

Title 28-A: LIQUORS
Chapter 29: LICENSE RESTRICTIONS

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Maine Revised Statutes
Title 28-A: LIQUORS
Chapter 29: LICENSE RESTRICTIONS

§701. PROXIMITY TO SCHOOLS; EXCEPTION

1. Location within 300 feet of churches and schools. Except as provided in paragraphs B and C, the bureau may not issue a new license for the sale of liquor to be consumed on the premises to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time the application for the new license is made.

A. [1987, c. 342, §33 (RP).]

B. The bureau may after holding a public hearing near the proposed location issue licenses to premises that are either in or within 300 feet of a church, chapel, parish house or postsecondary school. [1997, c. 373, §64 (AMD).]

C. The restriction in this subsection does not apply if a public or private school, school dormitory, church, chapel or parish house:

(1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established pursuant to a zoning ordinance as defined in Title 30-A, section 4301, subsection 15-A prior to the public or private school, school dormitory, church, chapel or parish house locating in the commercial zone; or

(2) Is located in a downtown as defined in Title 30-A, section 4301, subsection 5-A. [2005, c. 269, §1 (NEW).]

[2005, c. 269, §1 (AMD).]

2. Method of measurement. The distance must be measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel.

[1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §33 (AMD). 1997, c. 373, §64 (AMD). 2005, c. 269, §1 (AMD).

§702. CERTAIN CLUBS INELIGIBLE
(REPEALED)

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §34 (RP).

§703. EMPLOYMENT OF VIOLATORS PROHIBITED

A licensee may not employ as a manager or leave in charge of the licensed premises any person who, by reason of conviction of violation of any liquor laws within the last 5 years or because of a revocation of that person's license for sale of liquor within the last 5 years, is not eligible for a liquor license. [1997, c. 373, §65 (AMD).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §65 (AMD).

§703-A. PROHIBITION OF EMPLOYMENT OF VIOLATORS AS RETAIL EMPLOYEES

1. Employment prohibited. A retail licensee may not employ a person as a retail employee if that person, within 2 years of the date of that person's application for employment, has been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B. A retail licensee may not employ a person as a retail employee if that person, within 5 years of the date of that person's application for employment, has been convicted of a 2nd offense of violating section 2078 or section 2081, subsection 1, paragraph A or B.

[1993, c. 254, §1 (AMD) .]

2. Affidavit required. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 2 years of the date of the affidavit. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of a 2nd offense of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 years of the date of the affidavit. The affidavit must be executed at the time of application. The bureau shall develop the affidavit required by this section and make single copies of that affidavit available to retailers.

[1997, c. 373, §66 (AMD) .]

SECTION HISTORY

1989, c. 526, §§3,28 (NEW). 1993, c. 254, §1 (AMD). 1997, c. 373, §66 (AMD).

§704. EMPLOYMENT OF MINORS

1. Employees under 17 years of age. A licensee for the sale of liquor to be consumed on licensed premises may not employ a person under 17 years of age in the serving or selling of liquor on the premises where the liquor is sold. A licensee who violates this subsection is subject to the penalties in section 803.

[2003, c. 452, Pt. P, §3 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

1-A. (REALLOCATED FROM T. 28-A, §704, sub-§2) Employees between 17 and 21 years of age. An employee who is at least 17 years of age but less than 21 years of age may serve or sell liquor only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.

A. A licensee whose employee violates this subsection is subject to the penalties in section 803.

[2003, c. 1, §27 (AFF); 2003, c. 1, §26 (RAL).]

B. An employee who violates this subsection is subject to the penalties in section 803. [2003, c.

1, §27 (AFF); 2003, c. 1, §26 (RAL).]

[2003, c. 1, §27 (AFF); 2003, c. 1, §26 (RAL) .]

2. Penalty.

[1993, c. 266, §8 (RP) .]

2. (REALLOCATED TO T. 28-A, §704, sub-§1-A) Employees between 17 and 21 years of age.

[2003, c. 1, §27 (AFF); 2003, c. 1, §26 (RAL); 2003, c. 452, Pt. P, §3 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §35 (AMD). 1993, c. 266, §§7,8 (AMD). 1997, c. 373, §67 (AMD). RR 2003, c. 1, §27 (AFF). RR 2003, c. 1, §26 (COR). 2003, c. 452, §X2 (AFF). 2003, c. 452, §P3 (RPR).

§704-A. EMPLOYMENT OF LAW ENFORCEMENT OFFICERS*(REPEALED)*

SECTION HISTORY

1993, c. 730, §28 (NEW). 1995, c. 16, §1 (RP).

§705. SALES FOR CASH; SALES TO CERTAIN PERSONS RESTRICTED

1. Sales for cash. Except as provided in subsection 1-B, a wholesale licensee, the employee of a wholesale licensee or a reselling agent as defined by section 2, subsection 27-A may not sell or offer to sell any liquor except for cash or payment by check or electronic funds transfer as provided in subsection 1-A.

A. [2003, c. 349, §1 (RP).]

B. [2003, c. 349, §1 (RP).]

C. [2003, c. 349, §1 (RP).]

D. [2003, c. 349, §1 (RP).]

[2003, c. 349, §1 (RPR) .]

1-A. Electronic funds transfer. For the purposes of this section, "electronic funds transfer" means using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

A. Electronic funds transfers are permissible under the following conditions:

- (1) Any agreement to engage in electronic funds transfer for payment for beer or wine between manufacturers, wholesale licensees or retail licensees must be voluntary and in writing. A manufacturer, wholesale licensee or retail licensee may not refuse to do business with or otherwise limit business with another manufacturer, wholesale licensee or retail licensee for declining to pay for beer or wine by electronic funds transfer;
- (2) When electronic funds transfer is the form of payment, the form of payment must be noted on the invoice at the time of delivery and acknowledged in writing by the buyer or the buyer's employee. The note on the invoice constitutes an irrevocable promise to pay. All parties to electronic funds transfer transactions will maintain records of those transactions for 2 years from the date of the transaction and make those records available for inspection by the bureau upon request;
- (3) Initiation of the electronic funds transfer must occur on the next business day after the delivery of the product;
- (4) Parties engaging in electronic funds transfers under this section pay their own costs associated with electronic funds transfers; and

(5) Any electronic funds transfer transaction that is not completed due to insufficient funds is subject to the provisions of the Uniform Commercial Code. [2003, c. 349, §2 (NEW).]

[2003, c. 349, §2 (NEW) .]

1-B. Sales on credit. Credit may be extended:

A. By a hotel or club to bona fide registered guests or members; [2003, c. 349, §2 (NEW).]

B. By a hotel or Class A restaurant to the holder of a credit card that authorizes the holder to charge goods or credits; and [2003, c. 349, §2 (NEW).]

C. By an on-premises licensee to the host of a private, prearranged function without a credit card. [2003, c. 349, §2 (NEW).]

[2003, c. 349, §2 (NEW) .]

1-C. Right of action. A right of action does not exist to collect claims for credits extended contrary to this section.

[2003, c. 349, §2 (NEW) .]

1-D. Credit for deposits. This section does not prohibit a licensee from giving credit to a purchaser for the actual amount of the deposit on beverage containers as defined in Title 38, section 3102, subsection 2 or on the packages or original containers as a credit on any sale or from paying the amount actually charged for such a deposit on the packages or original containers.

[2015, c. 166, §2 (AMD) .]

1-E. Goods in exchange for product prohibited; exception. A wholesale licensee or a wholesale licensee's employee or agent may not sell, offer to sell or furnish any liquor to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for liquor. This paragraph does not apply to beverage container deposits on packages or original containers that were originally purchased from that licensee by the person returning the packages or original containers.

[2003, c. 349, §2 (NEW) .]

2. Prohibited sales of liquor or imitation liquor to be consumed off the premises. A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor, imitation liquor or wine to be consumed off the premises to:

A. [1993, c. 266, §10 (RP).]

B. [1987, c. 342, §37 (RP).]

C. [1987, c. 342, §37 (RP).]

D. [1993, c. 266, §10 (RP).]

E. A minor. Any licensee who accepts an order or receives payment for liquor or imitation liquor from a minor violates this paragraph. [1993, c. 266, §10 (AMD).]

[1993, c. 266, §10 (AMD) .]

2-A. Prohibited sales of liquor to be consumed off the premises. A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor or wine to be consumed off the premises to a person who is visibly intoxicated.

[1993, c. 266, §11 (NEW) .]

3. Prohibited sales of liquor or imitation liquor to be consumed on the premises. No licensee or licensee's employee or agent may sell, furnish, give, serve or permit to be served any liquor or imitation liquor to be consumed on the premises where sold to:

- A. [1993, c. 266, §12 (RP).]
- B. [1987, c. 342, §38 (RP).]
- C. [1987, c. 342, §38 (RP).]
- D. [1993, c. 266, §12 (RP).]

E. A minor. Any licensee who accepts an order or receives payment for liquor or imitation liquor from a minor violates this paragraph. [1993, c. 266, §12 (AMD).]

[1993, c. 266, §12 (AMD) .]

3-A. Prohibited sales of liquor to be consumed on the premises. A licensee or licensee's employee or agent may not sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises where sold to a person who is visibly intoxicated.

[1993, c. 266, §13 (NEW) .]

4. Permitting consumption or possession by a minor on the premises. No licensee, or agent or employee of a licensee, may permit a minor to consume or possess liquor or imitation liquor on the premises.

[1993, c. 266, §14 (AMD) .]

5. Sale of imitation liquor to minors.

[1993, c. 730, §29 (RP) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §§36-39 (AMD). 1989, c. 140, (AMD). 1989, c. 526, §§4,28 (AMD). 1993, c. 266, §§9-15 (AMD). 1993, c. 730, §29 (AMD). 2003, c. 349, §§1,2 (AMD). 2015, c. 166, §2 (AMD).

§706. IDENTIFICATION CARDS

1. Acceptable identification. A licensee may refuse to serve liquor to any person who fails to display upon request an identification card issued under Title 29-A, section 1410, including an official identification card issued by a federally recognized Indian tribe in the State as described in Title 29-A, section 1410, subsection 7, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11.

[2017, c. 167, §12 (AMD) .]

2. Age requirement for identification. A licensee or licensee's employee or agent may not sell, furnish, give or deliver liquor or imitation liquor to a person under 27 years of age unless the licensee or licensee's employee or agent verifies the person is not a minor by means of reliable photographic identification containing that person's date of birth.

[2005, c. 38, §1 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1995, c. 65, §A79 (AMD). 1995, c. 65, §A153,C15 (AFF). 1997, c. 437, §3 (AMD). 2005, c. 38, §1 (AMD). 2017, c. 167, §12 (AMD).

§707. LICENSEE NOT TO BE INDEBTED, OBLIGATED OR INVOLVED

1. Licensee not indebted. Except as provided by section 1363, the bureau may not issue any license to or renew the license of a person who is indebted in any manner, directly or indirectly:

- A. To any other person for liquor; [1987, c. 45, Pt. A, §4 (NEW).]
- B. To the State for any tax, other than property tax, assessed and considered final under Title 36 that the State Tax Assessor certifies, in accordance with Title 36, section 172, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of that tax; or [1997, c. 373, §68 (AMD).]
- C. For any contributions assessed and considered final under Title 26, section 1225, when the Director of Unemployment Compensation certifies that the amount remains unpaid for a period greater than 60 days, after the applicant or licensee has received notice of the finality of that tax. [1987, c. 45, Pt. A, §4 (NEW).]

[1997, c. 373, §68 (AMD) .]

2. Licensee must not receive anything of value. No licensee or applicant for a license may receive, directly or indirectly, any money, credit, thing of value, indorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person within or without the State, if the person is:

- A. Engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor; or [1987, c. 342, §40 (AMD).]
- B. Engaged in the manufacture, distribution, sale or transportation of any commodity, equipment, material or advertisement used in connection with the manufacture, distribution, wholesale sale, storage or transportation of liquor. [1987, c. 342, §40 (AMD).]

Nothing in this subsection prevents an affiliate of a licensee from receiving money for sponsorship of a transportation system for transporting the public or for sponsorship of specific sporting events and cultural events as long as the licensee does not receive any payment or thing of value from the public transportation system or the sporting and cultural events and as long as such an affiliate does not derive any portions of its revenues from the licensee. All sponsorships must have prior written approval of the bureau. The bureau shall adopt rules implementing this paragraph.

[1993, c. 730, §30 (AMD) .]

3. Retail licensee; interest in wholesaler or certificate of approval. Except as authorized in section 1355-A, a retail licensee may not have any financial interest, direct or indirect, in any:

- A. Maine manufacturer's or wholesaler's license; or [1987, c. 45, Pt. A, §4 (NEW).]
- B. Certificate of approval issued to an out-of-state manufacturer or foreign wholesaler of malt liquor or wine. [1987, c. 45, Pt. A, §4 (NEW).]

[2011, c. 629, §9 (AMD) .]

4. Certificate of approval holder or Maine manufacturer; interest in wholesaler or retail license.

Except as authorized in section 1355-A, a certificate of approval holder or in-state manufacturer may not have any financial interest, direct or indirect, in any:

- A. Maine wholesale license; or [1987, c. 342, §42 (RPR).]

B. Maine retail license. [1987, c. 342, §42 (NEW).]

[2011, c. 629, §10 (AMD) .]

5. Wholesale licensee; interest in certificate of approval holder, Maine manufacturer or retail license. No wholesale licensee may have any financial interest, direct or indirect, in any:

A. Certificate of approval issued to an out-of-state manufacturer or foreign wholesaler of malt liquor; [1987, c. 342, §42 (NEW).]

B. Maine manufacturer license; or [1987, c. 342, §42 (NEW).]

C. Maine retail license. [1987, c. 342, §42 (NEW).]

[1987, c. 342, §42 (RPR) .]

6. Minor investment. Minor investment in securities of a corporation engaged in liquor business not amounting to more than 1% shall not be held to be an interest forbidden by this subsection.

[1987, c. 342, §43 (NEW) .]

7. Application. This section does not prohibit a wholesale licensee from receiving normal credits for the purchase of malt liquor or wine from the manufacturer located within or without the State.

[1987, c. 342, §43 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §§40-43 (AMD). 1993, c. 730, §30 (AMD). 1997, c. 373, §68 (AMD). 2005, c. 390, §§2,3 (AMD). 2011, c. 629, §§9, 10 (AMD).

§707-A. EXCEPTIONS TO INDEBTEDNESS OR OPERATIONS LIMITATIONS

1. Certain financial interests permitted. Notwithstanding section 707, if the requirements of subsection 2 are met, section 707 does not prohibit:

A. A person that owns or has a financial interest in a holder of a retail license issued in conjunction with and as part of the operations of a hotel from owning or having a financial interest in a certificate of approval holder; or [1997, c. 659, §1 (NEW).]

B. A person that owns or has a financial interest in a certificate of approval holder from owning or having a financial interest in the holder of a retail license issued in conjunction with and as part of the operations of a hotel. [1997, c. 659, §1 (NEW).]

[1997, c. 659, §1 (NEW) .]

2. Requirements. The exceptions to section 707 set out in subsection 1 apply only if each of the following requirements is met.

A. The hotel must have at least 100 adequate sleeping rooms and the relationship between the occupants of those rooms and the owner or operator of the establishment is that of guest and innkeeper. [1997, c. 659, §1 (NEW).]

B. The hotel may not purchase any malt liquor and wine products sold by the certificate of compliance holder to Maine wholesale licensees, nor may the certificate of compliance holder require any brand of liquor product to be purchased or sold by the hotel. [1997, c. 659, §1 (NEW).]

C. Neither the certificate of approval holder nor the retail licensee may directly or indirectly own or have any interest in a Maine wholesale licensee. [1997, c. 659, §1 (NEW).]

D. The certificate of compliance holder and the retail licensees must be separate entities and may not have any common directors. [1997, c. 659, §1 (NEW).]

[1997, c. 659, §1 (NEW) .]

3. Construction. The exceptions to section 707 set out in subsection 1 must be construed narrowly and be limited to the express terms contained in subsection 1. The exceptions contained in subsection 1 may not be construed to undermine the general prohibition against tied interests contained in section 707.

[1997, c. 659, §1 (NEW) .]

SECTION HISTORY

1997, c. 659, §1 (NEW).

§708. PROHIBITED DISCOUNTS AND REBATES

1. Certificate of approval holders. A certificate of approval holder may not offer to wholesale licensees any special discounts, volume discounts or other reduced prices or discounts, except bona fide price reductions under section 1408 offered to all wholesale licensees. A certificate of approval holder may offer depletion allowances to wholesale licensees if the depletion allowance is posted in accordance with section 1408. Except as provided by this section, a certificate of approval holder may not offer any free merchandise, rebate or gift to the purchaser of an alcoholic beverage.

[2009, c. 145, §1 (AMD) .]

2. Wholesale licensees. A wholesale licensee may not offer to retail licensees any special discounts, volume discounts, depletion allowances, other reduced prices or discounts, or refunds except bona fide price reductions under section 1408 offered to all retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund or gift to the purchaser of an alcoholic beverage.

[1997, c. 501, §1 (AMD) .]

3. Retail licensees. A retail licensee may not offer any free merchandise, rebate or gift to the purchaser of any alcoholic beverage.

[1997, c. 501, §1 (AMD) .]

4. Special package plans or price premiums.

[1987, c. 342, §44 (RP) .]

5. Combination packages. Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in this State.

[2005, c. 503, §1 (AMD) .]

6. Marketing and mail-in promotions. Upon approval by the commission, promotional materials designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. The

commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

[2017, c. 153, §1 (AMD) .]

7. Instant marketing promotions. A manufacturer or supplier of spirits listed for sale by the commission may offer monetary rebates in the form of instant redeemable coupons attached to the spirits product as approved by the commission in accordance with conditions or rules established by the commission. Agency store licensees may redeem the coupons only upon proof of purchase and in accordance with the terms listed on the coupon. Instant redeemable coupons included with a spirits product must be inserted in the package by the manufacturer or attached to the package by the manufacturer, manufacturer's agent or manufacturer's sales representative. Instant redeemable coupons provided by the manufacturer's agent or manufacturer's sales representative must be made available to all agency store licensees electing to offer the coupon in an amount equal to the agency store's inventory of spirits products that are subject to the coupon promotion. Instant redeemable coupons attached to spirits sold to on-premise retail licensees by reselling agents are for the benefit of the on-premise retail licensee. An instant redeemable coupon attached to a spirits product sold by an agency store licensee to a consumer is for the benefit of the consumer who purchases the spirits product.

[2009, c. 504, §1 (AMD) .]

This section does not prohibit a certificate of approval holder from including a certificate, instant redeemable coupon or merchandise in or on a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holders at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the original dated sales receipt for the product to which the rebate is applied. Mail-in rebates must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. [2017, c. 153, §2 (AMD) .]

This section does not prohibit the unconditional distribution of merchandise to the patrons of an on-premise establishment. [1997, c. 501, §1 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §44 (RPR). 1993, c. 100, §1 (AMD). 1993, c. 615, §4 (AMD). 1993, c. 730, §31 (AMD). 1995, c. 582, §1 (AMD). 1997, c. 501, §1 (AMD). 2005, c. 503, §§1,2 (AMD). 2009, c. 145, §1 (AMD). 2009, c. 504, §1 (AMD). 2013, c. 514, §§1, 2 (AMD). 2013, c. 514, §3 (AFF). 2017, c. 153, §§1, 2 (AMD).

§708-A. IN-PACK SWEEPSTAKES, CONTESTS AND GAMES

Notwithstanding any provision of law to the contrary, a certificate of approval holder, wholesale licensee or retail licensee may offer sweepstakes, games and contests inside packages of alcoholic beverages, if that offer is not contingent on the purchase of an alcoholic beverage. A certificate of approval holder, wholesale

licensee or retail licensee shall provide information about access to participate in a sweepstakes, game or contest by providing either a sign in the retail outlet or a notice on the primary or secondary packaging of the brand offering the sweepstakes, game or contest. [2003, c. 192, §1 (AMD).]

SECTION HISTORY

1995, c. 582, §2 (NEW). 2003, c. 192, §1 (AMD).

§708-B. DONATIONS TO PUBLIC BROADCASTING STATIONS AND INCORPORATED CIVIC ORGANIZATIONS

(REPEALED)

SECTION HISTORY

1997, c. 483, §1 (NEW). 2011, c. 629, §11 (RPR). 2015, c. 214, §2 (RP).

§708-C. DONATIONS TO PUBLIC BROADCASTING STATIONS, INCORPORATED CIVIC ORGANIZATIONS AND NATIONAL ORGANIZATIONS

1. Donations for an auction or award. A person licensed by the bureau under section 1355-A, a certificate of approval holder, a manufacturer or supplier of distilled spirits or a wholesaler may donate a certificate to purchase its product or donate its product to a public broadcasting station, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or award in conjunction with efforts to support the purposes of the incorporated civic organization, similarly purposed organization or public broadcasting station. Spirits donated in accordance with this subsection must be listed by the commission for sale in this State, clearly labeled as a donation and purchased from the State's wholesale liquor provider at list price. A person authorized to make a donation in accordance with this subsection shall maintain a record of each donation, including the value of the donation and the date on which it was made. A recipient of a donation under this subsection must be 21 years of age or older.

[2017, c. 347, §2 (AMD) .]

2. Donations for consumption at on-premises events. A person licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler may donate its product or provide malt liquor, wine or fortified wine at a reduced price to a person licensed by the bureau to serve alcoholic beverages for on-premises consumption at an event designed to benefit an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3). Spirits donated in accordance with this subsection must have first been sold to the State or the State's contracted wholesaler for listing, pricing and distribution in accordance with this Title. A person authorized to make a donation or offer its product at a reduced price under this subsection shall maintain a record of the products donated or offered, including the value of each, the reduced price when applicable and the date on which the product was provided. All applicable excise taxes on donated malt liquor, wine and fortified wine must be remitted as required by this Title. A licensee provided product in accordance with this subsection:

- A. Shall maintain a record of each product received and the date on which it was received; [2015, c. 214, §3 (NEW).]
- B. Shall maintain a record of the name of the incorporated civic organization or similarly purposed national organization the event was designed to benefit and for which the product is provided; [2015, c. 214, §3 (NEW).]
- C. Shall ensure that the product provided is served only at the event designed to benefit the incorporated civic organization or similarly purposed national organization; [2015, c. 214, §3 (NEW).]

D. Shall ensure that excess product that was donated for the event is returned to the donor within a reasonable period after the event; and [2015, c. 214, §3 (NEW).]

E. Shall ensure that containers holding donated product are returned to the donor for recycling as appropriate and not presented for redemption under Title 32, chapter 28. [2015, c. 214, §3 (NEW).]

[2015, c. 214, §3 (NEW).]

SECTION HISTORY

2015, c. 214, §3 (NEW). 2017, c. 347, §2 (AMD).

§709. PROHIBITION OF CERTAIN PRACTICES

1. Certain practices prohibited. The following practices are prohibited.

A. No licensee or employee or agent of a licensee may:

- (1) Offer or deliver any free liquor to any person or group of persons;
- (2) Deliver more than 2 drinks containing spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;
- (4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or
- (5) Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess. [2013, c. 504, §1 (AMD).]

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. This paragraph does not prohibit a licensee or employee or agent of a licensee from including the alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume. [2013, c. 504, §1 (AMD).]

[2013, c. 504, §1 (AMD).]

2. Exceptions. Subsection 1 does not prohibit the following practices:

A. Licensees offering free food or entertainment either with or without the purchase of one drink; [1987, c. 45, Pt. A, §4 (NEW).]

B. Licensees increasing the prices for drinks when entertainment is provided; [1987, c. 45, Pt. A, §4 (NEW).]

C. Licensees including a drink as part of a meal package; [1987, c. 45, Pt. A, §4 (NEW).]

D. The sale or delivery of wine, malt liquor or mixed drinks by the bottle, carafe or pitcher when sold with meals or to more than one person; [1987, c. 342, §45 (AMD).]

E. Those licensed under section 1052-D offering free samples or tastings; [2013, c. 531, §1 (AMD).]

F. Those licensed as bona fide hotels offering room services to registered guests; [1987, c. 45, Pt. A, §4 (NEW).]

G. Licensees offering reduced prices for prearranged private parties on the premises of the licensee; [2005, c. 319, §1 (AMD).]

H. Licensees whose licensed premises include more than one room charging different prices for the same drink served in the different rooms; [2011, c. 629, §13 (AMD).]

I. Conducting taste testing under section 460, 1051, 1205, 1207 or 1355-A; [2011, c. 629, §14 (RPR).]

J. Providing samples authorized under section 1355-A, 1402, 1402-A or 1504; [2015, c. 142, §1 (AMD); 2015, c. 214, §4 (AMD).]

K. Donations authorized under section 708-C; [2015, c. 494, Pt. A, §32 (RPR).]

L. Licensees offering complimentary samples of wine under section 1055; or [2015, c. 494, Pt. A, §33 (RPR).]

M. Product supplied by licensees authorized under section 1052-D for the purposes of providing taste-testing samples under a taste-testing event license. [2015, c. 494, Pt. A, §34 (NEW).]

[2011, c. 259, §1 (AMD); 2015, c. 142, §§1, 2 (AMD); 2015, c. 142, §1 (AMD); 2015, c. 214, §§4, 5 (AMD); 2015, c. 494, Pt. A, §§32-34 (AMD).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §45 (AMD). 1993, c. 266, §16 (AMD). 1997, c. 501, §2 (AMD). 1999, c. 275, §1 (AMD). 2005, c. 319, §§1,2 (AMD). 2011, c. 259, §1 (AMD). 2011, c. 629, §§12-15 (AMD). 2013, c. 504, §1 (AMD). 2013, c. 531, §1 (AMD). 2015, c. 142, §§1, 2 (AMD). 2015, c. 214, §§4, 5 (AMD). 2015, c. 494, Pt. A, §§32-34 (AMD).

§710. ADVERTISING SIGNS

1. Advertising outside of licensed premises. A person, except wholesale licensees and certificate of approval holders, may not advertise or permit to be advertised, by more than 2 signs, on the outside of any licensed premises, or on any building, ground or premises under that person's control and contiguous or adjacent to the licensed premises:

A. The fact that the licensee has liquor or any brand of liquor for sale; [1987, c. 45, Pt. A, §4 (NEW).]

B. The price at which liquor is sold by the licensee; or [1987, c. 45, Pt. A, §4 (NEW).]

C. Any other advertisement that indicates any reference to liquor. [1997, c. 373, §69 (AMD).]

For agency liquor stores, one of the 2 signs permitted by this subsection is an agency liquor store sign as described by rule.

[2013, c. 207, §1 (AMD).]

2. Advertising inside of licensed premises. A licensee may display no more than one sign inside the licensed premises, where it may be seen from the outside, advertising the fact that the licensee has liquor for sale. The sign may not be more than 750 square inches in total area.

[1987, c. 342, §46 (AMD).]

3. Exception. Subsection 1 does not prohibit the display of signs advertising sponsorship of specific sporting events and cultural events or sponsorship of a transportation system for transporting the public as long as the signs are not displayed on a licensed establishment as defined in section 2, subsection 15. Signs on a licensed establishment advertising sponsorship may be displayed with prior bureau approval.

The bureau shall adopt rules implementing this subsection.

[1993, c. 730, §32 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §46 (AMD). 1993, c. 730, §32 (AMD). 1997, c. 373, §69 (AMD). 2013, c. 207, §1 (AMD).

§711. ADVERTISING STRENGTH OF MALT LIQUOR

(REPEALED)

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1993, c. 730, §33 (AMD). 2013, c. 504, §2 (RP).

§712. ADVERTISING OR SALE OF MALT LIQUOR OR WINE BY TRADE NAME

1. Advertise or announce for sale by trade name. No licensee may advertise or offer for sale any malt liquor or wine by trade name or other designation which would indicate the manufacturer or place of manufacture of malt liquor or wine, unless the licensee actually has on hand and for sale a sufficient quantity of the particular malt liquor or wine advertised to meet requirements to be normally expected as the result of the advertisement or announcement.

[1987, c. 45, Pt. A, §4 (NEW) .]

2. Serve from faucet, spigot, dispensing apparatus by trade name. A licensee may not furnish or serve any liquor from any faucet, spigot or other dispensing apparatus, unless:

A. The trade name or brand of the liquor served appears in full sight of the customer in legible lettering upon the faucet, spigot or dispensing apparatus; or [2017, c. 167, §13 (AMD).]

B. The licensee displays a list of all liquor currently available on tap that is clearly visible to patrons of the establishment in a manner that allows a patron to identify the trade name or brand of the liquor that is being dispensed from each faucet, spigot or dispensing apparatus. [2017, c. 167, §13 (AMD).]

[2017, c. 167, §13 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 2013, c. 165, §1 (AMD). 2017, c. 167, §13 (AMD).

§713. SELLING MALT LIQUOR OR WINE FROM TRUCK

1. Selling malt liquor or wine from truck prohibited. Except as provided in subsections 2 and 3, no wholesale or retail licensee may, either directly or indirectly, by any agent or employee, travel from town to town, or from place to place in the same town, selling, bartering or carrying for sale or exposing for sale any malt liquor or wine from any vehicle.

[1987, c. 45, Pt. A, §4 (NEW) .]

2. Delivery of orders received. The wholesale licensee may make sales of malt liquor or wine where transportation and delivery are required only upon orders actually received at the principal place of business or warehouse or distributing center, if licensed, of the wholesale licensee before shipment of the malt liquor or

wine. The driver or any other employee of the wholesale licensee shall carry an invoice stating the names of the purchaser and the wholesale licensee and the kind and quantity of malt liquor or wine ordered by the sale, together with the date of the sale.

A. This subsection does not prohibit a wholesale licensee from collecting orders for malt liquor or wine by sales representatives calling upon retailers, then filing the orders at the principal place of business or warehouse or distributing center. [1987, c. 342, §47 (NEW).]

[1987, c. 342, §47 (AMD) .]

3. Sale from truck by wholesale licensee. A wholesale licensee, his agent or employee, may travel from town to town or from place to place in the same town selling, or carrying for sale or exposing for sale, malt liquor or wine from its vehicle only if the wholesale licensee, his agent or employee has in his possession on the vehicle a manifest bearing a detailed description of the total amount of malt liquor or wine on the vehicle and invoices, as required, as well as invoices drawn up at the time of delivery.

[1987, c. 45, Pt. A, §4 (NEW) .]

4. Sales or deliveries only to licensees. Sales or deliveries may be made only to licensees of the bureau.

[1997, c. 373, §70 (AMD) .]

5. Violation. Whoever violates this section commits a Class E crime.

[1987, c. 45, Pt. A, §4 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §47 (AMD). 1997, c. 373, §70 (AMD).

§714. MALT LIQUOR SALES IN KEGS

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Keg" means a container capable of holding at least 5 gallons of liquid. [2017, c. 167, §14 (AMD).]

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises.

[2017, c. 167, §14 (AMD) .]

2. Right of sale and purchase. The bureau may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

[1993, c. 730, §34 (AMD) .]

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises retail licensee must be tagged in a manner and with a label approved by the commissioner identifying the keg. The tag must be supplied for each keg, without fee, by the wholesaler or small brewer of the keg. [2003, c. 451, Pt. T, §11 (AMD).]

B. The retail seller of the keg shall complete a form designed and approved by the commissioner and affix the label to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler or small brewer of the keg. The form must include

the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31. [2003, c. 451, Pt. T, §11 (AMD).]

C. The seller of the keg shall require positive identification of the purchaser. [1991, c. 543, (NEW).]

D. The seller of the keg may require a deposit of up to \$50 from the purchaser of the keg, regardless of the size of the keg. The seller shall refund the deposit to a person who returns a properly tagged keg purchased from that seller. [1991, c. 543, (NEW).]

E. The seller shall inform the purchaser that if the keg is returned without the original numbered band intact, the deposit is forfeited. [1991, c. 543, (NEW).]

F. The seller may retain any deposit forfeited and use the funds forfeited for local school-based alcohol education programs or for any other purpose. [1991, c. 543, (NEW).]

[2003, c. 451, Pt. T, §11 (AMD) .]

4. Civil violation; possession of unlabeled keg. In addition to any other penalties imposed by law, a person possessing an unlabeled keg purchased in this State after the effective date of this section commits a civil violation for which a forfeiture of \$500 must be adjudged.

[1991, c. 543, (NEW) .]

5. Criminal penalty; removal or defacing of tag. A person commits defacing or removal of a malt liquor keg tag if that person defaces or removes from a keg a tag required by this section. Defacing or removal of a malt liquor keg tag is a Class E crime. If a person who purchased a properly tagged keg returns the keg without a tag or with a defaced tag, that person is presumed to have removed or defaced the tag.

[1991, c. 543, (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1991, c. 543, (RPR). 1993, c. 266, §17 (AMD). 1993, c. 730, §§34,35 (AMD). 2003, c. 451, §T11 (AMD). 2017, c. 167, §14 (AMD).

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