

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

S.P. 637 - L.D. 1738

**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~~ a 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, the bureau may approve the use of noncontiguous real estate near an establishment licensed under this chapter as part of the premises where the licensee may exercise the license privilege.

A. The bureau shall ensure the following conditions have been met before approving the use of noncontiguous real estate as part of the licensed premises:

(1) The noncontiguous real estate is owned by the municipality in which the establishment is licensed;

(2) The licensee has obtained approval from the municipality to directly or indirectly control the noncontiguous real estate for the exercise of the license privilege; and

(3) The bureau has determined that the noncontiguous real estate is a proper place for the exercise of the license privilege.

B. A licensed establishment authorized to use noncontiguous real estate as part of the licensed premises may not:

(1) Permit any person other than an employee of the licensed establishment to transport liquor between the establishment and the noncontiguous real estate; or

(2) Notwithstanding section 4, subsection 2, sell or serve liquor on the noncontiguous real estate later than one hour after the time food service has ended or 11 p.m., whichever occurs first.

C. The area between the licensed establishment and the noncontiguous real estate may be accessible to the public if it is a public way as defined by Title 29-A, section 101.

D. The bureau shall adopt rules to implement the provisions of this subsection. Rules adopted pursuant to this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.