

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

H.P. 1231 - L.D. 1786

An Act Regarding Maine's Liquor Laws

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

Sec. 1. 28-A MRSA §9, as amended by PL 1997, c. 373, §24, is repealed.

Sec. 2. 28-A MRSA §708-C, sub-§1, as enacted by PL 2015, c. 214, §3, is amended to read:

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 have first been sold to the State or the State's contracted wholesaler for listing, pricing and distribution in accordance with this Title~~ 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.

Sec. 3. 28-A MRSA §1355-A, sub-§2, ¶D, as amended by PL 2017, c. 34, §1, is further amended to read:

D. A licensee under this section may sell from the licensed premises where liquor is produced by the licensee liquor produced by the licensee for consumption off the licensed premises.

(1) Sales made in accordance with this paragraph do not require a licensee under this section to obtain an additional retail license under chapter 45.

(2) Liquor sold in accordance with this paragraph may not be consumed anywhere on the licensed premises.

(3) The area of the licensed premises where a licensee opts to transact sales for off-premises consumption is not required to be separate from and may be accessed ~~from~~ by the same entrance ~~used to access an~~ for the area licensed for on-premises consumption of liquor under chapter 43 in accordance with paragraph I.

Sec. 4. 28-A MRSA §1355-A, sub-§2, ¶I, as amended by PL 2017, c. 280, §1, is further amended to read:

I. A licensee may be issued one retail license under chapter 43 per licensed location, on the premises of the licensed location or at another location, for the sale of liquor to be consumed on the premises at the retail premises if the same person or persons hold a controlling interest in both the licensed manufacturing location and the licensed retail establishment.

(2) The retail license authorizes the sale of products of the brewery, small brewery, winery, small winery, distillery or small distillery, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(2-A) Liquor sold under a chapter 43 retail license operated on the premises of a location licensed under this section may not be consumed on any part of the premises where patrons are not generally permitted.

(3) All records related to activities under a manufacturer license issued under this section must be kept separate from records related to the retail license.

(4) A distillery or small distillery must meet the requirements of subsection 5, paragraphs D and E.

(5) The licensee shall ensure that products purchased for off-premises consumption under paragraph D are not consumed on the licensed premises.

Sec. 5. 28-A MRSA §1355-A, sub-§2-A, as enacted by PL 2017, c. 280, §2, is repealed.