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An Act Concerning the Ability of On-premises Liquor Licensees To Dispense Liquor in Sealed Refillable Containers

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

Sec. 1. 28-A MRSA §2, sub-§26, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

26. Retail sale. "Retail sale" means any single sale of liquor of less than 20 gallons, or its metric equivalent, for consumption on or off the premises where sold and whether in the original package, in a sealed refillable container or as a mixed drink for immediate consumption.

Sec. 2. 28-A MRSA §2, sub-§27, as amended by PL 1997, c. 373, §18, is further amended to read:

27. Retailer. "Retailer" means any person licensed by the bureau to engage in the purchase and resale of liquor in the original container, sealed refillable container or by the drink, for consumption on or off the premises where sold. "Retailer" does not include wholesalers as defined in subsection 35.

A. "~~Off-premise~~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.

B. "~~On-premise~~On-premises retail licensee" means a person licensed to sell liquor to be consumed on the premises where sold or in sealed refillable containers.

Sec. 3. 28-A MRSA §1051, sub-§3, as amended by PL 2009, c. 438, §2, is further amended to read:

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

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

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

C. A person licensed under this section may dispense liquor from a keg into a sealable refillable container for resale to be consumed off the premises. A sealable refillable container must be sealed by the licensee subsequent to dispensing for resale off the premises under this paragraph. For purposes of this paragraph, "keg" has the same meaning as in section 714, subsection 1, paragraph A.

SUMMARY

This bill allows on-premises retail liquor licensees to dispense liquor from kegs into sealable refillable containers for resale.