§1051. Licenses generally

1. Licenses for sale of liquor to be consumed on the premises where sold. Subject to subsection 2, the bureau may issue licenses for the sale of spirits, wine and malt liquor to be consumed on the premises where sold to qualified applicants upon payment of fees provided.
[PL 2005, c. 539, §7 (AMD).]

2. Local approval of application for license. The initial application for the license must first be approved under section 653 by the municipal officers of the municipality in which the applicant's premises are located or, if the premises are located in an unincorporated place, the application must be approved by the county commissioners of the county within which the unincorporated place is located.
[PL 2003, c. 493, §9 (AMD); PL 2003, c. 493, §14 (AFF).]

2-A. Temporary license upon transfer of ownership. An applicant applying for a new license, in accordance with subsection 2, resulting from the transfer of ownership of an existing on-premises license may simultaneously apply to the bureau for a temporary on-premises license. The bureau may issue a temporary license upon application unless the municipal officers or county commissioners notify the bureau of their objection to the issuance of the license. A temporary license issued in accordance with this subsection is valid from the date it is issued until a decision is made on the application for an annual on-premises license or for 60 days, whichever is shorter. The fee for a temporary license issued under this subsection is $100.
[PL 2003, c. 213, §2 (NEW).]

3. Liquor not to be consumed elsewhere. Except as provided in paragraphs A and B and in sections 1012, 1080 and 1208, 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 hotel guests or bed and breakfast guests, respectively. A sale to a hotel guest or bed and breakfast guest may be delivered to the guest's room only by a hotel or bed and breakfast employee, respectively. [PL 2021, c. 658, §161 (AMD).]

B. A licensee may serve liquor at locations other than the licensed premises under the off-premises catering license issued under section 1052. [PL 2021, c. 658, §162 (AMD).]
[PL 2021, c. 658, §§161, 162 (AMD).]

4. Removal of partially consumed bottles of wine from premises. Notwithstanding subsection 3, an establishment licensed by the State to sell wine on the premises may permit a person who has purchased a full meal, and purchased and partially consumed a bottle of wine with the full meal, to remove the partially consumed bottle from the premises upon departure, as long as the person is not visibly intoxicated as provided in section 2503, subsection 7 and the bottle of wine is removed and transported in a manner consistent with subsection 5.
[PL 2021, c. 658, §163 (AMD).]

5. Transportation of partially consumed bottles of wine. A partially consumed bottle of wine that is removed from the premises under subsection 4 must be transported in compliance with Title 29-A, section 2112-A, if transported by motor vehicle, or securely sealed and bagged if transported on foot or by means other than a motor vehicle.
[PL 2021, c. 658, §164 (AMD).]

6. Spirits taste-testing events for retail licensees on on-premises retail licensee's premises. A distillery, a licensed spirits sales representative and the wholesale spirits provider, with the written permission of the bureau, may rent or lease an area or room from an on-premises retail licensee for the purpose of inviting retail licensees to taste test spirits. Spirits taste-testing events must be conducted during hours that are authorized by the bureau for the sale of the product on the premises. The following conditions apply to each taste-testing event conducted under this subsection.

A. The distillery, the licensed spirits sales representative or the wholesale spirits provider may provide the products for the taste-testing event only if the retail price has been paid and a record of the transaction is maintained and made available to the bureau. [PL 2021, c. 658, §165 (AMD).]

B. The taste-testing event may be conducted only within a special designated area or room. [PL 2021, c. 658, §165 (AMD).]

C. The taste-testing event may be open only to invited retail licensees or their authorized agents and not to family members, guests or the public. [PL 2021, c. 658, §165 (AMD).]

D. After the taste-testing event is concluded, the distillery, the licensed spirits sales representative or the wholesale spirits provider, as applicable, shall remove all products supplied for the taste-testing event from the retail licensee's premises. [PL 2021, c. 658, §165 (AMD).]

E. Spirits may not be served to a person who is a minor or who is visibly intoxicated. [PL 2021, c. 658, §165 (NEW).]

[PL 2021, c. 658, §165 (AMD).]

7. Toilet facilities. An eating establishment licensed in accordance with this chapter is required to have toilet facilities as prescribed by rule, except that an eating establishment that has a seating capacity of 40 or fewer persons is required to have at least one toilet facility but may not be required to have more than one toilet facility.

[PL 2011, c. 242, §2 (NEW).]

8. Liquor taste-testing events for public on on-premises retail licensee's premises. The bureau may authorize an on-premises retail licensee to conduct liquor taste-testing events open to the public on the licensed premises. Taste-testing events under this subsection may be held in collaboration with a certificate of approval holder, sales representative licensed under section 1502 or wholesale licensee. An on-premises retail licensee may request authority to conduct a taste-testing event using forms prescribed by the bureau. The following conditions apply to all taste-testing events conducted under this subsection.

A. Liquor may not be served to persons who have not yet attained 21 years of age. [PL 2013, c. 258, §1 (NEW).]

B. A person may not be served more than a total of 12 ounces of malt liquor having an alcohol content of 6% or less; for malt liquor having an alcohol content greater than 6% but less than 12%, a person may not be served more than a total of 6 ounces; or, for malt liquor having an alcohol content of 12% or greater, a person may not be served more than a total of 3 ounces. [PL 2013, c. 258, §1 (NEW).]

C. A person may not be served more than a total of 5 ounces of wine having an alcohol content of 14% or less; or, for wine having an alcohol content greater than 14%, a person may not be served more than a total of 3 ounces of wine. [PL 2013, c. 258, §1 (NEW).]

D. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of spirits having an alcohol content of 80 proof or less; or, for spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings. [PL 2019, c. 404, §19 (AMD).]

E. A person may not be charged a fee for any liquor served as part of a taste-testing event. [PL 2013, c. 258, §1 (NEW).]

F. A person may not be served who is visibly intoxicated. [PL 2013, c. 258, §1 (NEW).]

G. A taste-testing event must be conducted within the hours of retail sale established in this Title. [PL 2013, c. 258, §1 (NEW).]

H. The retail licensee must obtain the written permission of the bureau before conducting a taste-testing event. [PL 2013, c. 258, §1 (NEW).]

I. The retail licensee may conduct no more than one taste-testing event per month. [PL 2013, c. 258, §1 (NEW).]

J. A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5. [PL 2013, c. 258, §1 (NEW).]

K. The retail licensee must notify the bureau of the date and time scheduled for a taste-testing event. [PL 2021, c. 658, §166 (AMD).]

L. Liquor served at a taste-testing event may be provided by the retail licensee purchasing the liquor from a wholesale licensee or a reselling agent. A record of a transaction under this paragraph must be maintained and made available to the bureau. [PL 2021, c. 658, §166 (AMD).]

M. The retail licensee shall establish a designated area in which to conduct a taste-testing event in accordance with this section and shall make reasonable attempts to ensure that tastings are confined to the designated area. [PL 2013, c. 258, §1 (NEW).]

N. The retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the licensed premises in place of or to coincide with a taste-testing event that is open to the public. [PL 2013, c. 258, §1 (NEW).]

O. After a taste-testing event is concluded, the retail licensee may return any unused portion of liquor used to conduct the taste-testing event to the licensee's existing stock. [PL 2013, c. 258, §1 (NEW).]

P. A certificate of approval holder, licensed sales representative or wholesale licensee that participates in a taste-testing event may provide and distribute food or snacks to be consumed in conjunction with the liquor to be tasted at no cost to the public or the retail licensee if the total cost for the food or snacks does not exceed $200 per event. Any remaining food or snacks provided in conjunction with a taste-testing event must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event. [PL 2021, c. 658, §166 (AMD).]

Q. A certificate of approval holder, licensed sales representative or wholesale licensee that participates in a taste-testing event may provide material to advertise the liquor being offered at the taste-testing event or for the promotion of responsible use of alcohol. A certificate of approval holder, licensed sales representative or wholesale licensee may use the advertising material only for promotional display on the licensed premises. Advertising material related to the taste-testing event may include signs, coasters, napkins, table tents and items of like value and must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event. [PL 2021, c. 658, §166 (AMD).]

R. A certificate of approval holder, licensed sales representative or wholesale licensee that participates in a taste-testing event may distribute novelties to the public during the event at a cost not to exceed $3 per novelty. All remaining novelties under this paragraph must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the taste-testing event. [PL 2021, c. 658, §166 (AMD).]

S. Liquor may be poured for the taste-testing event only by the owner or an employee of the on-premises retail licensee, by a sales representative licensed under section 1502 or, if the manufacturer of the liquor being poured is licensed under section 1355-A, by the manufacturer or an employee of the manufacturer. [PL 2021, c. 658, §166 (NEW).]

The bureau may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 658, §166 (AMD).]

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. [PL 2017, c. 337, §2 (NEW).]

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. [PL 2017, c. 337, §2 (NEW).]

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. [PL 2017, c. 337, §2 (NEW).]

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. [PL 2017, c. 337, §2 (NEW).]
[PL 2017, c. 337, §2 (NEW).]

10. Consumption of bottles of wine not sold on the premises. A restaurant, Class A restaurant or Class A restaurant/lounge licensed by the State to sell wine on the premises may give, serve or permit to be served a bottle of wine furnished by a person who has purchased a full meal to be consumed on the premises by that person or by another person within the same group as the person who furnished the wine and may charge a fee, not to exceed $100 per bottle, for this service. A restaurant, Class A restaurant or Class A restaurant/lounge may permit a person who furnished the bottle of wine to remove the partially consumed bottle of wine from the premises upon departure as long as the person is not visibly intoxicated as defined in section 2503, subsection 7 and the bottle of wine is removed and transported in a manner consistent with subsections 4 and 5, respectively.
[PL 2023, c. 103, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 306, §1 (AMD). PL 1997, c. 501, §3 (AMD). PL 1999, c. 236, §2 (AMD). PL 1999, c. 293, §1 (AMD). PL 1999, c. 421, §6 (AMD). PL 2003, c. 213,

§2 (AMD). PL 2003, c. 493, §9 (AMD). PL 2003, c. 493, §14 (AFF). PL 2005, c. 319, §3 (AMD). PL 2005, c. 539, §7 (AMD). PL 2009, c. 438, §2 (AMD). PL 2011, c. 242, §2 (AMD). PL 2013, c. 258, §1 (AMD). PL 2015, c. 129, §3 (AMD). PL 2017, c. 337, §§1, 2 (AMD). PL 2019, c. 281, §9 (AMD). PL 2019, c. 404, §§18, 19 (AMD). PL 2021, c. 658, §§161-166 (AMD). PL 2023, c. 103, §4 (AMD).

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