§705. Sales for cash; sales to certain persons restricted

1. Sales for cash. Except as provided in subsection 1-B, a wholesale licensee, the employee of a wholesale licensee or a reselling agent as defined by section 2, subsection 27-A may not sell or offer to sell any liquor except for cash or payment by check or electronic funds transfer as provided in subsection 1-A.

A. [PL 2003, c. 349, §1 (RP).]

B. [PL 2003, c. 349, §1 (RP).]

C. [PL 2003, c. 349, §1 (RP).]

D. [PL 2003, c. 349, §1 (RP).]

[PL 2003, c. 349, §1 (RPR).]

1-A. Electronic funds transfer. For the purposes of this section, "electronic funds transfer" means using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

A. Electronic funds transfers are permissible under the following conditions:

(1) An agreement to engage in electronic funds transfer for payment for malt liquor or wine between manufacturers, wholesale licensees or retail licensees must be voluntary and in writing. A manufacturer, wholesale licensee or retail licensee may not refuse to do business with or otherwise limit business with another manufacturer, wholesale licensee or retail licensee for declining to pay for malt liquor or wine by electronic funds transfer;

(2) When electronic funds transfer is the form of payment, the form of payment must be noted on the invoice at the time of delivery and acknowledged in writing by the buyer or the buyer's employee. The note on the invoice constitutes an irrevocable promise to pay. All parties to electronic funds transfer transactions will maintain records of those transactions for 2 years from the date of the transaction and make those records available for inspection by the bureau upon request;

(3) Initiation of the electronic funds transfer must occur on the next business day after the delivery of the product;

(4) Parties engaging in electronic funds transfers under this section pay their own costs associated with electronic funds transfers; and

(5) Any electronic funds transfer transaction that is not completed due to insufficient funds is subject to the provisions of the Uniform Commercial Code. [PL 2021, c. 658, §95 (AMD).]

[PL 2021, c. 658, §95 (AMD).]

1-B. Sales on credit. Credit may be extended:

A. By a hotel or club to bona fide registered hotel guests or club members, respectively; [PL 2021, c. 658, §96 (AMD).]

B. By a hotel or Class A restaurant to the holder of a credit card that authorizes the holder to charge goods or credits; and [PL 2003, c. 349, §2 (NEW).]

C. By an on-premises licensee to the host of a private, prearranged function without a credit card. [PL 2003, c. 349, §2 (NEW).]

[PL 2021, c. 658, §96 (AMD).]

1-C. Right of action. A right of action does not exist to collect claims for credits extended contrary to this section.

[PL 2003, c. 349, §2 (NEW).]

1-D. Credit for deposits. This section does not prohibit a licensee from giving credit to a purchaser for the actual amount of the deposit on beverage containers as defined in Title 38, section 3102, subsection 2 or on the packages or original containers as a credit on any sale or from paying the amount actually charged for such a deposit on the packages or original containers.
[PL 2015, c. 166, §2 (AMD).]

1-E. Goods in exchange for product prohibited; exception. A wholesale licensee or a wholesale licensee's employee or agent may not sell, offer to sell or furnish any liquor to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for liquor. This paragraph does not apply to beverage container deposits on packages or original containers that were originally purchased from that licensee by the person returning the packages or original containers.
[PL 2003, c. 349, §2 (NEW).]

2. Prohibited sales of liquor or imitation liquor to be consumed off the premises. A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor, imitation liquor or wine to be consumed off the premises to:

A. [PL 1993, c. 266, §10 (RP).]

B. [PL 1987, c. 342, §37 (RP).]

C. [PL 1987, c. 342, §37 (RP).]

D. [PL 1993, c. 266, §10 (RP).]

E. A minor. Any licensee who accepts an order or receives payment for liquor or imitation liquor from a minor violates this paragraph. [PL 1993, c. 266, §10 (AMD).]
[PL 1993, c. 266, §10 (AMD).]

2-A. Prohibited sales of liquor to be consumed off the premises. A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor or wine to be consumed off the premises to a person who is visibly intoxicated.
[PL 1993, c. 266, §11 (NEW).]

3. Prohibited sales of liquor or imitation liquor to be consumed on the premises. No licensee or licensee's employee or agent may sell, furnish, give, serve or permit to be served any liquor or imitation liquor to be consumed on the premises where sold to:

A. [PL 1993, c. 266, §12 (RP).]

B. [PL 1987, c. 342, §38 (RP).]

C. [PL 1987, c. 342, §38 (RP).]

D. [PL 1993, c. 266, §12 (RP).]

E. A minor. Any licensee who accepts an order or receives payment for liquor or imitation liquor from a minor violates this paragraph. [PL 1993, c. 266, §12 (AMD).]
[PL 1993, c. 266, §12 (AMD).]

3-A. Prohibited sales of liquor to be consumed on the premises. A licensee or licensee's employee or agent may not sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises where sold to a person who is visibly intoxicated.
[PL 1993, c. 266, §13 (NEW).]

4. Permitting consumption or possession by a minor on the premises. No licensee, or agent or employee of a licensee, may permit a minor to consume or possess liquor or imitation liquor on the premises.
[PL 1993, c. 266, §14 (AMD).]

5. Sale of imitation liquor to minors.

[PL 1993, c. 730, §29 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§36-39 (AMD). PL 1989, c. 140 (AMD). PL 1989, c. 526, §§4,28 (AMD). PL 1993, c. 266, §§9-15 (AMD). PL 1993, c. 730, §29 (AMD). PL 2003, c. 349, §§1,2 (AMD). PL 2015, c. 166, §2 (AMD). PL 2021, c. 658, §§95, 96 (AMD).

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