

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 28-A MRSA §10**, as amended by PL 2009, c. 438, §1, is further amended to read:

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

**1. Class A restaurant or restaurant and off-premise retail licensee on same premises not prohibited.** If a portion of a ~~premise~~premises is licensed as an off-premise retail licensee, no provision within this Title may be construed to prohibit issuance of a ~~Class A restaurant~~Class III or Class IV license to the same licensee for a restaurant or Class A restaurant for the remaining portion of the premises, ~~provided that~~as long as necessary qualifications are maintained for each separately licensed area.

**2. Access between the 2 licensed areas.** There may be access between the 2 licensed areas for the licensee or ~~his~~the licensee's employees if it is through areas open only to the licensee or ~~his~~the employees. There must be complete nonaccess between the 2 licensed areas by the public.

**2-A. 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.

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 establishment and may be served only when accompanying a full meal prepared in a separate and complete kitchen on the premises. For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking.

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 alcoholic beverages from one licensed area to another is strictly prohibited.

This subsection is repealed September 30, 2015.

**3. Licensee to maintain separate records, supplies and inventory.** The licensee shall maintain records, ~~supplies and inventory~~ 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.

**4. Application.** This section does not apply to a dual license holder licensed under section ~~1207~~1208.

### SUMMARY

This amendment replaces the bill. The amendment allows premises to be issued a separate license for the on-premises consumption of malt liquor and wine in the same location where the person is licensed to sell liquor for off-premises consumption as long as the 2 licensed areas are separated by a wall or barrier that allows for only one controlled point of access between the 2 areas by patrons. The exception provided in this amendment is repealed September 30, 2015. The amendment also corrects a cross-reference.

### FISCAL NOTE REQUIRED

(See attached)