

## CHAPTER 43

### LICENSES FOR THE SALE OF LIQUOR TO BE CONSUMED ON THE LICENSED PREMISES

#### SUBCHAPTER 1

#### GENERAL CONDITIONS

##### §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).]

#### 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).

### **§1052. Off-premises catering at planned events or gatherings**

**1. Off-premises catering license for sale of liquor.** A club licensed to sell spirits, wine and malt liquor or a licensed Class A restaurant, licensed Class A restaurant/lounge, licensed Class A lounge, licensed hotel, licensed bed and breakfast, licensed auditorium, licensed civic auditorium or licensed performing arts center may apply for an additional license to conduct off-premises catering at planned events or gatherings to be held at locations other than the licensee's premises under this section. [PL 2021, c. 658, §167 (AMD).]

**2. Fee.**

[PL 2021, c. 658, §167 (RP).]

**3. Type of event.** An off-premises catering license authorizes the licensee to sell the type or types of liquor specified in subsection 3-A only at:

A. Public events or public gatherings sponsored by a charitable, nonprofit organization or civic group; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Private events or private gatherings sponsored by an individual person, organization or association of persons. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2021, c. 658, §167 (AMD).]

**3-A. Type of liquor.** An off-premises catering licensee may sell at an event described in subsection 3 only the type or types of liquor that the licensee is authorized to sell pursuant to the licensee's underlying club, Class A restaurant, Class A restaurant/lounge, Class A lounge, hotel, bed and breakfast, auditorium, civic auditorium or performing arts center license. [PL 2021, c. 658, §167 (NEW).]

**4. Application.** The licensee must apply for an off-premises catering license by filing a written application with the bureau at least 24 hours before the event or gathering. The application must include the following:

A. Title and purpose of the event; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Date, time and duration; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Location; [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. Approximate number of persons to be accommodated; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Name and address of the sponsoring person, organization or association; [PL 2021, c. 658, §167 (AMD).]

F. If food is to be served, the name and address of the food caterer, if other than the licensee; and [PL 2021, c. 658, §167 (AMD).]

G. Approval by the municipal officers, or a municipal official designated by the municipal officers, of the municipality in which the proposed additional licensed premises are located, which, notwithstanding section 653, may be granted without public notice. The bureau shall accept approval required under this paragraph in electronic form submitted by the applicant or directly by the municipality to the bureau. [PL 2017, c. 260, §1 (AMD).]

[PL 2021, c. 658, §167 (AMD).]

**5. Ruling on application.** Upon receipt of the application, the bureau may immediately approve or deny the application. The bureau shall advise the applicant that the license and the off-premises sales license may be revoked and suspended under chapter 33.

[PL 2021, c. 658, §167 (AMD).]

**6. Local option questions.** The bureau may not grant approval for the sale of liquor at events to be held in areas where the voters have voted in the negative concerning the pertinent local option questions.

[PL 1997, c. 373, §85 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§76-78 (AMD). PL 1993, c. 260, §1 (AMD). PL 1993, c. 730, §40 (AMD). PL 1997, c. 373, §§84,85 (AMD). PL 1999, c. 236, §3 (AMD). PL 2005, c. 539, §8 (AMD). PL 2017, c. 260, §1 (AMD). PL 2021, c. 76, §2 (AMD). PL 2021, c. 658, §167 (AMD).

#### §1052-A. Special taste-testing festival license

**(REPEALED)**

#### SECTION HISTORY

PL 1993, c. 259, §1 (NEW). PL 1995, c. 30, §§1-3 (AMD). PL 1997, c. 373, §86 (AMD). PL 1999, c. 677, §1 (RP).

#### §1052-B. Special taste-testing festival license

**(REPEALED)**

#### SECTION HISTORY

PL 1999, c. 677, §2 (NEW). PL 2003, c. 91, §1 (AMD). PL 2011, c. 629, §17 (AMD). PL 2013, c. 345, §3 (AMD). PL 2013, c. 351, §§1, 2 (AMD). PL 2013, c. 368, Pt. XXXX, §1 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2013, c. 531, §2 (RP).

#### §1052-C. Special food and beverage industry taste-tasting event license

**(REPEALED)**

#### SECTION HISTORY

PL 2011, c. 259, §2 (NEW). PL 2011, c. 629, §18 (AMD). PL 2013, c. 531, §3 (RP).

#### §1052-D. Taste-testing event license

**1. Taste-testing event license.** One or more certificate of approval holders, wholesale licensees or spirits suppliers may apply jointly in any combination for a license to participate in a taste-testing event subject to the conditions prescribed by this section.

[PL 2021, c. 658, §168 (AMD).]

**2. Sponsored manufacturers.** For the purposes of this section, "sponsored manufacturer" means a manufacturer without a license or certificate of approval that is sponsored by a person licensed under subsection 1.

A sponsored manufacturer licensed in another state may participate in the taste-testing event in the same manner and subject to the same conditions as a person licensed under subsection 1 if:

A. The sponsored manufacturer provides a copy of state and federal licenses or permits authorizing the manufacture of liquor; and [PL 2021, c. 658, §168 (AMD).]

B. The sponsored manufacturer is included on the application for the taste-testing event license. [PL 2013, c. 531, §4 (NEW).]

Nothing in this section prohibits a person licensed under subsection 1 from sponsoring more than one sponsored manufacturer.

[PL 2021, c. 658, §168 (AMD).]

**3. Application.** An applicant for a taste-testing event license shall submit a written application to the bureau no later than 15 calendar days prior to the first day of the taste-testing event. The application must include the following:

- A. The name and address of each applicant; [PL 2013, c. 531, §4 (NEW).]
- B. The title and purpose of the taste-testing event; [PL 2013, c. 531, §4 (NEW).]
- C. The date, time and duration of the taste-testing event; [PL 2013, c. 531, §4 (NEW).]
- D. The address and location of the taste-testing event including a description of the area designated for the taste-testing event; [PL 2013, c. 531, §4 (NEW).]
- E. The names of each sponsored manufacturer that intends to take part in the taste-testing event and the name of the certificate of approval holder or manufacturer that has agreed to be the manufacturer's sponsor; [PL 2021, c. 658, §168 (AMD).]
- F. The sample size and overall sample limit that will be imposed for each day of the taste-testing event consistent with the requirements in subsection 7, paragraph C; and [PL 2013, c. 531, §4 (NEW).]
- G. Approval by the municipal officer or a municipal official designated by the municipal officers of the municipality where the taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice. [PL 2013, c. 531, §4 (NEW).]

[PL 2021, c. 658, §168 (AMD).]

**4. Fee.** The license fee for a taste-testing event license is \$20 for each person licensed under subsection 1 and each sponsored manufacturer participating in the taste-testing event.

[PL 2021, c. 658, §168 (AMD).]

**5. Ruling on application.** Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise applicants that the license may be suspended or revoked under chapter 33.

[PL 2013, c. 531, §4 (NEW).]

**6. Up to 10 licensed events per year; one event per license.** A person eligible for a license under subsection 1 may obtain up to 10 licenses under this section per calendar year. Each license permits a taste-testing event lasting up to 4 consecutive days.

[PL 2021, c. 658, §168 (AMD).]

**7. Conditions.** The following conditions apply to taste-testing events licensed under this section.

A. A person may not be charged a fee, except the fee for admission, for any malt liquor, wine or spirits that are offered for taste testing at the event. [PL 2021, c. 658, §168 (AMD).]

B. The venue for the taste-testing event may not be currently licensed to serve any type of liquor for on-premises consumption. If the venue is currently licensed for on-premises consumption, the bureau shall temporarily suspend the authority of the on-premises retail licensee to sell liquor for on-premises consumption in the area designated for the taste-testing event. Notwithstanding paragraph A, the on-premises retail licensee may sell liquor for on-premises consumption outside the area designated for the taste-testing event. [PL 2021, c. 658, §168 (AMD).]

C. A licensee under this section shall limit the size of samples provided for tasting to 4 ounces of malt liquor, 1 1/2 ounces of wine and 1/2 ounce of spirits. A licensee shall limit the total number of samples to 12 per day, per person, except that:

- (1) The 12-sample limit does not apply when the licensee provides a variety of substantial food offerings to patrons of the taste-testing event. For the purposes of this subparagraph, "substantial food" does not include offerings such as prepackaged snacks, pretzels, peanuts, popcorn or chips; and

(2) The sample-size and 12-sample limit do not apply when a licensee includes, as part of a taste-testing event, a multicourse sit-down meal designed to pair food with complementing liquor. This exception applies only at a taste-testing event that is designed to promote the food and beverage or hospitality industry at which at least 50% of the vendors represent and promote a business other than the manufacture or distribution of liquor. [PL 2021, c. 658, §168 (AMD).]

D. A licensee under this section shall record the number of patrons admitted to the taste-testing event by requiring patrons to submit a ticket or sign a register or by employing some similar method of tracking attendance. [PL 2021, c. 658, §168 (AMD).]

E. Points of entry to the taste-testing venue must be clearly defined and monitored to ensure consumption takes place only within the designated area of the taste-testing event. [PL 2013, c. 531, §4 (NEW).]

F. A minor is prohibited from attending the taste-testing event unless accompanied by a parent or guardian or unless the alcohol served at the taste-testing event is confined to a segregated area from which minors are prohibited. [PL 2013, c. 531, §4 (NEW).]

G. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for patrons of the taste-testing event to serve themselves. [PL 2013, c. 531, §4 (NEW).]

H. A person who is visibly intoxicated may not be served. [PL 2013, c. 531, §4 (NEW).]

I. A person licensed under subsection 1 may provide for taste testing any malt liquor or wine that the licensee manufactures or distributes that is registered and authorized for distribution and sale under this Title or any spirits that the licensee manufactures or distributes that are listed for sale by the commission. Excise taxes for malt liquor and wine under section 1652 must be paid before the scheduled date of the taste-testing event. [PL 2021, c. 658, §168 (AMD).]

J. A sponsored manufacturer may, for the purpose of promoting spirits, wine or malt liquor for distribution and sale in the State, provide for taste testing any spirits, wine or malt liquor that the sponsored manufacturer manufactures outside the State and that has been registered with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. All containers of spirits, wine or malt liquor served in accordance with this paragraph, including empty containers, must be removed from the State following the taste-testing event. All spirits, wine and malt liquor provided for the taste-testing event under this paragraph are subject to excise taxes under section 1652 and premiums, when applicable, under section 1703. [PL 2021, c. 658, §168 (AMD).]

K. Each person licensed under subsection 1 and each participating sponsored manufacturer described under subsection 2 shall make available to the bureau or local law enforcement agency upon request a list of the persons designated by the respective licensee to serve malt liquor, wine or spirits for taste testing at the event. The list must be accompanied by an affidavit attesting that no person designated to serve alcohol for taste testing has been found to have violated any state or federal law prohibiting the sale or furnishing of alcohol to a minor. [PL 2021, c. 658, §168 (AMD).]

L. Each person licensed under subsection 1 and each participating sponsored manufacturer described under subsection 2 shall provide to a person designated to serve malt liquor, wine or spirits for taste testing a badge or similar means of identification that clearly identifies the name of the licensee or sponsored manufacturer. The badge or similar means of identification must be worn in a manner so that it is conspicuous and clearly visible to a person being served. [PL 2021, c. 658, §168 (AMD).]

[PL 2021, c. 658, §168 (AMD).]

**8. Information to be provided by the bureau.** The bureau shall develop an informational pamphlet or similar document that is posted on the bureau's publicly accessible website describing the



conditions that apply to the conduct of a taste-testing event, including generally applicable laws and rules that are not described in this section. The bureau shall consider commonly cited violations from similar events that have been conducted in the State when developing the informational pamphlet or similar document.

[PL 2013, c. 531, §4 (NEW).]

**9. Retail sales for off-premises consumption.** Notwithstanding any provision of this Title to the contrary, a licensed in-state brewery, small brewery, winery, small winery, distillery or small distillery may sell for off-premises consumption at a taste-testing event under this section malt liquor, wine or spirits manufactured in the State by the licensee under the following conditions.

A. Malt liquor, wine or spirits for retail sale must be prepackaged and sold by the bottle or case. A sale must be accompanied by a sales receipt. [PL 2021, c. 658, §168 (NEW).]

B. Spirits sold by a distillery are subject to the listing, pricing and distribution provisions of this Title. Spirits sold by a small distillery may be sold in the same manner as permitted under section 1355-A, subsection 5, paragraph G. [PL 2021, c. 658, §168 (NEW).]

[PL 2021, c. 658, §168 (NEW).]

#### SECTION HISTORY

PL 2013, c. 531, §4 (NEW). PL 2019, c. 404, §§20-25 (AMD). PL 2021, c. 658, §168 (AMD).

#### §1053. Lighting of premises

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §79 (RP).

#### §1054. Permit for music, dancing or entertainment

##### 1. Activities and entertainment prohibited.

[PL 2017, c. 13, §2 (RP).]

**2. Authority to require permit.** A municipality or, in the case of an unincorporated place, the county commissioners may require an on-premises retail licensee to obtain a permit for music, dancing or entertainment from the municipality or, in the case of an unincorporated place, the county commissioners of the county in which the licensed premises are located. The permit must specify which activities are prohibited on the licensed premises and may include a list of which activities are authorized, in accordance with local ordinances or regulations adopted by the municipality or unincorporated place.

[PL 2021, c. 658, §169 (AMD).]

**3. Term of permit.** A permit is valid only for the license year of the existing license.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

##### 4. Public hearing on permit application.

[PL 2017, c. 13, §2 (RP).]

##### 5. Permit requirements.

[PL 2017, c. 13, §2 (RP).]

**6. Issuance or denial of permit.** Within 15 days of receiving the permit application, the municipal officers shall give the applicant written notice of their decision.

A. If the municipal officers deny a licensee a permit, they shall provide the licensee with the reasons for the denial in writing. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The licensee may not reapply for a permit within 30 days after denial of an application for a permit. [PL 1987, c. 45, Pt. A, §4 (NEW).]  
[PL 1987, c. 45, Pt. A, §4 (NEW).]

**7. Municipal suspension or revocation of a permit.** After a public hearing preceded by notice to interested parties, the municipal officers may suspend or revoke any permits which they have issued under this section on the grounds that the music, dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations. [PL 1987, c. 45, Pt. A, §4 (NEW).]

**8. Appeal procedure.** If the municipality has a board of appeals, as described in Title 30-A, section 2691, a licensee that has applied for a permit and has been denied, or has had its permit revoked or suspended, may appeal the decision to the board of appeals within 30 days of the denial, suspension or revocation. The board of appeals may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The denial, revocation or suspension was arbitrary and capricious. [PL 1987, c. 45, Pt. A, §4 (NEW).]  
[PL 2021, c. 658, §170 (AMD).]

**9. Admission.**  
[PL 2017, c. 13, §2 (RP).]

**10. Definition of entertainment.**  
[PL 2017, c. 13, §2 (RP).]

**11. Municipal ordinances or regulations.** If a municipality requires permits under subsection 2, the municipality shall adopt ordinances or authorize the municipal officers to establish written regulations governing the following aspects of the permits.

A. These ordinances or regulations must govern:

- (1) The issuance, suspension and revocation of these permits;
- (2) The classes of permits and fees for the issuance of these permits;
- (3) The music, dancing or entertainment permitted under each class; and
- (4) Other limitations on these activities required to protect the public health, safety and welfare. [PL 2017, c. 13, §2 (AMD).]

B. These ordinances or regulations may specifically determine:

- (1) The location and size of premises to which the permits may apply;
- (2) The facilities that may be required for the permitted activities on those premises;
- (3) The hours during which the permitted activities may take place; and
- (4) The lighting level required, which may be lowered when the entertainment is provided. [PL 1987, c. 342, §81 (AMD).]

[PL 2021, c. 658, §171 (AMD).]

**12. Unincorporated place.** If licensed premises are located in an unincorporated place in which the county commissioners require permits under subsection 2, the county commissioners shall grant, suspend or revoke permits in the same manner and with the same authority as municipal officers and shall adopt regulations in the same manner as municipal officers. [PL 2021, c. 658, §172 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§80,81 (AMD). PL 1991, c. 377, §16 (AMD). PL 2017, c. 13, §2 (AMD). PL 2021, c. 658, §§169-172 (AMD).

**§1055. Liquor samples at Class A restaurants and Class A restaurant/lounges**

**1. Liquor samples at restaurants.** A restaurant licensed by the bureau as a Class A restaurant or a Class A restaurant/lounge may offer complimentary samples of malt liquor, wine or spirits to a customer, subject to the following conditions:

- A. A sample may not be given to a person under 21 years of age; [PL 2015, c. 142, §3 (NEW).]
- B. A person may not be provided more than 3 samples per day, and samples are subject to the following size limits:
  - (1) A sample of malt liquor may not exceed 3 ounces;
  - (2) A sample of wine may not exceed one ounce; and
  - (3) A sample of spirits may not exceed 1/2 of one ounce; [PL 2015, c. 142, §3 (NEW).]
- C. A person who is visibly intoxicated may not be served; [PL 2015, c. 142, §3 (NEW).]
- D. The sampling must be conducted during regular business hours of the Class A restaurant or Class A restaurant/lounge and must take place on the licensed premises only in areas of the Class A restaurant or Class A restaurant/lounge where liquor is normally served to customers; [PL 2015, c. 142, §3 (NEW).]
- E. Samples may be provided only by employees of the Class A restaurant or Class A restaurant/lounge; [PL 2015, c. 142, §3 (NEW).]
- F. Wine or malt liquor served as a sample must be purchased from a wholesale licensee; and [PL 2015, c. 142, §3 (NEW).]
- G. Spirits served as a sample must be purchased from a reselling agent. [PL 2021, c. 658, §174 (AMD).]

[PL 2021, c. 658, §174 (AMD).]

**SECTION HISTORY**

PL 2015, c. 142, §3 (NEW). PL 2021, c. 658, §§173, 174 (AMD).

**§1056. Authorized take-out and delivery sales of liquor; repeal  
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)  
(WHOLE SECTION TEXT EFFECTIVE UNTIL 3/30/25)  
(WHOLE SECTION TEXT REPEALED 3/30/25)**

**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. [PL 2021, c. 3, §1 (NEW).]
- 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 cocktail, the date on which the approved cocktail was prepared and sealed in the approved container and the ingredients of the approved cocktail. [PL 2021, c. 3, §1 (NEW).]
- C. "Food order" means an order of a full course meal as defined in section 2, subsection 15, paragraph R-1 or an order of a cold or hot meal including but not limited to a sandwich, salad, hamburger, cheeseburger, hot dog, pizza or other food item that customarily appears on a restaurant menu. "Food order" does not include an order consisting solely of a prepackaged snack food or foods such as popcorn, chips or pretzels. [PL 2021, c. 3, §1 (NEW).]
- D. "Original container" means, with respect to a wine or malt liquor product, the container in which the wine or malt liquor product was sealed when the qualified on-premises retailer obtained the wine or malt liquor product from an in-state manufacturer or a wholesale licensee. [PL 2021, c. 3, §1 (NEW).]
- E. "Qualified distillery" means a distillery or a small distillery licensed under section 1355-A that:
- (1) Serves samples of its products to the public for on-premises consumption under section 1355-A, subsection 2, paragraph A, B, E or F or sells its products to the public for off-premises consumption under section 1355-A, subsection 2, paragraph C, D or G; and
  - (2) Has notified the bureau in accordance with subsection 2 of its intention to sell approved cocktails for off-premises consumption. [PL 2021, c. 3, §1 (NEW).]
- F. "Qualified on-premises retailer" means an establishment that possesses a license to sell spirits, wine or malt liquor for on-premises consumption under this chapter and has notified the bureau in accordance with subsection 2 of its intention to sell approved cocktails, wine or malt liquor for off-premises consumption. [PL 2021, c. 3, §1 (NEW).]
- [PL 2021, c. 3, §1 (NEW).]

**2. Authorized take-out and delivery sales of liquor for off-premises consumption.**

Notwithstanding any provision of law to the contrary, a qualified on-premises retailer or a qualified distillery may sell liquor for off-premises consumption only under the following conditions.

- A. Prior to engaging in sales of liquor for off-premises consumption, a qualified on-premises retailer or qualified distillery shall notify the bureau of its intention to sell approved cocktails, wine or malt liquor for off-premises consumption on a form prepared and approved by the bureau. [PL 2021, c. 3, §1 (NEW).]
- B. Liquor sold by a qualified on-premises retailer for off-premises consumption must be accompanied by a food order. [PL 2021, c. 3, §1 (NEW).]
- C. A qualified on-premises retailer may sell for off-premises consumption only the type or types of liquor that it is authorized to sell for on-premises consumption pursuant to its license issued under this chapter.
  - (1) If the qualified on-premises retailer is licensed under this chapter to sell wine for on-premises consumption, it may sell wine for off-premises consumption only in an original container or as an ingredient in an approved cocktail. An approved cocktail sold by a qualified

on-premises retailer under this subparagraph may not contain spirits unless the qualified on-premises retailer is also licensed to sell spirits for on-premises consumption under this chapter.

(2) If the qualified on-premises retailer is licensed under this chapter to sell malt liquor for on-premises consumption, it may sell malt liquor for off-premises consumption only in an original container.

(3) If the qualified on-premises retailer is licensed under this chapter to sell spirits for on-premises consumption, it may sell spirits for off-premises consumption only as an ingredient of an approved cocktail. An approved cocktail sold by a qualified on-premises retailer under this subparagraph may not contain wine unless the qualified on-premises retailer is also licensed to sell wine for on-premises consumption. [PL 2021, c. 3, §1 (NEW).]

D. Except as provided in section 1355-A, a qualified distillery may sell spirits for off-premises consumption only as an ingredient of an approved cocktail. An approved cocktail sold by a qualified distillery under this paragraph may not contain wine or spirits not manufactured by the qualified distillery unless the qualified distillery purchased the wine or spirits from an agency liquor store licensed as a reselling agent. [PL 2021, c. 3, §1 (NEW).]

E. Liquor sold for off-premises consumption must be accompanied by a sales receipt with a time stamp that indicates the time of purchase. [PL 2021, c. 3, §1 (NEW).]

F. Liquor sold for off-premises consumption may be delivered by the qualified on-premises retailer or the qualified distillery or by an employee of the qualified on-premises retailer or the qualified distillery to a customer at the licensed premises or at a remote location only in accordance with this paragraph.

(1) Liquor may not be delivered to a customer at a remote location unless the individual making the delivery is at least 21 years of age.

(2) Liquor may not be delivered to a visibly intoxicated person.

(3) Liquor may not be delivered unless the individual making the delivery verifies, by means of reliable photographic identification containing the person's name and date of birth, that the person to whom the delivery is made is not a minor. [PL 2021, c. 3, §1 (NEW).]

[PL 2021, c. 3, §1 (NEW).]

**3. Repeal.** This section is repealed March 30, 2025.

[PL 2021, c. 514, §1 (AMD).]

#### SECTION HISTORY

PL 2021, c. 3, §1 (NEW). PL 2021, c. 514, §1 (AMD).

## SUBCHAPTER 2

### SPECIFIC LICENSE REQUIREMENTS

#### §1061. Hotels

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to hotels, as defined in section 2, subsection 15, paragraph H.

[PL 1995, c. 270, §1 (AMD).]

**2. Minors not permitted on premises.** Except as provided in paragraph B, a hotel licensee may not permit a minor in a hotel lounge where liquor is served.

A. [PL 1995, c. 270, §1 (RP).]

B. This subsection does not apply when:

- (1) The minor is accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002;
- (2) The minor is employed under section 704; or
- (3) The licensee does not permit consumption of liquor on the licensed premises. [PL 1987, c. 342, §82 (RPR).]

[PL 2021, c. 658, §175 (AMD).]

**3. Income from sale of food requirement.** At least 10% of the gross annual income, not including income from the rental of rooms or from a minibar licensed under section 1012, must be from the sale of food for each licensed hotel. This requirement does not apply to a hotel that has a Class I-A license under section 1002.

[PL 2021, c. 658, §176 (AMD).]

**3-A. Bureau to determine whether new applicant would probably meet sale of food requirement.** The bureau may not issue an initial license to a hotel unless it determines that the applicant would probably meet the requirements of subsection 3. This requirement does not apply to a hotel that applies for a Class I-A license under section 1002.

[PL 2021, c. 658, §177 (NEW).]

**3-B. Proof of compliance with sale of food requirement for license renewal.** The bureau may not renew a hotel's license unless the licensee furnishes the bureau with proof that the previous year's business met the requirements of subsection 3. If the bureau determines that the licensee has not satisfied the requirements of subsection 3, the bureau may renew the license for only one year, during which the licensee must meet the requirements of subsection 3 to be eligible for further license renewal. This subsection does not apply to a hotel that has a Class I-A license under section 1002.

[PL 2021, c. 658, §178 (NEW).]

**4. Required number of sleeping rooms.** Each hotel must be equipped with at least the required number of adequate sleeping rooms.

A. The number of rooms required is based on the population of the municipality in which the hotel is located, as reported in the 1960 Federal Decennial Census. If the population reported in the most recent Federal Decennial Census is at least 20% less than the population reported in the 1960 census, the most recent Federal Decennial Census must be used to determine the number of rooms required.

- (1) If the hotel is located in a municipality having a population of 7,500 or less, the hotel must have at least 12 adequate sleeping rooms.
- (2) If the hotel is located in a municipality having a population of more than 7,500, the hotel must have at least 30 adequate sleeping rooms. [PL 1991, c. 824, Pt. D, §4 (RPR).]

B. [PL 1991, c. 376, §53 (RP).]

C. [PL 1987, c. 623, §14 (RP).]

If the hotel is located on an offshore island that is part of a mainland municipality, then the number of rooms required is based on the population of the island, rather than that of the municipality as a whole. [PL 1995, c. 270, §1 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 232 (AMD). PL 1987, c. 342, §§82-84 (AMD). PL 1987, c. 623, §14 (AMD). PL 1989, c. 139 (AMD). PL 1991, c. 376, §53 (AMD). PL 1991, c. 583 (AMD). PL 1991, c. 824, §D4 (AMD). PL 1995, c. 270, §1 (AMD). PL 2021, c. 658, §§175-178 (AMD).

**§1061-A. Bed and breakfasts**

**1. Issuance of licenses.** The bureau may issue to a bed and breakfast, as defined in section 2, subsection 15, paragraph B-2, a license under this section for the sale of spirits, wine and malt liquor to be consumed on the premises.

[PL 1993, c. 730, §41 (NEW).]

**2. Service restricted.**

[PL 1999, c. 236, §4 (RP).]

## SECTION HISTORY

PL 1993, c. 730, §41 (NEW). PL 1999, c. 236, §4 (AMD).

**§1062. Restaurants**

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of wine and malt liquor for on-premises consumption to restaurants, as defined in section 2, subsection 15, paragraph Q.

[PL 2021, c. 658, §179 (AMD).]

**2. Restaurant qualifications.**

[PL 1987, c. 342, §85 (RP).]

**3. Income from sale of food requirement.** At least 10% of the gross annual income must be from the sale of food for both year-round and part-time restaurants.

A. [PL 2021, c. 658, §179 (RP).]

B. [PL 2021, c. 658, §179 (RP).]

[PL 2021, c. 658, §179 (AMD).]

**4. Bureau to determine whether new applicant would probably meet sale of food requirement.** The bureau may not issue an initial license to a restaurant unless it determines that the applicant would probably meet the requirements of subsection 3.

[PL 2021, c. 658, §179 (AMD).]

**5. Proof of compliance with sale of food requirement for license renewal.** The bureau may not renew a restaurant's license unless the licensee furnishes the bureau with proof that the previous year's business met the requirements of subsection 3. If the bureau determines that the licensee has not satisfied the requirements of subsection 3, the bureau may renew the license for only one year, during which the licensee must meet the requirements of subsection 3 to be eligible for further license renewal.

[PL 2021, c. 658, §179 (NEW).]

## SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§85-87 (AMD). PL 1989, c. 502, §B58 (AMD). PL 1997, c. 373, §§87-89 (AMD). PL 2021, c. 658, §179 (AMD).

**§1063. Class A restaurants and Class A restaurant/lounges**

**1. Issuance of license.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor for on-premises consumption to Class A restaurants, as defined in section 2, subsection 15, paragraph R, and to Class A restaurant/lounges, as defined in section 2, subsection 15, paragraph R-1.

[PL 2021, c. 658, §180 (AMD).]

**2. Income from sale of food requirement.** At least a minimum amount of the gross annual income must be from the sale of food for each Class A restaurant or Class A restaurant/lounge. The income from the sale of food requirement is based on the population of the municipality in which the

Class A restaurant or Class A restaurant/lounge is located. The bureau shall prorate the income from the sale of food requirement under this subsection for licensees that operate during only part of an annual license period.

A. In municipalities having a population of more than 50,000 persons:

(1) Year-round Class A restaurants or Class A restaurant/lounges must have a minimum gross annual income of \$50,000 per year from the sale of food to the public on their premises. [PL 1993, c. 730, §42 (AMD).]

B. In municipalities having a population of more than 30,000 but not more than 50,000 persons:

(1) Year-round Class A restaurants or Class A restaurant/lounges must have a minimum gross annual income of \$40,000 per year from the sale of food to the public on their premises. [PL 1993, c. 730, §42 (AMD).]

C. In municipalities having a population of more than 20,000 but not more than 30,000 persons:

(1) Year-round Class A restaurants or Class A restaurant/lounges must have a minimum gross annual income of \$30,000 per year from the sale of food to the public on their premises. [PL 1993, c. 730, §42 (AMD).]

D. In municipalities having a population of not more than 20,000 persons:

(1) Year-round Class A restaurants or Class A restaurant/lounges must have a minimum gross annual income of \$20,000 per year in sale of food to the public on their premises. [PL 1993, c. 730, §42 (AMD).]

[PL 2021, c. 658, §180 (AMD).]

**3. Bureau to determine whether new applicant would probably meet sale of food requirement.** The bureau may not issue an initial license to a Class A restaurant or a Class A restaurant/lounge unless it determines that the applicant would probably meet the requirements of subsection 2.

[PL 2021, c. 658, §180 (AMD).]

**4. Proof of compliance with sale of food requirement for license renewal.** The bureau may not renew a Class A restaurant's or a Class A restaurant/lounge's license unless the licensee furnishes the bureau with proof that the previous year's business met the requirements of subsection 2. If the bureau determines that the licensee has not satisfied the requirements of subsection 2, the bureau may renew the license for only one year, during which the licensee must meet the requirements of subsection 2 to be eligible for further license renewal.

[PL 2021, c. 658, §180 (AMD).]

**5. Class A restaurant/lounges; minors.**

[PL 1995, c. 25, §1 (RP).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §88 (AMD). PL 1993, c. 410, §ZZ18 (AMD). PL 1993, c. 730, §42 (AMD). PL 1995, c. 25, §1 (AMD). PL 2021, c. 658, §180 (AMD).

#### §1063-A. Off-track betting facility

**(REPEALED)**

#### SECTION HISTORY

PL 1999, c. 421, §7 (NEW). PL 2003, c. 493, §10 (RP). PL 2003, c. 493, §14 (AFF).

#### §1063-B. Pool halls



**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of malt liquor and wine for on-premises consumption to pool halls as defined in section 2, subsection 15, paragraph N-1.

[PL 2021, c. 658, §181 (AMD).]

**2. Minors prohibited on premises; exceptions.**

[PL 2003, c. 493, §11 (RP); PL 2003, c. 493, §14 (AFF).]

**3. Smoking when minors are prohibited.**

[PL 2003, c. 493, §11 (RP); PL 2003, c. 493, §14 (AFF).]

#### SECTION HISTORY

PL 1999, c. 760, §4 (NEW). PL 2003, c. 493, §11 (AMD). PL 2003, c. 493, §14 (AFF). PL 2021, c. 658, §181 (AMD).

#### §1064. Establishment located at fairgrounds

Establishments located on fairgrounds operated by agricultural societies or where pari-mutuel racing is conducted, which otherwise meet the definition of a hotel or a restaurant, shall be considered to be a hotel or restaurant for purposes of this Title, even if an admission charge must be paid to gain entrance to the fairgrounds or racing grounds. [RR 2009, c. 2, §78 (COR).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). RR 2009, c. 2, §78 (COR).

#### §1065. Class A lounges

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to Class A lounges as defined in section 2, subsection 15, paragraph L.

[PL 1997, c. 373, §90 (AMD).]

**2. Food availability.** The licensee shall offer food for sale to the public at all times that liquor is for sale.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**3. Income from the sale of food requirement.**

[PL 1993, c. 730, §43 (RP).]

**4. Minors not allowed on premises.** Minors are not permitted to remain on the premises of a licensed Class A lounge except when:

A. The minor is accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002; or [PL 2021, c. 658, §183 (AMD).]

B. The licensee does not permit consumption of liquor on the premises for a specific period of time or event. [PL 2003, c. 493, §12 (AMD); PL 2003, c. 493, §14 (AFF).]

C. [PL 2003, c. 493, §12 (RP); PL 2003, c. 493, §14 (AFF).]

[PL 2021, c. 658, §183 (AMD).]

**5. Licensed by Department of Health and Human Services.** All Class A lounges must be licensed by the Department of Health and Human Services.

[PL 1987, c. 45, Pt. A, §4 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**6. Written evaluation.**

[PL 1987, c. 342, §91 (RP).]

**7. Sunset.**

[PL 1987, c. 342, §91 (RP).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§89-91 (AMD). PL 1993, c. 730, §43 (AMD). PL 1997, c. 373, §90 (AMD). PL 1999, c. 568, §2 (AMD). PL 2003, c. 493, §12 (AMD). PL 2003, c. 493, §14 (AFF). PL 2003, c. 689, §B6 (REV). PL 2021, c. 658, §§182, 183 (AMD).

#### §1066. Taverns

##### (REPEALED)

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §92 (RP).

#### §1066-A. Taverns

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of malt liquor to be consumed on the premises to taverns as defined in section 2, subsection 16, paragraph T-1.

[PL 1997, c. 373, §91 (AMD).]

**2. Minors not permitted on premises.** Minors are not permitted to remain on the premises of a licensed tavern unless:

A. Accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002; or  
[PL 2021, c. 658, §184 (AMD).]

B. Employed under section 704. [PL 1991, c. 824, Pt. A, §58 (AMD).]  
[PL 2021, c. 658, §184 (AMD).]

#### SECTION HISTORY

PL 1987, c. 342, §93 (NEW). PL 1991, c. 824, §A58 (AMD). PL 1997, c. 373, §91 (AMD). PL 2021, c. 658, §184 (AMD).

#### §1067. Class A taverns

##### (REPEALED)

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §94 (RP).

#### §1068. Performing arts centers

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to performing arts centers as defined in section 2, subsection 15, paragraph N.

[PL 1997, c. 373, §92 (AMD).]

**2. Requirements.** The performing arts center must have:

A. Been in existence one year before first applying for a license under section 653; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Presented at least 24 public performances of theater, music, dance or other performing arts in the 12 months before first applying for a license. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §92 (AMD).

#### §1069. Auditoriums

**(REPEALED)**

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). MRSA T. 28-A §1069, sub-4, ¶A (RP).

**§1069-A. Auditoriums**

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to auditoriums, as defined in section 2, subsection 15, paragraph B.

[PL 1997, c. 373, §93 (AMD).]

**2. No sales at events for children.** No liquor may be sold at an auditorium at any event primarily involving primary or secondary school children.

[PL 1989, c. 158, §9 (NEW).]

**3. Conditions on sales.**

[PL 1995, c. 229, §1 (RP).]

SECTION HISTORY

PL 1989, c. 158, §9 (NEW). PL 1995, c. 229, §1 (AMD). PL 1997, c. 373, §93 (AMD).

**§1070. Civic auditoriums**

**1. Issuance of licenses.** The bureau may issue licenses to civic auditoriums as defined in section 2, subsection 15, paragraph C under this section for the sale of spirits, wine and malt liquor. The license may be issued to the owner of the civic auditorium, the operator of the civic auditorium or the entity providing spirits, wine and malt liquor to the public in the civic auditorium.

[PL 2021, c. 658, §185 (AMD).]

**2. Events on licensed premises only.** Licenses issued to civic auditoriums may be used only in conjunction with a function or event held on the licensed premises.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**3. No sales during events for minors.** Licensees may not sell spirits, wine or malt liquor during any school activities or events primarily attended by minors in the rooms where these activities are taking place.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**4. Licensee must notify bureau.**

[PL 2015, c. 101, §1 (RP).]

**5. Bottle service of spirits; designated areas.** A civic auditorium licensee may sell spirits in original containers for service in a civic auditorium club suite under the following conditions:

A. Spirits to be consumed in the club suite must be provided exclusively by the civic auditorium licensee; [PL 2021, c. 658, §186 (AMD).]

B. Spirits containers provided for consumption in the club suite must remain in the club suite for the duration of the event for which they were provided; [PL 2015, c. 101, §1 (NEW).]

C. The number of spirits containers provided for consumption in the club suite may not exceed 6; and [PL 2015, c. 101, §1 (NEW).]

D. The registered tenant of the club suite or individual specifically granted access to the club suite by the civic auditorium must sign a contract with the civic auditorium agreeing that no person under 21 years of age will be provided or served liquor in the club suite. [PL 2021, c. 658, §186 (AMD).]

For purposes of this subsection, "club suite" means a designated area within a civic auditorium designed to provide premium viewing of an event in the auditorium and to which access is limited to registered tenants, invited guests and those who have been specifically granted access by the operator of the civic auditorium and is not accessible to the public or civic auditorium patrons with tickets that provide for general admission to that event at the auditorium. A club suite must have a clearly designated point of access for the registered tenant or person specifically granted access by the operator of the civic auditorium to ensure that persons present in the suite are limited to invited guests and employees providing services to the club suite.

[PL 2021, c. 658, §186 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §95 (AMD). PL 1997, c. 373, §§94,95 (AMD). PL 2015, c. 101, §1 (AMD). PL 2021, c. 658, §§185, 186 (AMD).

#### §1071. Incorporated civic organizations

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to incorporated civic organizations, as defined in section 2, subsection 15, paragraph I.

[PL 1997, c. 373, §96 (AMD).]

**2. Up to 5 licensed events per year; one event per license.** An incorporated civic organization may obtain up to 5 licenses under this section per calendar year. Each license authorizes the licensee to sell or serve liquor at only one public event or public gathering which is sponsored by the licensee.

[PL 1987, c. 151, §2 (RPR).]

**3. Length of licenses.** One license issued under this section to each incorporated civic organization is valid for up to 10 consecutive days. The other 4 licenses for which the incorporated civic organization is eligible are valid for one day each. The bureau may not issue separate licenses under this section to the same incorporated civic organization for events or gatherings held on consecutive days.

[PL 2019, c. 8, §1 (AMD).]

**4. Application.** An incorporated civic organization shall file an application for a license. The application includes the following:

A. Title and purpose of the event; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Date, time and duration; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Location; [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. Approximate number of persons to be accommodated; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Name and address of the sponsoring civic organization and the name and title of the officer making the application; [PL 1987, c. 45, Pt. A, §4 (NEW).]

F. If food is to be served, the name and address of food caterer, if other than the licensee; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

G. Approval by the municipal officers of the municipality in which the proposed licensed premises are located, which, notwithstanding section 653, may be granted without notice or a public hearing.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**5. Ruling on application.** The bureau shall approve or deny the application and immediately notify the applicant of its decision. The bureau shall advise the applicant that the license may be revoked and suspended under chapter 33.

[PL 1997, c. 373, §98 (AMD).]

**6. Server requirements.** A certificate of approval holder or a wholesale licensee that provides malt liquor, wine or spirits for the public event or gathering being sponsored may serve its product at the event. An incorporated civic organization issued a license in accordance with this section shall provide the names of persons not licensed under chapter 51, 55 or 59 who will be serving malt liquor, wine or spirits at the event. In the event that a server from that list is unavailable, a licensed manufacturer, distributor, wholesaler, small winery or small brewery that has provided malt liquor, wine or spirits to be served at the event may provide serving assistance.

[PL 2021, c. 658, §187 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 151, §2 (AMD). PL 1997, c. 373, §§96-98 (AMD). PL 2009, c. 102, §1 (AMD). PL 2011, c. 629, §19 (AMD). RR 2015, c. 2, §17 (COR). PL 2015, c. 214, §6 (AMD). PL 2019, c. 8, §1 (AMD). PL 2021, c. 658, §187 (AMD).

#### §1072. Clubs

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to clubs, as defined in section 2, subsection 15, paragraph D.

[PL 1997, c. 373, §99 (AMD).]

**2. Requirements.** Except as provided in subsection 3, for at least one year immediately before filing the application for a license, a club must have:

A. Been in continuous operation and existence; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Regularly occupied as owner or lessee a suitable clubhouse or quarters for use of club members; [PL 2021, c. 658, §188 (AMD).]

C. Held regular meetings; [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. Conducted its business through officers regularly elected; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Charged and collected dues from club members. [PL 2021, c. 658, §188 (AMD).]

[PL 2021, c. 658, §188 (AMD).]

**3. Exception to one-year requirement.** Any organization in the State having a charter from a national organization is exempt from the one-year requirement of subsection 2 if it has been established for not less than 3 months.

[PL 1993, c. 730, §44 (AMD).]

**4. Register of club members.** Every club shall keep and maintain a register of the name, identity and address of each club member. The club shall allow any liquor inspector or other authorized agent of the bureau to inspect the register at any reasonable time.

[PL 2021, c. 658, §189 (AMD).]

**5. Sale of liquor only to club members and guests; exception.** Except as provided in paragraph A or B, licensed clubs may not sell liquor to anyone except club members and their guests accompanying them.

A. Licensed veterans' and fraternal organizations and social clubs may sell liquor to members of the same national or affiliated international organization and to members of auxiliaries of the same national or affiliated international organization and their guests accompanying them. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. At the discretion of and by agreement with the bureau, a licensed veterans' organization may, subject to time-of-day and seasonal limitations defined at the time of license approval, sell liquor to the public if the organization has a valid license and is located on an island off the coast of the

State that is provided with ferry service pursuant to Title 23, Part 6 and Title 35-A, chapter 51. When a licensed veterans' organization sells liquor to the public pursuant to this paragraph, the premises at which the liquor is sold are deemed a public place for purposes of Title 22, chapter 262 during the time the public is invited or allowed to be present, and smoking, as defined in Title 22, section 1541, subsection 6, is prohibited during that time. [PL 2021, c. 658, §190 (AMD).]  
[PL 2021, c. 658, §190 (AMD).]

**6. Sales in original containers forbidden.** A club may not sell spirits in the original container. [PL 2021, c. 658, §191 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §96 (AMD). PL 1993, c. 730, §44 (AMD). PL 1997, c. 373, §99 (AMD). PL 2019, c. 44, §1 (AMD). PL 2021, c. 658, §§188-191 (AMD).

#### §1073. Indoor racquet centers; indoor ice skating centers; golf courses; curling centers; and disc golf courses

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor for on-premises consumption to curling centers, disc golf courses, golf courses, indoor ice skating centers and indoor racquet centers as defined in section 2, subsection 15, paragraphs D-1, F-1, G, J and K, respectively. [PL 2021, c. 658, §192 (AMD).]

**2. Food availability.** A licensee under this section shall offer food for sale to the public at all times that liquor is for sale. [PL 2021, c. 658, §192 (AMD).]

**3. Separate area for sale of food and liquor.** A licensee under this section shall set aside a separate area for the sale and consumption of food and liquor in accordance with the rules of the bureau. [PL 2021, c. 658, §192 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 244, §6 (AMD). PL 1995, c. 558, §§4-6 (AMD). PL 1997, c. 373, §100 (AMD). PL 2017, c. 167, §20 (AMD). PL 2021, c. 658, §192 (AMD).

#### §1073-A. Bowling centers

**1. Issuance of licenses.** The bureau may issue a license under this section for the sale of spirits, wine and malt liquor for on-premises consumption to a bowling center as defined in section 2, subsection 15, paragraph B-1. [PL 2021, c. 658, §193 (NEW).]

**2. Separate area for sale of food and liquor.** A licensee under this section shall set aside a separate area for the sale and consumption of food and liquor in accordance with the rules of the bureau. The separate area may not include the area in which the game of bowling is conducted. [PL 2021, c. 658, §193 (NEW).]

**3. Income from sale of food requirement.** At least 10% of the gross annual income of a bowling center licensed under this section, not including income from the bowling business, must be from the sale of food. [PL 2021, c. 658, §193 (NEW).]

**4. Bureau to determine whether new applicant would probably meet sale of food requirement.** The bureau may not issue an initial license to a bowling center unless it determines that the applicant would probably meet the requirements of subsection 3. [PL 2021, c. 658, §193 (NEW).]

**5. Proof of compliance with sale of food requirement for license renewal.** The bureau may not renew a bowling center's license under this section unless the licensee furnishes the bureau with proof that the previous year's business met the requirements of subsection 3. If the bureau determines that the licensee has not satisfied the requirements of subsection 3, the bureau may renew the license for only one year, during which the licensee must meet the requirements of subsection 3 to be eligible for further license renewal.

[PL 2021, c. 658, §193 (NEW).]

#### SECTION HISTORY

PL 2021, c. 658, §193 (NEW).

#### §1074. Outdoor stadiums

##### (CONFLICT)

**1. (CONFLICT: Text as amended by PL 2021, c. 598, §6) Issuance of licenses.** The bureau may issue a license under this section for the sale of malt liquor, wine and spirits for on-premises consumption to an outdoor stadium, as defined in section 2, subsection 15, paragraph M. A concessionaire or lessee may be issued a license under this section, regardless of whether it controls the premises, as long as that concessionaire or lessee complies with the notice provisions applicable to qualified catering services in section 1076, subsection 7 prior to exercising the license.

[PL 2021, c. 598, §6 (AMD).]

**1. (CONFLICT: Text as amended by PL 2021, c. 658, §194) Issuance of licenses.** The bureau may issue a license under this section for the sale of malt liquor and wine for on-premises consumption to an outdoor stadium, as defined in section 2, subsection 15, paragraph M. A concessionaire or lessee may be issued a license under this section, regardless of whether it controls the premises, as long as that concessionaire or lessee complies with the notice provisions applicable to qualified catering services in section 1076, subsection 7 prior to exercising the license.

[PL 2021, c. 658, §194 (AMD).]

**2. No sales at events for children.** A licensee under this section may not sell malt liquor or wine at an outdoor stadium at any event primarily involving primary or secondary schoolchildren.

[PL 2021, c. 658, §194 (AMD).]

**3. Conditions on sales.** A licensee under this section may not sell malt liquor or wine in the spectator stands at an outdoor stadium. A licensee may sell malt liquor or wine only by the glass in plastic or paper cups.

[PL 2021, c. 658, §194 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §101 (AMD). PL 2021, c. 598, §6 (AMD). PL 2021, c. 658, §194 (AMD).

#### §1075. Auxiliary licenses

**1. Issuance of licenses.** Pursuant to section 1012, subsection 2 and subject to the requirements of subsection 1-A, the bureau may issue one auxiliary license under this section for the sale of spirits, wine or malt liquor for on-premises consumption at one additional premises to:

A. A Class A restaurant located at, a Class A restaurant/lounge located at, a Class A lounge located at or a hotel with a Class I license located at a ski area, golf course or disc golf course; or [PL 2021, c. 658, §195 (RPR).]

A-1. A golf course with a Class I license or a club with a Class I or Class V license located at a golf course or disc golf course. [PL 2021, c. 658, §195 (NEW).]

B. [PL 2021, c. 658, §195 (RP).]

C. [PL 2021, c. 658, §195 (RP).]

D. [PL 2021, c. 658, §195 (RP).]  
[PL 2021, c. 658, §195 (RPR).]

**1-A. Qualifications.** To qualify for an auxiliary license under this section:

A. The additional premises that will be subject to the auxiliary license must be located at the same ski area, golf course or disc golf course as the licensee's current Class A restaurant, Class A restaurant/lounge, Class A lounge, hotel, golf course or club; [PL 2021, c. 658, §195 (NEW).]

B. The additional premises must offer food for sale to the public, although the food need not be prepared at the additional premises; and [PL 2021, c. 658, §195 (NEW).]

C. The additional premises must be properly equipped, including with tables, chairs and restrooms.  
[PL 2021, c. 658, §195 (NEW).]  
[PL 2021, c. 658, §195 (NEW).]

**2. Sales for consumption on slopes or courses prohibited.** A licensee under this section may not sell liquor at a ski area for consumption on the slopes away from the licensed area. Except as provided in section 1075-A, a licensee under this section may not sell liquor at a golf course or disc golf course for consumption on the course away from the licensed area.  
[PL 2021, c. 658, §195 (RPR).]

**2-A. Sales for consumption on slopes or courses prohibited.**  
[PL 2005, c. 108, §3 (RP).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 410, §ZZ19 (AMD). PL 1993, c. 730, §45 (AMD). PL 1995, c. 195, §2 (AMD). PL 2003, c. 579, §§2,3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 108, §§2,3 (AMD). PL 2017, c. 17, §8 (AMD). PL 2021, c. 658, §195 (RPR).

#### §1075-A. Golf course and disc golf course mobile service bar

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

A. "Mobile service bar" means a golf cart or other similar vehicle staffed by an employee of the golf course or disc golf course and outfitted for storage, cooling or refrigeration and sale and service of liquor. [PL 2017, c. 167, §21 (AMD).]  
[PL 2017, c. 167, §21 (AMD).]

**2. License.** The bureau may issue a license for a mobile service bar to a licensee that owns a golf course or disc golf course or may issue a license for a mobile service bar to a licensee that is a Class A restaurant located at, a Class A restaurant/lounge located at or a hotel with a Class I license located at a golf course or disc golf course. The licensee shall ensure that:

A. All individuals selling, serving or dispensing liquor from a mobile service bar are employees of the golf course or disc golf course, except as provided in subsection 2-A; [PL 2017, c. 167, §22 (AMD).]

B. The licensee does not possess or permit possession, sale or consumption of any liquor on the golf course or disc golf course other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted; [PL 2017, c. 167, §22 (AMD).]

C. A sufficient number of employees are deployed to adequately control and ensure adherence to laws applying to the serving, sale and consumption of liquor on the golf course or disc golf course; [PL 2017, c. 167, §22 (AMD).]



D. Service or consumption of any liquor is not allowed in parking lots except as otherwise provided in this chapter; [PL 2003, c. 579, §4 (NEW).]

E. A licensee or licensee's employees do not allow patrons to leave the golf course or disc golf course with any liquor; [PL 2017, c. 17, §9 (AMD).]

F. Only one standard serving of liquor is served to a patron at a time; [PL 2021, c. 658, §196 (AMD).]

G. Signs are posted that state that a patron may not bring liquor onto the premises of the golf course or disc golf course; [PL 2017, c. 167, §22 (AMD).]

H. Signs are placed on the mobile service bar that state that service or consumption of any liquor by a person under 21 years of age is prohibited; [PL 2003, c. 579, §4 (NEW).]

I. Liquor from a mobile service bar is purchased and consumed only by those patrons engaged in a round of golf or disc golf; [PL 2017, c. 167, §22 (AMD).]

J. The operator of a mobile service bar is at least 21 years of age and has successfully completed an alcohol server education course; and [PL 2003, c. 579, §4 (NEW).]

K. The operator of a mobile service bar has the ability and necessary tools to immediately contact a golf course or disc golf course employee working at the part of the golf course or disc golf course licensed as an on-premises establishment or an employee of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course or disc golf course for assistance in enforcing the provisions of this section. [PL 2017, c. 17, §9 (AMD).]

[PL 2021, c. 658, §196 (AMD).]

**2-A. Municipal golf course.** Notwithstanding subsection 2, paragraph A, employees of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course or disc golf course that does not have a license to serve liquor may sell, serve or dispense liquor from a mobile service bar under the same conditions prescribed by subsection 2.

[PL 2017, c. 167, §23 (AMD).]

**3. Bringing liquor to course prohibited; penalty.** A person who brings liquor onto the premises of a golf course or disc golf course commits a civil violation for which a fine of not less than \$250 nor more than \$1,500 may be adjudged.

[PL 2021, c. 658, §197 (AMD).]

**4. Revocation and suspension of license.** Notwithstanding section 803, subsection 4, a licensee under this section that commits a violation of law or rule for which that license may be revoked or suspended may also be subject to the revocation or suspension of any other licenses that that licensee holds to sell liquor for on-premises consumption.

[PL 2021, c. 658, §198 (AMD).]

**5. Transportation of open containers prohibited.** A patron of a golf course or disc golf course licensed under this section who operates a golf cart is prohibited from transporting an open container of liquor across a public way. For the purposes of this subsection, "public way" has the same meaning as in Title 29-A, section 2112-A, subsection 1, paragraph D.

[PL 2021, c. 658, §199 (AMD).]

#### **6. Repeal.**

[PL 2005, c. 108, §6 (RP).]

#### SECTION HISTORY

PL 2003, c. 579, §4 (NEW). PL 2005, c. 108, §§4-6 (AMD). PL 2009, c. 472, §§1-3 (AMD). PL 2017, c. 17, §9 (AMD). PL 2017, c. 167, §§21-23 (AMD). PL 2021, c. 658, §§196-199 (AMD).

#### **§1076. Qualified catering services**

**1. Issuance of licenses.** Notwithstanding any other provision of law, the bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to qualified catering services as defined in section 2, subsection 15, paragraph P.

A. "Premises," as used in this section, means the premises where the qualified catering service is selling and serving liquor, either its principal place of business or the premises where the event being catered is held. [PL 1987, c. 342, §97 (NEW).]  
[PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

**2. Compliance with local option decisions.** The bureau may license only those qualified catering services whose principal places of business are located in municipalities that have previously voted affirmatively on questions pertaining to on-premises sales as provided in chapter 5 or whose principal places of business are located in unincorporated places in which on-premises sales are authorized as provided in chapter 5.

A. Every event catered by the qualified catering service must also be located in a municipality that has previously voted affirmatively on questions pertaining to on-premises sales as provided in chapter 5 or in an unincorporated place in which on-premises sales have been authorized as provided in chapter 5. [PL 2021, c. 658, §200 (AMD).]  
[PL 2021, c. 658, §200 (AMD).]

**3. Income from sale of food requirement.** At least a minimum amount of gross annual income of a qualified catering service licensed under this section, not including income from the sale of food placed in vending machines, must be from the sale of food for each qualified catering service. The income from sale of food requirement is based on the population of the municipality in which the qualified catering service is located. For purposes of this section, "year-round" means operated for more than 6 months in a year.

A. In municipalities having a population of over 50,000 persons:

- (1) Year-round qualified catering services must have a minimum gross income of \$50,000 a year from the sale of food to the public; and
- (2) Part-time qualified catering services must have a minimum gross income of:
  - (a) Thirty thousand dollars from the sale of food to the public if the catering service operates for more than 3 months but no more than 6 months in a year; and
  - (b) Twenty thousand dollars from the sale of food to the public if the catering service operates for no more than 3 months in a year. [PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

B. In municipalities having a population of 30,001 to 50,000 persons:

- (1) Year-round qualified catering services must have a minimum gross income of \$40,000 a year from the sale of food to the public; and
- (2) Part-time qualified catering services must have a minimum gross income of:
  - (a) Twenty-five thousand dollars from the sale of food to the public if the catering service operates for more than 3 months but no more than 6 months in a year; and
  - (b) Twenty thousand dollars from the sale of food to the public if the catering service operates for no more than 3 months in a year. [PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

C. In municipalities having a population of 20,001 to 30,000 persons:

- (1) Year-round qualified catering services must have a minimum gross income of \$30,000 a year from the sale of food to the public; and
- (2) Part-time qualified catering services must have a minimum gross income of:

- (a) Twenty thousand dollars from the sale of food to the public if the catering service operates for more than 3 months but no more than 6 months in a year; and
- (b) Ten thousand dollars from the sale of food to the public if the catering service operates for no more than 3 months in a year. [PL 2021, c. 658, §201 (AMD).]

D. In municipalities having a population of 7,501 to 20,000 persons:

- (1) Year-round qualified catering services must have a minimum gross income of \$15,000 a year from the sale of food to the public; and
- (2) Part-time qualified catering services must have a minimum gross income of \$10,000 from the sale of food to the public if the catering service operates for no more than 6 months in a year. [PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

E. In unincorporated places and in municipalities having a population of 7,500 persons or less:

- (1) Year-round qualified catering services must have a minimum gross income of \$5,000 a year from the sale of food to the public; and
- (2) Part-time qualified catering services must have a minimum gross income of \$2,500 from the sale of food to the public if the catering service operates for no more than 6 months in a year. [PL 2021, c. 658, §201 (AMD).]

[PL 2021, c. 658, §201 (AMD).]

**4. Bureau to determine whether new applicant would probably meet sale of food requirement.** The bureau may not issue an initial license to a qualified catering service unless it determines that the applicant would probably meet the requirements of subsection 3. [PL 2021, c. 658, §202 (AMD).]

**5. Proof of compliance with sale of food requirement for license renewal.** The bureau may not renew a qualified catering service's license unless the licensee furnishes the bureau with proof that the previous year's business met the requirements of subsection 3. If the bureau determines that the licensee has not satisfied the requirements of subsection 3, it may renew the license for only one year, during which the licensee must meet the requirements of subsection 3 to be eligible for further license renewal. [PL 2021, c. 658, §203 (AMD).]

**6. Income from vending machines not included.**  
[PL 2021, c. 658, §204 (RP).]

**7. Provision of liquor at places other than principal place of business.** Licensed qualified catering services that would like to provide the service of liquor at locations other than their principal places of business shall file an application with the bureau at least 24 hours in advance of any function or event at which liquor is to be sold or served. Application must be made on a form provided by the bureau and must contain the following:

- A. Date, time and approximate duration; [PL 1987, c. 45, Pt. A, §4 (NEW).]
- B. Location; [PL 1987, c. 45, Pt. A, §4 (NEW).]
- C. Name and address of the person or persons, firm or corporation making arrangements; [PL 1987, c. 45, Pt. A, §4 (NEW).]
- D. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality in which the catered function or event is to be held, which, notwithstanding the provisions of section 653, may be granted without public notice. The bureau shall accept approval required under this paragraph in electronic form submitted by the applicant or directly by the municipality to the bureau; and [PL 2017, c. 260, §2 (AMD).]

E. Any other information the bureau considers necessary. [PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

[PL 2017, c. 260, §2 (AMD).]

**8. Ruling on application.** The bureau shall approve or deny the application to provide service of liquor at a location other than the principal place of business, and shall immediately notify the applicant of its decision.

[PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

**9. No additional fee.** The bureau may not charge a fee for provision of the service of liquor at locations other than the principal place of business in addition to the license fee paid by the qualified catering service.

[PL 1993, c. 410, Pt. ZZ, §20 (AMD).]

**10. Self-sponsored event permit.** The bureau may issue a self-sponsored event permit to a qualified catering service in addition to a license issued in accordance with this section. A self-sponsored event permit authorizes the licensee to serve spirits, wine and malt liquor at an event sponsored by the licensee at the facility that is the licensee's principal place of business as a qualified catering service. The permit allows for up to 100 self-sponsored events per year under the following conditions:

A. The licensee submits an application as prescribed by the bureau; [PL 2009, c. 530, §1 (NEW).]

B. The primary business of the licensee does not involve serving liquor on a day-to-day basis at self-sponsored events; [PL 2021, c. 658, §205 (AMD).]

C. The licensee notifies the bureau of a self-sponsored event a minimum of 3 business days prior to the event by first class mail, facsimile transmission, electronic mail or other method prescribed by the bureau; [PL 2009, c. 530, §1 (NEW).]

D. The licensee provides at a self-sponsored event a diverse selection of food, primarily prepared from a complete kitchen at the licensee's facility and served at multiple food stations or a buffet service or passed by servers or served as a plated sit-down meal. The selection of food must include more than snack foods such as potato chips, crackers, pretzels or nuts, but snack foods may be used in the preparation of a meal or as an accompaniment to a prepared meal; [PL 2009, c. 530, §1 (NEW).]

E. If liquor is served later than 9:00 p.m. at a self-sponsored event and after the service of food described in paragraph D is complete, the licensee continues to offer food, which may be lighter than a buffet service or a sit-down meal, such as sandwiches and pizza; [PL 2009, c. 530, §1 (NEW).]

F. Self-sponsored events are public or private events requiring an admission fee for the service of food and beverages by the licensee that may include visual or participatory entertainment provided by the licensee in accordance with the laws and rules governing this Title; and [PL 2009, c. 530, §1 (NEW).]

G. Self-sponsored events do not exceed 7 hours. [PL 2009, c. 530, §1 (NEW).]

The license fee for a self-sponsored event permit is \$700 annually. Renewal of a permit under this subsection must coincide with renewal of the license issued in accordance with this section.

[PL 2021, c. 658, §205 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§97-99 (AMD). PL 1987, c. 360 (AMD). PL 1993, c. 410, §ZZ20 (AMD). PL 2009, c. 530, §1 (AMD). PL 2017, c. 260, §2 (AMD). PL 2021, c. 658, §§200-205 (AMD).

**§1077. Public service corporations**

**1. Licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor by vessel corporations, railroad corporations and airline corporations in their vessels, passenger cars, dining cars and aircraft.

[PL 2021, c. 658, §206 (AMD).]

**2. Vessel corporations.** The requirements and conditions for licenses for vessel corporations are as follows.

A. The bureau may not require that the vessels operated by vessel corporations be equipped to supply food or provide food service. [PL 2021, c. 658, §206 (AMD).]

B. Except as provided in subparagraph (1), licenses issued under this section to vessel corporations operating vessels on coastal waters authorize the licensees to sell liquor on board those vessels after leaving and before reaching ports on coastal waters. Except as provided in subparagraph (1), licenses issued under this section to vessel corporations operating vessels on inland waters within the State authorize the licensees to sell liquor on board those vessels after leaving and before reaching docks on inland waters within the State.

(1) A licensee may sell liquor for consumption on board a vessel that is in port or docked only if prior approval for the sale is obtained from the bureau under the license application procedure in section 653. A separate approval must be obtained for each port or dock location from which on-board sales of liquor are to be made. [PL 2021, c. 658, §206 (AMD).]

C. A vessel corporation licensed to sell liquor under this section may sell liquor on Sundays only between the hours of 5 a.m. and 1 a.m. the following day on board vessels operating on inland waters or on coastal waters. [PL 2021, c. 658, §206 (AMD).]

D. Notwithstanding the provisions of sections 121 and 122, a vessel corporation licensed under this section may sell liquor on board vessels operating on inland waters without approval of the municipal officers or, in the case of unincorporated places, the county commissioners. [PL 2021, c. 658, §206 (AMD).]

For purposes of this subsection, "coastal waters" has the same meaning as in Title 12, section 6001, subsection 6.

[PL 2021, c. 658, §206 (AMD).]

**3. Railroad corporations.** The requirements and conditions for licenses for railroad corporations are as follows.

A. The license issued to a railroad corporation operating dining cars or passenger cars within the State authorizes the licensee to sell liquor to be consumed in those dining cars or passenger cars only after leaving and before reaching the terminal stops. [PL 2021, c. 658, §206 (AMD).]

[PL 2021, c. 658, §206 (AMD).]

**4. Airline corporations.** The requirements and conditions for licenses for airline corporations are as follows.

A. The license issued to an airline corporation operating aircraft within the State authorizes the licensee to sell liquor in those aircraft to be consumed in the aircraft only after leaving and before reaching airports within the State. [PL 2021, c. 658, §206 (AMD).]

[PL 2021, c. 658, §206 (AMD).]

**5. License sufficient throughout the State.** One license issued under this section is sufficient to cover all vessels, passenger cars, dining cars or aircraft operated by the licensed public service corporation.

[PL 2021, c. 658, §206 (AMD).]

## SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §100 (AMD). PL 1997, c. 373, §§102,103 (AMD). PL 1997, c. 656, §§2-4 (AMD). PL 2015, c. 74, §5 (AMD). PL 2021, c. 658, §206 (AMD).

**§1078. Vessel corporations owned by certificate of approval holders****(REPEALED)**

## SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

**§1079. International air terminals****(REPEALED)**

## SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §101 (RPR). PL 1997, c. 373, §104 (AMD). PL 2021, c. 658, §207 (RP).

**§1080. Common consumption areas**

**1. Issuance of licenses.** The bureau may issue a common consumption area license under this section to a licensed auditorium, hotel, restaurant, Class A restaurant or Class A restaurant/lounge or a manufacturer licensed under section 1355-A if:

A. The auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or manufacturer is a licensed establishment located within an entertainment district established in accordance with section 221; [PL 2019, c. 281, §10 (NEW).]

B. The premises of the auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or manufacturer are adjacent to the common consumption area or, if the auditorium is an outdoor facility, the premises of the auditorium are adjacent to or within the common consumption area; [PL 2019, c. 281, §10 (NEW).]

C. The common consumption area is properly equipped with tables, chairs and restrooms; [PL 2019, c. 281, §10 (NEW).]

D. The common consumption area has obtained any required licensing from the Department of Health and Human Services; and [PL 2019, c. 281, §10 (NEW).]

E. The bureau has not yet issued the maximum number of common consumption area licenses permitted by the entertainment district ordinance. [PL 2019, c. 281, §10 (NEW).]

[PL 2019, c. 281, §10 (NEW).]

**2. Authority.** A common consumption area license authorizes the licensee to permit the licensee's customers to consume within the common consumption area any spirits, wine or malt liquor sold by the licensee under the authority of the licensee's auditorium, hotel, restaurant, Class A restaurant, Class A restaurant/lounge or manufacturer license.

[PL 2019, c. 281, §10 (NEW).]

**3. Restrictions.** A common consumption area licensee may permit the licensee's customers to consume liquor purchased from the licensee only on the premises of the licensee or within the boundaries of the common consumption area approved by the municipal officers and the bureau. The common consumption area must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

[PL 2019, c. 281, §10 (NEW).]

## SECTION HISTORY

PL 2019, c. 281, §10 (NEW).

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