

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

## **An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises**

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

**Sec. 1. 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 and in section 1207, no licensee for the sale of liquor to be consumed on the premises where sold may not personally or by an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises or noncontiguous real estate that meets the conditions specified in subsection 9. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

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

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

**Sec. 2. 28-A MRSA §1051, sub-§9** is enacted to read:

**9. Use of noncontiguous real estate.** Notwithstanding section 2, subsection 24, a licensee that is a licensed establishment may use noncontiguous real estate as a part of the licensee's premises only if the following conditions are met:

A. The noncontiguous real estate is municipally owned and the licensee has obtained approval from the municipality to directly or indirectly control the noncontiguous real estate for the operations of the licensee;

B. The noncontiguous real estate has been approved by the bureau as a proper place for the exercise of the license privilege;

C. The licensee uses the noncontiguous real estate in the operation of the licensed establishment;

D. Only a retail employee of the licensee serves spirits, wine or malt liquor for consumption in the noncontiguous real estate; and

E. Spirits, wine and malt liquor are not served in the noncontiguous real estate more than one hour after the time food service is stopped or 11 p.m., whichever occurs first.

The area between a licensed establishment and noncontiguous real estate that meets the conditions specified in this subsection may be accessible to the public. The bureau shall adopt routine technical rules as described in Title 5, chapter 375, subchapter 2-A to implement this subsection.

## **SUMMARY**

This bill allows the sale of alcohol to persons who are on municipally owned property that is not contiguous to the licensed premises of a person licensed to sell spirits, wine or malt liquor for on-premises consumption as long as certain conditions are met, such as approval by the municipality, the exercise of control over the noncontiguous real estate by the licensee, restricting to employees of the licensee the sale of alcohol and limiting the time during which alcohol may be sold on the noncontiguous real estate. The bill also permits the public to travel between the licensed premises and noncontiguous real estate.