale spirits to establishments licensed by the State to sell spirits for off-premises consumption.

[PL 2021, c. 658, §34 (NEW).]

35. Wholesaler. "Wholesaler" means a person that engages in the purchase and resale of malt liquor or wine, or both, in sealed bottles, containers or original packages, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, except during a taste-testing event conducted in accordance with the requirements of this Title.

[PL 2021, c. 658, §35 (AMD).]

36. Wine. "Wine" means liquor, other than malt liquor, containing not more than 24% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar or wine to which spirits have been added not to exceed 24% alcohol by volume. "Wine" includes, but is not limited to, hard cider, wine coolers, table wine, still wine, sparkling wine, champagne and fortified wine that do not contain more than 24% alcohol by volume.

[PL 2021, c. 658, §36 (AMD).]

37. Winery. "Winery" means a person that ferments and ages wine.

[PL 2021, c. 658, §37 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§2-13 (AMD). PL 1989, c. 158, §1 (AMD). PL 1989, c. 244, §1 (AMD). PL 1989, c. 526, §§1,28 (AMD). PL 1991, c. 376, §46 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §§VV1,2 (AMD). PL 1991, c. 591, §§VV1,2 (AMD). PL 1991, c. 780, §§Y122,123 (AMD). PL 1993, c. 266, §§1,2 (AMD). PL 1993, c. 410, §§ZZ1-5 (AMD). PL 1993, c. 462, §§1-5 (AMD). PL 1993, c. 730, §§4-12 (AMD). PL 1995, c. 558, §§1,2 (AMD). PL 1997, c. 373, §§10-20 (AMD). PL 1997, c. 656, §1 (AMD). PL 1997, c. 767, §§1-3 (AMD). PL 1999, c. 421, §3 (AMD). PL 1999, c. 535, §§1,2 (AMD). PL 1999, c. 760, §1 (AMD). PL 2001, c. 711, §1 (AMD). PL 2003, c. 451, §§T7,8 (AMD). PL 2003, c. 493, §7 (AMD). PL 2003, c. 493, §14 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 390, §1 (AMD). PL 2005, c. 539, §§1-3 (AMD). PL 2009, c. 142, §13 (AMD). PL 2009, c. 458, §1 (AMD). PL 2009, c. 652, Pt. A, §41 (AMD). PL 2011, c. 629, §§1-5 (AMD). PL 2013, c. 133, §23 (AMD). PL 2013, c. 269, Pt. A, §1 (AMD). PL 2013, c. 345, §1 (AMD). PL 2013, c. 368, Pt. V, §§5-12 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §2 (AMD). PL

2015, c. 185, §1 (AMD). PL 2015, c. 214, §1 (AMD). PL 2015, c. 441, §1 (AMD). PL 2015, c. 441, §2 (AFF). RR 2017, c. 1, §§16, 17 (COR). PL 2017, c. 17, §1 (AMD). PL 2017, c. 167, §§1, 2 (AMD). PL 2017, c. 301, §§1, 2 (AMD). PL 2019, c. 46, §1 (AMD). PL 2019, c. 281, §§1-4 (AMD). PL 2019, c. 404, §§1, 2 (AMD). PL 2019, c. 529, §§1-3 (AMD). PL 2019, c. 615, §1 (AMD). PL 2019, c. 615, §7 (AFF). PL 2021, c. 275, §13 (AMD). PL 2021, c. 598, §1 (AMD). PL 2021, c. 658, §§3-37 (AMD). PL 2023, c. 44, §§1-9 (AMD).

§3. Payments by check

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 730, §13 (RPR). PL 1997, c. 373, §§21,22 (AMD). PL 2013, c. 368, Pt. V, §13 (RP).

§3-A. Payments

(REPEALED)

SECTION HISTORY

PL 2013, c. 368, Pt. V, §14 (NEW). PL 2013, c. 476, Pt. A, §3 (RP).

§3-B. Payments submitted to the bureau

1. Form of payment. The bureau may accept payment by check, credit card, debit card or electronic funds transfer from a licensee for:

A. Purchase of spirits; [PL 2021, c. 658, §38 (AMD).]

B. Payment of license fees, application fees, permit fees, excise taxes and premiums; and [PL 2013, c. 476, Pt. A, §4 (NEW).]

C. Payment of any other fees or taxes authorized by this Title. [PL 2013, c. 476, Pt. A, §4 (NEW).]

[PL 2021, c. 658, §38 (AMD).]

2. Timing of payment from agency liquor store. An agency liquor store, when approved by the bureau, may pay for spirits purchased from the bureau by mailing a check for payment to the bureau or the wholesale spirits provider when notified of the amount due or upon receiving a delivery of spirits. Payments remitted by check must be received or postmarked within 3 days of receipt of a delivery of spirits or notification of the amount due. Payments remitted using electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits or notification of the amount due.

[PL 2021, c. 658, §39 (AMD).]

3. Payments returned for insufficient funds or not honored; suspension. If a payment made to the bureau is returned for insufficient funds or is not honored, the bureau shall immediately notify the licensee. If the bureau does not receive payment in full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter 375, subchapter 5, may immediately suspend the licensee's license. The director of the bureau or the director's designee shall notify the licensee of the suspension and shall demand that the licensee provide proof of payment within 30 days of the date of suspension. If the licensee fails to show proof that the payment returned for insufficient funds or not honored was subsequently paid in full, the suspension remains in effect until payment is made or until the license is subject to renewal as provided in section 458. A licensee aggrieved by a decision of the director or the director's designee may request in writing and must be granted a hearing before the District Court, which shall consider the matter in the same manner as is provided in section 803. The bureau may require a licensee whose payment is returned for insufficient funds or not honored to make all payments to the bureau by cash, certified check or money order only for a period not to exceed one year for each instance of payments

returned for insufficient funds or not honored. For the purposes of this subsection, payments made to the bureau include payments to the wholesale spirits provider.

[PL 2021, c. 658, §40 (AMD).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §4 (NEW). PL 2021, c. 658, §§38-40 (AMD).

§4. Business days and hours

No liquor may be sold except as provided in this section. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Hours for sale of liquor. Except as provided in this subsection, licensees may sell or deliver liquor from 5 a.m. on any day until 1 a.m. of the following day.

A. [PL 2015, c. 74, §1 (RP).]

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

(1) In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary. [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. [PL 1993, c. 266, §3 (RP).]

D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day. [PL 2001, c. 21, §1 (NEW).]

E. An on-premises retail licensee located in an international air terminal may sell liquor to an international passenger in transit at any time of day. [PL 2021, c. 658, §41 (NEW).]

[PL 2021, c. 658, §41 (AMD).]

2. Consumption and possession of liquor. Except as provided in paragraphs A and B, licensees may not permit the consumption or possession of liquor on their premises after 1:15 a.m.

A. Licensees may permit the consumption of liquor on their premises until 2:15 a.m. on January 1st. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. This subsection does not apply to consumption or possession by bona fide hotel guests in their rooms. [PL 1993, c. 730, §14 (AMD).]

[PL 1993, c. 730, §14 (AMD).]

3. Regulation of bottle clubs. Except as provided in paragraph A, municipalities may regulate the hours of operation of bottle clubs between the hours of 1 a.m. and 6 a.m.

A. Municipalities may regulate the hours of operation of bottle clubs between the hours of 2 a.m. and 6 a.m. on January 1st. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

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

[PL 1991, c. 528, Pt. PP, §1 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. PP, §1 (AMD).]

5. Illegal sales and purchases on Sunday.

[PL 2015, c. 74, §2 (RP).]

6. Penalty.

[PL 2015, c. 74, §2 (RP).]

7. License or right to sell on Sunday suspended or revoked.

[PL 1987, c. 342, §14 (RP).]

8. License suspended during appeal of conviction.

[PL 1987, c. 342, §14 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §14 (AMD). PL 1991, c. 528, §PP1 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §PP1 (AMD). PL 1993, c. 266, §3 (AMD). PL 1993, c. 730, §14 (AMD). PL 1995, c. 46, §1 (AMD). PL 1995, c. 159, §1 (AMD). PL 2001, c. 21, §1 (AMD). PL 2013, c. 2, §1 (AMD). PL 2013, c. 240, §1 (AMD). PL 2013, c. 476, Pt. A, §5 (AMD). PL 2015, c. 74, §§1, 2 (AMD). PL 2021, c. 658, §41 (AMD).

§5. Prevailing time

The hours referred to in this Title are the legal time prevailing in the State on the day of the sale or other activity. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§6. Form of advertising restricted

1. Advertising form subject to bureau authorization. No person may advertise liquor within the State, except in the form specifically authorized by the bureau. Radio, television, billboards, signs, newspapers, magazines and periodicals may carry advertising subject to the rules of the bureau. [PL 1997, c. 373, §23 (AMD).]

2. Bureau may adopt rules governing advertising brand names in local option areas. The bureau may adopt rules restricting the advertising of any type of liquor by brand names during the period when such sales are prohibited in any municipality that has voted in any particular local option election against the sale of all types of liquor. [PL 1997, c. 373, §23 (AMD).]

3. Use of picture or representation of State House prohibited. No person may use or display a picture or other form of representation of the State House for the advertising of liquor. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §23 (AMD).

§6-A. Approval and registration of labels

1. Federal approval required; exception. A person may not import to the State, export from the State or sell in the State malt liquor, wine, hard cider or a low-alcohol spirits product unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is imported, exported or sold bears a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. This subsection does not apply to malt liquor, wine, hard cider or a low-alcohol spirits product that is manufactured in the State and is not distributed, shipped, delivered or sold in interstate commerce. [PL 2019, c. 46, §2 (NEW).]

2. Bureau registration required; exceptions. Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph B or I; [PL 2023, c. 197, §1 (AMD).]

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee; or [PL 2023, c. 197, §1 (AMD).]

C. Malt liquor, wine, hard cider or a low-alcohol spirits product sold by the manufacturer bearing a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. A manufacturer seeking an exception under this paragraph shall provide the bureau with notice of all products sold by that manufacturer in this State that meet the requirements of this paragraph. [PL 2023, c. 197, §1 (NEW).]

[PL 2023, c. 197, §1 (AMD).]

2-A. Criteria for label registration. Bureau review and approval of label registration is limited to whether the submitted label conforms to the regulations adopted by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau and the following criteria:

A. The label does not contain any statement, design, device or representation that:

(1) To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;

(2) Depicts or describes, in an offensive manner, sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value; and [PL 2023, c. 219, §1 (NEW).]

B. The label does not contain a subject matter or an illustration that targets minors. [PL 2023, c. 219, §1 (NEW).]

[PL 2023, c. 219, §1 (NEW).]

3. Fees. The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration or notice under subsection 2, paragraph C is \$10. [PL 2023, c. 197, §2 (AMD).]

B. The fee for changing a label registration or notice under subsection 2, paragraph C is \$1. [PL 2023, c. 197, §2 (AMD).]

C. The annual renewal fee is \$1 for each registered label or notice under subsection 2, paragraph C. Renewal of a label registration or notice under subsection 2, paragraph C must coincide with renewal of the relevant license or certificate of approval. [PL 2023, c. 197, §2 (AMD).]

[PL 2023, c. 197, §2 (AMD).]

4. Rulemaking. The bureau shall adopt rules, consistent with the regulations promulgated by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau pursuant to the Federal Alcohol Administration Act, 27 United States Code, Section 205(e), establishing the requirements for registration of a malt liquor, wine, hard cider or low-alcohol spirits product label and for changing a label registration.

[PL 2019, c. 46, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 46, §2 (NEW). PL 2021, c. 658, §42 (AMD). PL 2023, c. 197, §§1, 2 (AMD). PL 2023, c. 219, §1 (AMD).

§7. Action not maintainable upon promise to pay for liquor

1. No action maintainable for promises to pay for liquor. Except as provided in paragraph A, no action may be maintained upon any claim or demand, promissory note or other security contracted

or given for liquor sold in violation of any of the provisions of this Title, or for any liquor purchased out of the State with intent to sell all or any part in violation of this Title.

A. This section does not apply to negotiable paper in the hands of a holder for a valuable consideration and without notice of the illegality of the contract. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§8. Entrances from premises

The bureau may grant written permission to a licensee to maintain entrances, doorways or other apertures leading directly from the licensed premises. [PL 1997, c. 373, §24 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §24 (AMD).

§9. Separation of areas

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §24 (AMD). PL 2017, c. 347, §1 (RP).

§10. Class A restaurant and off-premises retail licensee on same premises

1. Class A restaurant or restaurant and off-premises retail licensee on same premises not prohibited. If a portion of the premises is licensed as an off-premises retail licensee, no provision within this Title may be construed to prohibit issuance of a Class III or Class IV license to the same licensee for a restaurant or Class A restaurant for the remaining portion of the premises, as long as necessary qualifications are maintained for each separately licensed area. [PL 2021, c. 658, §44 (AMD).]

2. Access between the 2 licensed areas. There may be access between the 2 licensed areas for the licensee or the licensee's employees if it is through areas open only to the licensee or the employees. There must be complete nonaccess between the 2 licensed areas by the public. [PL 2013, c. 344, §1 (AMD).]

2-A. Access exception.

[PL 2013, c. 344, §1 (NEW); MRSA T. 28-A §10, sub-§2-A (RP).]

REVISOR'S NOTE: Subsection 2-A was repealed 9/30/15. PL 2015, c. 162, §1 attempted to strike the language that repealed the subsection, but did not take effect in time.

2-B. Access exception. Notwithstanding subsection 2, there may be access between the 2 licensed areas by the public as provided by this subsection.

A. There may be access between the 2 licensed areas when there is a clear delineation of space, by a wall or permanent barrier that separates the 2 licensed areas and allows only one clearly defined and controlled point of access for patrons between the licensed establishments. The controlled point of access is not required to include a door that must be physically opened and closed. [PL 2015, c. 494, Pt. D, §9 (NEW).]

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed on-premises establishment and:

(1) Must be accompanied by a full meal prepared in a separate and complete kitchen on the premises of the on-premises establishment if the on-premises establishment is a Class A restaurant; or

(2) Must be accompanied by a full meal or a hot or cold meal prepared in a separate and complete kitchen on the premises of the on-premises establishment if the on-premises establishment is a restaurant. For purposes of this subparagraph, a "hot or cold meal" means a meal consisting of food items that customarily appear on a restaurant menu, including, but not limited to, sandwiches, salads, hamburgers, cheeseburgers, hot dogs and pizza. A meal consisting solely of prepackaged snack foods such as popcorn, chips or pretzels is not a "hot or cold meal" within the meaning of this subparagraph. [PL 2021, c. 658, §45 (AMD).]

C. Malt liquor or wine sold or served on the premises may not be transported by a patron or employee of either establishment from one licensed area to another. The licensee shall ensure that easily readable signs are conspicuously posted to inform the public that transfer of malt liquor or wine from one licensed area to another is strictly prohibited. [PL 2021, c. 658, §46 (AMD).]

[PL 2021, c. 658, §§45, 46 (AMD).]

3. Licensee to maintain separate records, supplies and inventory. The licensee shall maintain records within each separate licensed establishment in accordance with the appropriate license privilege authorized for each separate area. The licensee shall maintain supplies and inventory separately in accordance with the appropriate license privilege either in each separate licensed establishment or, with prior approval of the bureau, in one storage area on the premises with appropriate separation of the supplies and inventory.

[PL 2013, c. 344, §1 (AMD).]

4. Application. This section does not apply to:

A. A dual license holder under section 1208; or [PL 2017, c. 324, §1 (NEW).]

B. A manufacturing facility licensed under section 1355-A at the same location as a retail establishment authorized by section 1355-A, subsection 2, paragraph I. [PL 2017, c. 324, §1 (NEW).]

[PL 2017, c. 324, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2009, c. 438, §1 (AMD). PL 2013, c. 344, §1 (AMD). PL 2015, c. 162, §1 (AMD). PL 2015, c. 494, Pt. D, §9 (AMD). PL 2017, c. 167, §3 (AMD). PL 2017, c. 324, §1 (AMD). PL 2021, c. 658, §§43-46 (AMD).

§11. Retailer on same premises as other businesses

1. Connection with other licensed premises. Notwithstanding any law or rule of the bureau to the contrary, a retailer's licensed premises may be connected with another retailer's licensed premises by a doorway or other aperture that is not securely and permanently sealed.

[PL 2021, c. 658, §47 (AMD).]

2. Violation of public drinking law. A person taking a drink of liquor to another person, offering a drink of liquor to another person or consuming liquor within the licensed premises of an off-premises retail licensee under the common roof is considered in violation of and subject to punishment under Title 17, section 2003-A. This subsection does not prohibit product sampling and taste testing authorized by and conducted in accordance with the requirements of this Title.

[PL 2021, c. 658, §48 (AMD).]

3. Premises operated by licensee identified. An applicant for a license shall fully describe in the application the part of the premises that the applicant owns, leases or rents. The bureau may require

the licensee to identify on the premises by an appropriate marking the area that the licensee owns, rents or leases.

[PL 1997, c. 373, §25 (AMD).]

4. Inspection of business premises under common roof of licensee. All persons carrying on any business, except a financial institution or credit union, under the common roof and having common entranceways with a licensee shall agree in writing to allow reasonable inspection of their premises by authorized enforcement agents of the Department of Administrative and Financial Services and authorized representatives of the bureau.

[PL 2013, c. 476, Pt. A, §6 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §25 (AMD). PL 2013, c. 368, Pt. V, §15 (AMD). PL 2013, c. 476, Pt. A, §6 (AMD). PL 2021, c. 658, §§47, 48 (AMD).

§12. Inspection of premises

No licensee may refuse representatives of the bureau the right at any time to inspect the entire licensed premises or to audit the books and records of the licensee. [PL 1997, c. 373, §26 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §26 (AMD).

§13. Low-alcohol spirits products sold by wine licensees

1. Retail sales. Notwithstanding any provision of this Title to the contrary, a person licensed to sell wine for on-premises or off-premises consumption may also sell low-alcohol spirits products. All provisions of this Title applicable to wine, except chapters 65 and 67, apply to low-alcohol spirits products when sold by persons licensed to sell wine for on-premises or off-premises consumption.

[PL 2021, c. 658, §49 (NEW).]

2. Wholesale sales. Notwithstanding any provision of this Title to the contrary, a person licensed under section 1401 as an in-state wholesaler of wine may also sell and distribute low-alcohol spirits products.

[PL 2021, c. 658, §49 (NEW).]

SECTION HISTORY

PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §VV3 (NEW). PL 1991, c. 591, §VV3 (NEW). PL 2021, c. 658, §49 (RPR).

§14. Hard cider sold by wine or malt liquor licensees

1. Retail sales. Notwithstanding any provision of this Title to the contrary, a person licensed to sell malt liquor for on-premises or off-premises consumption may also sell hard cider. All provisions of this Title applicable to malt liquor, except chapter 65, apply to hard cider when hard cider is sold by persons licensed to sell malt liquor for on-premises or off-premises consumption. Nothing in this subsection prohibits a person licensed to sell wine for on-premises or off-premises consumption from selling hard cider.

[PL 2021, c. 658, §50 (NEW).]

2. Wholesale sales. Notwithstanding any provision of this Title to the contrary, a person licensed under section 1401 as an in-state wholesaler of malt liquor may also sell and distribute hard cider. Nothing in this subsection prohibits a person licensed under section 1401 as an in-state wholesaler of wine from selling and distributing hard cider.

[PL 2021, c. 658, §50 (NEW).]

SECTION HISTORY

PL 2003, c. 68, §1 (NEW). PL 2021, c. 658, §50 (RPR).

§15. Display of signs

A licensee under chapter 19 or 45 shall post a sign provided by the commissioner in a conspicuous location at the licensed premises informing customers of the provisions of sections 2051 and 2081. A person who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$200 may be adjudged for any one offense. [PL 2005, c. 437, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 437, §1 (NEW).

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