



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1289

S.P. 464

In Senate, April 9, 2015

**An Act To Allow Retail Liquor Licensees To Sell Alcoholic  
Beverages for On-premises and Off-premises Consumption at One  
Location**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Representative TURNER of Burlington and  
Senators: CUSHING of Penobscot, LIBBY of Androscoggin, Representatives: ESPLING of  
New Gloucester, GUERIN of Glenburn, O'CONNOR of Berwick, SANDERSON of Chelsea,  
SAWICKI of Auburn.

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

2 **Sec. 1. 28-A MRSA §10**, as amended by PL 2013, c. 344, §1, is further amended  
3 to read:

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

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

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

15 ~~**2-A. Access exception.** Notwithstanding subsection 2, there may be access between~~  
16 ~~the 2 licensed areas by the public as provided by this subsection.~~

17 ~~A. There may be access between the 2 licensed areas when there is a clear~~  
18 ~~delineation of space, by a wall or permanent barrier that separates the 2 licensed areas~~  
19 ~~and allows only one clearly defined and controlled point of access for patrons~~  
20 ~~between the licensed establishments. The controlled point of access is not required to~~  
21 ~~include a door that must be physically opened and closed.~~

22 ~~B. When access between the 2 licensed areas exists for patrons of either~~  
23 ~~establishment, all malt liquor and wine sold for on-premises consumption must be~~  
24 ~~served by an employee of the licensed establishment and may be served only when~~  
25 ~~accompanying a full meal prepared in a separate and complete kitchen on the~~  
26 ~~premises. For the purposes of this paragraph, "full meal" means a diversified~~  
27 ~~selection of food that cannot ordinarily be consumed without the use of tableware and~~  
28 ~~cannot be conveniently consumed while standing or walking.~~

29 ~~C. Malt liquor or wine sold or served on the premises may not be transported by a~~  
30 ~~patron or employee of either establishment from one licensed area to another. The~~  
31 ~~licensee shall ensure that easily readable signs are conspicuously posted to inform the~~  
32 ~~public that transfer of alcoholic beverages from one licensed area to another is strictly~~  
33 ~~prohibited.~~

34 ~~This subsection is repealed September 30, 2015.~~

35 **2-B. Access exception.** Notwithstanding subsection 2, premises licensed as an off-  
36 premise retail licensee may also be licensed as a Class III licensee, Class IV licensee or  
37 Class A restaurant as long as alcoholic beverages served or sold as individual servings for  
38 on-premises consumption are served by an employee of the Class III, Class IV or Class A  
39 restaurant licensee.

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

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

10 **Sec. 2. 28-A MRSA §1206,** as amended by PL 2011, c. 629, §20, is further  
11 amended to read:

12 **§1206. Consumption prohibited on off-premises retail premises**

13 A person may not consume liquor on the premises of an off-premise retail licensee  
14 licensed under this chapter except as provided in sections 460, 1205, 1207, ~~1208,~~ 1402-A  
15 and 1504.

16 **Sec. 3. 28-A MRSA §1208,** as reallocated by PL 2009, c. 510, §7, is repealed.

17 **SUMMARY**

18 This bill provides that a retail establishment licensed to sell alcoholic beverages for  
19 off-premises consumption may also be licensed as a Class A restaurant or an  
20 establishment licensed to sell beer and wine for consumption on the premises as long as  
21 alcoholic beverages are served as individual servings by an employee of the on-premises  
22 establishment. This bill repeals the existing dual liquor license provision in law.