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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 94, L.D. 205, “An Act To Extend the Ability of Restaurants and Bars To Serve Alcohol To Go”

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 28-A MRSA §1056 is enacted to read:

§1056. Authorized take-out and delivery sales of liquor; repeal

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Approved cocktail" means a beverage prepared by combining spirits or wine with spirits, wine or a nonalcoholic liquid or liquids and that:

(1) Is prepared on the day of sale by a qualified on-premises retailer's or qualified distillery's employee who is at least 21 years of age or by an employee who is between 17 and 20 years of age and who is in the presence of another employee who is at least 21 years of age and is serving in a supervisory capacity;

(2) Contains no more than 4 1/2 ounces of spirits; and

(3) Is sealed in an approved container.

B. "Approved container" means a tamper-evident container that:

(1) Is rigid, is not made of paper or polystyrene foam, has not previously been used to contain beverages and has a secured lid or cap that does not contain any holes or opening including any hole or opening through which a straw may be inserted or the contents of the container may be sipped;

(2) Is sealed in a manner that makes opening the container or tampering with the contents of the container easily detectable; and

(3) Has an affixed label that identifies the name and license number of the qualified on-premises retailer or qualified distillery that prepared and sold the approved

COMMITTEE AMENDMENT

1 cocktail, the date on which the approved cocktail was prepared and sealed in the
2 approved container and the ingredients of the approved cocktail.

3 C. "Food order" means an order of a full course meal as defined in section 2, subsection
4 15, paragraph R-1 or an order of a cold or hot meal including but not limited to a
5 sandwich, salad, hamburger, cheeseburger, hot dog, pizza or other food item that
6 customarily appears on a restaurant menu. "Food order" does not include an order
7 consisting solely of a prepackaged snack food or foods such as popcorn, chips or
8 pretzels.

9 D. "Original container" means, with respect to a wine or malt liquor product, the
10 container in which the wine or malt liquor product was sealed when the qualified on-
11 premises retailer obtained the wine or malt liquor product from an in-state
12 manufacturer or a wholesale licensee.

13 E. "Qualified distillery" means a distillery or a small distillery licensed under section
14 1355-A that:

15 (1) Serves samples of its products to the public for on-premises consumption under
16 section 1355-A, subsection 2, paragraph A, B, E or F or sells its products to the
17 public for off-premises consumption under section 1355-A, subsection 2,
18 paragraph C, D or G; and

19 (2) Has notified the bureau in accordance with subsection 2 of its intention to sell
20 approved cocktails for off-premises consumption.

21 F. "Qualified on-premises retailer" means an establishment that possesses a license to
22 sell spirits, wine or malt liquor for on-premises consumption under this chapter and has
23 notified the bureau in accordance with subsection 2 of its intention to sell approved
24 cocktails, wine or malt liquor for off-premises consumption.

25 **2. Authorized take-out and delivery sales of liquor for off-premises consumption.**
26 Notwithstanding any provision of law to the contrary, a qualified on-premises retailer or a
27 qualified distillery may sell liquor for off-premises consumption only under the following
28 conditions.

29 A. Prior to engaging in sales of liquor for off-premises consumption, a qualified on-
30 premises retailer or qualified distillery shall notify the bureau of its intention to sell
31 approved cocktails, wine or malt liquor for off-premises consumption on a form
32 prepared and approved by the bureau.

33 B. Liquor sold by a qualified on-premises retailer for off-premises consumption must
34 be accompanied by a food order.

35 C. A qualified on-premises retailer may sell for off-premises consumption only the
36 type or types of liquor that it is authorized to sell for on-premises consumption pursuant
37 to its license issued under this chapter.

38 (1) If the qualified on-premises retailer is licensed under this chapter to sell wine
39 for on-premises consumption, it may sell wine for off-premises consumption only
40 in an original container or as an ingredient in an approved cocktail. An approved
41 cocktail sold by a qualified on-premises retailer under this subparagraph may not
42 contain spirits unless the qualified on-premises retailer is also licensed to sell
43 spirits for on-premises consumption under this chapter.

1 spirits products that they manufacture as an ingredient of an approved cocktail. An
2 approved cocktail sold by a distillery or small distillery may also contain wine and spirits
3 products not manufactured by the distillery or small distillery as long as those ingredients
4 are purchased from an agency liquor store licensed as a reselling agent.

5 4. It clarifies that licensed on-premises retailers that sell wine for on-premises
6 consumption may, under the temporary authority granted in the bill, sell wine for off-
7 premises consumption only in an original container or as an ingredient in an approved
8 cocktail. An approved cocktail sold by a retailer licensed to sell wine for on-premises
9 consumption may also contain spirits as long as the retailer is also licensed to sell spirits
10 for on-premises consumption.

11 5. It clarifies that the container in which an approved cocktail is sold must be rigid,
12 must not be made of paper or polystyrene foam, must have a secured lid or cap that does
13 not contain any holes or openings, must be sealed in a manner that makes opening or
14 tampering with the contents of the container easily detectable and must be affixed with a
15 label. The label must identify the licensee whose employees filled and sold the approved
16 container, the contents of the container and the date on which the container was filled and
17 sealed.

18 6. It requires, when the employee of a licensee who prepares an approved cocktail is
19 between 17 and 20 years of age, that the employee be supervised by another employee of
20 the licensee who is at least 21 years of age.

21 7. It clarifies that liquor sold for off-premises consumption under the temporary
22 authority granted in the bill may not be delivered to a customer at a remote location unless
23 the individual making the delivery verifies, by means of reliable photographic
24 identification, that the recipient of the liquor is not a minor.

25 8. It changes the bill's repeal date from April 15, 2022 to September 10, 2022.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**