TITLE 28-A

LIQUORS

PART 1

GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

§1. Compliance required; penalty

Except as otherwise provided by law, a person that purchases, imports, causes to be imported, transports, causes to be transported, manufactures, possesses, sells or offers for sale alcohol in violation of law commits a Class E crime. [PL 2021, c. 658, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §2 (AMD).

§1-A. License required

Unless specifically provided under this Title, a person may not engage in wholesale or retail sales of liquor without a license issued in accordance with this Title. [PL 2013, c. 476, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §1 (NEW).

§2. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Agency liquor store. "Agency liquor store" means a person that is licensed by the bureau to sell spirits, wine and malt liquor to be consumed off the premises.
[PL 2021, c. 658, §3 (AMD).]

2. Alcohol. "Alcohol" means the substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes or other substances, and includes all dilutions and mixtures of these substances.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2-A. Alcohol bureau.
[PL 2013, c. 368, Pt. V, §5 (RP).]

2-B. Barrel. "Barrel" means 31 United States gallons.
[PL 2019, c. 529, §1 (NEW).]

2-C. Bed and breakfast guest. "Bed and breakfast guest" means a person whose name and address are registered on a registry maintained by a bed and breakfast and who is the bona fide occupant of a room of the bed and breakfast.
[PL 2021, c. 658, §4 (NEW).]

2-D. Bottle, the verb. The verb "bottle" means to package spirits, wine or malt liquor for sale in containers.
[PL 2021, c. 658, §5 (NEW).]

3. Bottle club. "Bottle club" means a person operating on a regular, profit or nonprofit basis a facility for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintains suitable facilities for the use of members on a regular basis or charges an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor. As used in this definition, "regularly" includes daily, weekly or monthly, but does not include once a year or less often. A bottle club is not a public place, as defined in Title 17, section 2003-A.

A. "Bottle club premises" includes all parts of contiguous real estate occupied by the bottle club over which the bottle club owner has direct or indirect control or interest and which the bottle club owner uses in the operation of the bottle club. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Bottler. "Bottler" means a person that packages spirits, wine or malt liquor for sale in containers and is not engaged in distilling, brewing, fermenting or rectifying liquor.
[PL 2021, c. 658, §6 (AMD).]

5. Brewery. "Brewery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing malt liquor by fermentation of malt, wholly or partially, or any substitute for malt; or [PL 2021, c. 658, §7 (NEW).]

B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added. [PL 2021, c. 658, §7 (NEW).]
[PL 2021, c. 658, §7 (AMD).]

6. Bureau. "Bureau" means the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.
[PL 2013, c. 368, Pt. V, §6 (AMD).]

6-A. B.Y.O.B. function. "B.Y.O.B. function" means an event held by a B.Y.O.B. sponsor where:

A. The general public is invited; [PL 1993, c. 266, §1 (NEW).]

B. Admission is or is not charged; [PL 1993, c. 266, §1 (NEW).]

C. A person brings liquor for personal consumption; [PL 1993, c. 266, §1 (NEW).]

D. No liquor is sold; and [PL 1993, c. 266, §1 (NEW).]

E. Entertainment is provided. [PL 1993, c. 266, §1 (NEW).]
[PL 1993, c. 266, §1 (NEW).]

6-B. B.Y.O.B. sponsor. "B.Y.O.B. sponsor" means a person who conducts or holds a B.Y.O.B. function and is not required to register as a bottle club pursuant to section 161.
[RR 2017, c. 1, §16 (COR).]

6-C. Business entity. "Business entity" means a partnership, corporation, firm, association or other legal entity.
[PL 2021, c. 658, §8 (NEW).]

7. Catering. "Catering" means service of liquor with or without food by a person to groups at a prearranged function.

A. "Off-premises catering" means service of liquor with or without food by a licensee to groups at prearranged functions located at a place other than the licensee's premises. [PL 2021, c. 658, §9 (AMD).]

B. "On-premises catering" means service of liquor with or without food by a licensed club having the catering privilege to groups of nonmembers at prearranged functions. [PL 2021, c. 658, §9 (AMD).]

[PL 2021, c. 658, §9 (AMD).]

8. Certificate of approval holder. "Certificate of approval holder" means:

A. An in-state manufacturer of malt liquor, wine or spirits licensed under section 1355-A; [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

B. An out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361; or [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

C. An out-of-state spirits supplier that has been issued a certificate of approval by the bureau under section 1381. [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

[PL 2019, c. 615, §1 (RPR); PL 2019, c. 615, §7 (AFF).]

8-A. Chief.

[PL 2003, c. 451, Pt. T, §8 (RP).]

8-B. Commission. "Commission" means the State Liquor and Lottery Commission established in Title 5, section 12004-G, subsection 14.

[PL 1997, c. 373, §13 (NEW).]

9. Commission.

[PL 1993, c. 730, §6 (RP).]

9-A. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2013, c. 368, Pt. V, §7 (AMD).]

9-B. Club member. "Club member" means a person who, whether as a charter member or admitted in accordance with the bylaws of the club, is a bona fide member of that club and who maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address are entered on the list of members. A person who does not have full club privileges may not be considered a bona fide member.

[PL 2021, c. 658, §10 (NEW).]

10. Corporation. "Corporation" means a corporation organized and incorporated under the laws of the State or authorized to transact business within the State.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

10-A. Director.

[PL 1993, c. 730, §7 (RP).]

10-B. Dining car or passenger car. "Dining car" or "passenger car" means a railroad car in which food and liquor are served.

[PL 2021, c. 658, §11 (NEW).]

11. Distillery. "Distillery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing spirits by the process of distillation; or [PL 2021, c. 658, §12 (NEW).]

B. Producing low-alcohol spirits products. [PL 2021, c. 658, §12 (NEW).]

[PL 2021, c. 658, §12 (RPR).]

11-A. Farm winery.
[PL 2011, c. 629, §1 (RP).]

11-B. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and [PL 1999, c. 535, §1 (NEW).]

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume. [PL 1999, c. 535, §1 (NEW).]
[PL 1999, c. 535, §1 (NEW).]

11-C. Electronic funds transfer. "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.
[PL 2013, c. 476, Pt. A, §2 (AMD).]

11-D. Entertainment district. "Entertainment district" means an area that is located within a municipality that is established by ordinance of the municipal legislative body in accordance with section 221.
[PL 2019, c. 281, §1 (NEW).]

11-E. Full meal. "Full meal" means a meal consisting of a diversified selection of food that ordinarily cannot be consumed without the use of tableware and that cannot be conveniently consumed while standing or walking.
[PL 2021, c. 658, §13 (NEW).]

12. Fortified wine.
[PL 1993, c. 462, §1 (RP).]

12-A. Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than 8.5% alcohol by volume.
[PL 2015, c. 441, §1 (AMD); PL 2015, c. 441, §2 (AFF).]

12-B. Hotel guest. "Hotel guest" means a person whose name and address are registered on a registry maintained by a hotel and who is the bona fide occupant of a room of the hotel.
[PL 2021, c. 658, §14 (NEW).]

12-C. International air terminal. "International air terminal" means a terminal in an airport served by one or more bona fide international airlines.
[PL 2021, c. 658, §15 (NEW).]

12-D. International passenger in transit. "International passenger in transit" means an airline passenger who is in transit and whose point of origin or point of destination is a foreign country.
[PL 2021, c. 658, §16 (NEW).]

13. Imitation liquor. "Imitation liquor" means any product containing less than 1/2 of 1% alcohol by volume which seeks to imitate by appearance, taste and smell liquor or which is designed to carry the impression to the purchaser that the beverage has an alcohol content. "Imitation liquor" includes, but is not limited to, products bearing the brand names "Near Beer," "Brew" or "Champaigne-0."
[PL 1987, c. 45, Pt. A, §4 (NEW).]

13-A. Law enforcement officer. "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to

perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C.
[PL 2013, c. 133, §23 (AMD).]

13-B. Keg. "Keg" means a container capable of holding at least 5 gallons of liquid.
[PL 2019, c. 46, §1 (NEW).]

14. Licensee. "Licensee" means a person licensed by the bureau. "Licensee" includes, but is not limited to, agency liquor stores and certificate of approval holders.
[PL 2013, c. 368, Pt. V, §9 (AMD).]

15. Licensed establishment. "Licensed establishment" means premises to which a license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed premises applies and any person or organization that is licensed to sell spirits, wine or malt liquor during the times and in the places and manners as specified in the license. The following may be licensed establishments.

A. "Airline corporation" means a person operating regularly scheduled intrastate or interstate passenger air transportation. [PL 2021, c. 658, §17 (AMD).]

B. "Auditorium" means a commercially operated indoor or outdoor facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts that charges a fee and has adequate facilities for the sale and consumption of liquor. [PL 2021, c. 658, §17 (AMD).]

B-1. "Bowling center" means an indoor facility that operates at least 8 regulation lanes for the purpose of conducting the game of bowling, that is open to the public and that has adequate facilities for the sale and consumption of liquor. [PL 2021, c. 658, §17 (AMD).]

B-2. "Bed and breakfast" means a place that advertises itself as a bed and breakfast where the public for a fee may obtain overnight accommodations that include a sleeping room or rooms and at least one meal per day. [RR 2017, c. 1, §17 (COR).]

C. "Civic auditorium" means a municipal, county or state or a quasi-municipal, quasi-county or quasi-state owned or operated auditorium or civic center. [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. "Club" means a group of individuals incorporated and operating in a bona fide manner solely for purposes of recreational, social, patriotic or fraternal nature and not for pecuniary gain. [PL 2021, c. 658, §17 (AMD).]

D-1. "Curling center" means a facility that offers curling facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §1 (AMD).]

D-2. "Common consumption area" means an area designated as a common area within an entertainment district in which customers of more than one common consumption area licensee are permitted to consume spirits, wine and malt liquor sold by the common consumption area licensees. [PL 2019, c. 281, §3 (NEW).]

E. [PL 2021, c. 658, §17 (RP).]

F. [PL 1987, c. 342, §4 (RP).]

F-1. "Disc golf course" means a commercially operated facility that offers disc golfing facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. A disc golf course must have no fewer than 18 disc golfing holes with a total distance of no less than 5,000 feet per 18 disc golfing holes and must have a value of not less than $50,000. [PL 2023, c. 44, §2 (AMD).]

G. "Golf course" means a commercially operated facility, whether publicly or privately owned, that offers golfing facilities to the public for a fee, including a regulation-size golf course of no fewer than 9 holes and an average total of not less than 1,200 yards per 9 holes, that has a value of

not less than $100,000 and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §3 (AMD).]

H. "Hotel" means a place where the public obtains sleeping accommodations for consideration and where food is offered for sale to the public, whether or not under one roof. Nothing in this paragraph may be held to prevent the bureau from issuing a part-time license to a bona fide part-time hotel. [PL 2021, c. 658, §17 (AMD).]

I. "Incorporated civic organization" means an organization incorporated as a corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or charitable purpose, including but not limited to relief of poverty, advancement of education and the arts, promotion of social health, safety and welfare, fostering community and economic development, protection against animal cruelty, combating community deterioration, lessening the burdens of government and providing assistance to the underprivileged and distressed. [PL 2021, c. 658, §17 (AMD).]

I-1. "Indoor golf center" means a commercially operated indoor facility that offers golf simulator facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §4 (NEW).]

J. "Indoor ice skating center" means a commercially operated indoor facility that offers ice skating facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §5 (AMD).]

K. "Indoor racquet center" means a commercially operated indoor facility with 4 or more courts or areas designed or used for the playing of a racquet sport, that is open to the public for a fee and that has adequate facilities for the sale and consumption of liquor. Racquet sports include tennis, squash, handball, paddleball, pickleball and badminton. [PL 2023, c. 44, §6 (AMD).]

K-1. [PL 2021, c. 658, §17 (RP).]

L. "Class A lounge" means a place where liquor is sold at tables, booths and counters. [PL 2023, c. 44, §7 (AMD).]

L-1. "Minibar" means a self-contained locking cabinet, refrigerated or unrefrigerated, designed for storing, dispensing and selling liquor and related merchandise. [PL 2021, c. 658, §17 (NEW).]

L-2. "Outdoor golf center" means a commercially operated outdoor facility with areas for practicing golf shots with rentable golf clubs and balls, which may include a miniature golf course that has adequate facilities for the sale and consumption of liquor. "Outdoor golf center" does not mean a golf course as defined in paragraph G. [PL 2023, c. 44, §8 (NEW).]

M. "Outdoor stadium" means a commercially operated outdoor facility with 3,000 or more fixed seats that is designed or used for the playing of a sport or for an event, that is open to the public for a fee and that has adequate facilities for the sale and consumption of wine, malt liquor and spirits. [PL 2021, c. 598, §1 (AMD); PL 2021, c. 658, §17 (AMD).]

N. "Performing arts center" means a charitable or nonprofit corporation incorporated as a corporation without capital stock under Title 13, chapter 81 and that has as its primary purpose the encouragement, promotion and presentation of the arts for the benefit of the public. [PL 2021, c. 658, §17 (AMD).]

N-1. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation pool tables and generates at least 50% of its gross annual income from the sale of games of pool or the rental of pool tables. [PL 2021, c. 658, §17 (NEW).]

N-2. "Purveyor of spirits" means an agency liquor store licensed by the bureau under section 462 to conduct unlimited spirits taste-testing events on the agency liquor store's licensed premises. [PL 2025, c. 230, Pt. A, §1 (NEW).]

O. "Public service corporation" means an airline corporation, railroad corporation or vessel corporation operating in the State. [PL 2021, c. 658, §17 (AMD).]

P. "Qualified catering service" means a catering establishment as defined in Title 22, chapter 562 and licensed by the Department of Health and Human Services. [PL 2021, c. 658, §17 (AMD).]

P-1. "Railroad corporation" means a corporation operating one or more dining cars or passenger cars within the State. [PL 2021, c. 658, §17 (NEW).]

Q. "Restaurant" means a place that is regularly used for the purpose of providing food for the public and that has adequate and sanitary kitchen and dining room equipment and capacity for preparing and serving suitable food for the public. [PL 2021, c. 658, §17 (AMD).]

R. "Class A restaurant" means a place that is regularly used for the purpose of providing full meals for the public on the premises, that is equipped with a separate and complete kitchen and that maintains adequate dining room equipment and capacity for preparing and serving full meals upon the premises. A Class A restaurant/lounge is not a Class A restaurant. [PL 2021, c. 658, §17 (AMD).]

R-1. "Class A restaurant/lounge" means a place that is regularly used for the purpose of providing full meals for the public on the premises, that is equipped with a separate and complete kitchen and that maintains adequate dining room equipment and capacity for preparing and serving full meals upon the premises but that:

(1) After 9 p.m., serves liquor and does not serve full meals; or

(2) Maintains a room or rooms, separate from the main restaurant space, in which full meals are not regularly served and where liquor is sold at tables, booths and counters. [PL 2021, c. 658, §17 (AMD).]

R-2. [PL 2003, c. 493, §7 (RP); PL 2003, c. 493, §14 (AFF).]

R-3. [PL 2003, c. 493, §7 (RP); PL 2003, c. 493, §14 (AFF).]

S. "Ship chandler" means a retail establishment supplying provisions, including malt liquor and wine, to ships of foreign registry. [PL 1987, c. 45, Pt. A, §4 (NEW).]

T. [PL 1987, c. 342, §7 (RP).]

T-1. "Tavern" means a place where malt liquor may be sold at tables, booths and counters. [PL 2023, c. 44, §9 (AMD).]

U. [PL 1987, c. 342, §9 (RP).]

V. [PL 2021, c. 658, §17 (RP).]

W. "Vessel corporation" means a corporation operating one or more vessels within the State. [PL 2021, c. 658, §17 (NEW).]

[PL 2025, c. 230, Pt. A, §1 (AMD).]

15-A. Liquor Licensing and Tax Division.
[PL 2013, c. 368, Pt. V, §10 (RP).]

16. Liquor. "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than 1/2 of 1% of alcohol by volume.
[PL 1997, c. 767, §2 (AMD).]

16-A. Low-alcohol spirits product. "Low-alcohol spirits product" means a product containing spirits that has more than 1/2 of 1% of alcohol by volume but no more than 8% of alcohol by volume. Beginning July 1, 2019, "low-alcohol spirits product" does not mean a flavoring, such as an extract or concentrate, added to a malt beverage or wine that:

A. May or may not contain alcohol; [PL 2017, c. 301, §1 (NEW).]

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and [PL 2017, c. 301, §1 (NEW).]

C. Is not, prior to being added to a malt beverage or wine, subject to excise tax under chapter 65. [PL 2017, c. 301, §1 (NEW).]

[PL 2021, c. 658, §18 (AMD).]

17. Maine farm winery.

[PL 1993, c. 730, §11 (RP).]

18. Malt liquor. "Malt liquor" means liquor:

A. For which no less than 51% of the total alcohol by volume derives from the fermentation of malt, one or more substitutes for malt or any combination of malt and one or more substitutes for malt; and [PL 2021, c. 658, §19 (NEW).]

B. For which no more than 49% of the total alcohol by volume derives from the fermentation of flavors, other nonbeverage ingredients and adjuncts, including honey, fruit, fruit juice, fruit concentrate, herbs, spices, maple syrup and other food materials. [PL 2021, c. 658, §19 (NEW).]

"Malt liquor" does not include beverages made with malt liquor to which spirits have been added.

[PL 2021, c. 658, §19 (RPR).]

19. Manufacturer. "Manufacturer" means a person who distills, rectifies, brews, ferments, bottles or otherwise produces liquor.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

19-A. Minibar.

[PL 2021, c. 658, §20 (RP).]

20. Minor. "Minor" means a person who has not reached the age of 21 years.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

20-A. Municipal legislative body. "Municipal legislative body" has the same meaning as in Title 30-A, section 2001, subsection 9.

[PL 2019, c. 281, §4 (NEW).]

21. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the members of the select board or councillors of a town and the assessors of plantations.

[PL 2021, c. 275, §13 (AMD).]

22. Municipality. "Municipality" means a city, town or plantation.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

23. Person. "Person" means an individual, partnership, corporation, firm, association or other legal entity.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

23-A. Pool hall.

[PL 2021, c. 658, §21 (RP).]

24. Premises. "Premises" means all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest that the licensee uses in the operation of the licensed business and that have been approved by the bureau as proper places for the exercise of the license privilege.

A. "Premises" includes the place where an incorporated civic organization sells or serves spirits, wine and malt liquor under a license obtained under section 1071. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. "Premises" includes the place where a B.Y.O.B. sponsor holds or conducts a B.Y.O.B. function under a permit obtained under section 163. [PL 1993, c. 266, §2 (NEW).]

[PL 1997, c. 373, §16 (AMD).]

25. Rectifier. "Rectifier" means a person that produces spirits or low-alcohol spirits products by combining spirits with other products.

[PL 2021, c. 658, §22 (AMD).]

25-A. Retail employee. "Retail employee" means any person employed by a retailer to sell liquor in a licensed establishment or agency liquor store. For the purposes of violations of this Title and rules of the bureau, a retail employee is deemed an agent of the retailer or agency liquor store that employs that employee.

[PL 2013, c. 368, Pt. V, §11 (AMD).]

26. Retail sale. "Retail sale" means any single sale of liquor for consumption on or off the premises where sold and whether in the original package or as a mixed drink for immediate consumption.

[PL 2017, c. 167, §2 (AMD).]

27. Retailer or retail licensee. "Retailer" or "retail licensee" means a person licensed by the bureau to engage in the purchase and resale of liquor in the original container or by the drink for on-premises or off-premises consumption. "Retailer" and "retail licensee" do not include wholesalers as defined in subsection 35.

A. "Off-premises retail licensee" means a person licensed to sell liquor in sealed bottles, containers or original packages to be consumed off the premises where sold. [PL 2021, c. 658, §23 (AMD).]

B. "On-premises retail licensee" means a person licensed to sell liquor to be consumed on the premises where sold. [PL 2021, c. 658, §23 (AMD).]

[PL 2021, c. 658, §23 (AMD).]

27-A. Reselling agent. "Reselling agent" means an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to a retail licensee licensed for on-premises consumption.

[PL 2001, c. 711, §1 (NEW).]

28. Sale or sell. "Sale" or "sell" means any transfer or delivery of liquor for a consideration.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

29. Small brewery. "Small brewery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing the person's own malt liquor by fermentation of malt, wholly or partially, or any substitute for malt; or [PL 2021, c. 658, §24 (NEW).]

B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added. [PL 2021, c. 658, §24 (NEW).]

"Small brewery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 30,000 barrels per year of malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added.

[PL 2021, c. 658, §24 (AMD).]

29-A. Small distillery. "Small distillery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing spirits by the process of distillation; or [PL 2021, c. 658, §25 (NEW).]

B. Producing low-alcohol spirits products. [PL 2021, c. 658, §25 (NEW).]

"Small distillery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 50,000 gallons per year of spirits and low-alcohol spirits products. [PL 2021, c. 658, §25 (AMD).]

29-B. Small winery. "Small winery" means a person that ferments and ages:

A. Up to 50,000 gallons per year of the person's own wine that is not hard cider; and [PL 2021, c. 658, §26 (AMD).]

B. Up to 3,000 barrels per year of the person's own wine that is hard cider. [PL 2021, c. 658, §26 (AMD).]

[PL 2021, c. 658, §26 (AMD).]

30. Sparkling wine. "Sparkling wine" means carbonated wine.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

31. Spirits. "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of spirits of any kind. "Spirits" does not include low-alcohol spirits products or fortified wine. Beginning July 1, 2019, "spirits" does not mean an additive or flavoring, such as an extract or concentrate, that:

A. Contains alcohol; [PL 2017, c. 301, §2 (NEW).]

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and [PL 2017, c. 301, §2 (NEW).]

C. Is not subject to excise tax under chapter 65. [PL 2017, c. 301, §2 (NEW).]

[PL 2019, c. 404, §2 (AMD).]

31-A. Spirits administration. "Spirits administration" means the management of spirits activities involving the distribution and sale of spirits by the bureau or the wholesale spirits provider. "Spirits administration" includes, but is not limited to, financial and performance management; profitable and responsible growth management; management of contracts; management of agency liquor store matters and orders; personnel management; monitoring and reporting of spirits inventory; management of bailment records and billing; management of accounts receivable, accounts payable and tax collection and reporting; and sales and profit reporting. "Spirits administration" does not include warehousing and distribution of spirits by the bureau.
[PL 2021, c. 658, §27 (AMD).]

31-B. Spirits trade marketing. "Spirits trade marketing" means oversight and management by the bureau or any person awarded a spirits trade marketing contract under section 90. "Spirits trade marketing" includes, but is not limited to, agency liquor store category management, analysis and recommendations; agency liquor store shelf reset recommendations; agency liquor store displays, advertising, point-of-sale material and event marketing recommendations; development, production and distribution of sales, marketing and informational publications; consultation and coordination with spirits suppliers on matters affecting their brands; and development, production and distribution of any social responsibility initiatives and compliance related to those initiatives.
[PL 2021, c. 658, §28 (AMD).]

31-C. Spirits supplier. "Spirits supplier" means a person that provides spirits for sale by the bureau in the State, including:

A. An in-state or out-of-state spirits manufacturer; [PL 2021, c. 658, §29 (NEW).]

B. A person that engages in the out-of-state purchase of spirits for resale to the bureau; and [PL 2021, c. 658, §29 (NEW).]

C. An agent or representative of a person described in paragraph A or B. [PL 2021, c. 658, §29 (NEW).]

[PL 2021, c. 658, §29 (NEW).]

31-D. Substitute for malt. "Substitute for malt" means rice, grain of any kind, bran, glucose, sugar and molasses and any other substitute for malt allowed by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.
[PL 2021, c. 658, §30 (NEW).]

32. State liquor store.
[PL 2013, c. 368, Pt. V, §12 (RP).]

32-A. Tenant brewery. "Tenant brewery" means a person that has submitted a brewer's notice to and received approval from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the person to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added at a manufacturing facility of another brewery that is licensed by the bureau.
[PL 2021, c. 658, §31 (AMD).]

32-B. Tenant winery. "Tenant winery" means a person who has been issued an approved application for an alternating proprietorship from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the winery to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce wine or hard cider at a manufacturing facility of another winery who is licensed by the bureau.
[PL 2015, c. 185, §1 (NEW).]

33. Unincorporated place. "Unincorporated place" means a place which is not incorporated as a municipality.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

33-A. Vessel. "Vessel" means a ship, vessel or boat of any kind used for navigation of the coastal waters or for commercial navigation of inland waters and licensed for carrying no fewer than 12 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard.
[PL 2025, c. 230, Pt. A, §2 (AMD).]

34. Wholesale licensee. "Wholesale licensee" means a person licensed by the bureau under section 1401 as an in-state wholesaler.
[PL 2021, c. 658, §33 (AMD).]

34-A. Wholesale spirits provider. "Wholesale spirits provider" means a person that has a contract under section 90 to serve as an agent of the State for the purpose of providing wholesale spirits to establishments licensed by the State to sell spirits for off-premises consumption.
[PL 2021, c. 658, §34 (NEW).]

35. Wholesaler. "Wholesaler" means a person that engages in the purchase and resale of malt liquor or wine, or both, in sealed bottles, containers or original packages, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, except during a taste-testing event conducted in accordance with the requirements of this Title.
[PL 2021, c. 658, §35 (AMD).]

36. Wine. "Wine" means liquor, other than malt liquor, containing not more than 24% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar or wine to which spirits have been added not to exceed 24% alcohol by volume. "Wine" includes, but is not limited to, hard cider, wine coolers, table wine, still wine, sparkling wine, champagne and fortified wine that do not contain more than 24% alcohol by volume.
[PL 2021, c. 658, §36 (AMD).]

37. Winery. "Winery" means a person that ferments and ages wine.

[PL 2021, c. 658, §37 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§2-13 (AMD). PL 1989, c. 158, §1 (AMD). PL 1989, c. 244, §1 (AMD). PL 1989, c. 526, §§1,28 (AMD). PL 1991, c. 376, §46 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §§VV1,2 (AMD). PL 1991, c. 591, §§VV1,2 (AMD). PL 1991, c. 780, §§Y122,123 (AMD). PL 1993, c. 266, §§1,2 (AMD). PL 1993, c. 410, §§ZZ1-5 (AMD). PL 1993, c. 462, §§1-5 (AMD). PL 1993, c. 730, §§4-12 (AMD). PL 1995, c. 558, §§1,2 (AMD). PL 1997, c. 373, §§10-20 (AMD). PL 1997, c. 656, §1 (AMD). PL 1997, c. 767, §§1-3 (AMD). PL 1999, c. 421, §3 (AMD). PL 1999, c. 535, §§1,2 (AMD). PL 1999, c. 760, §1 (AMD). PL 2001, c. 711, §1 (AMD). PL 2003, c. 451, §§T7,8 (AMD). PL 2003, c. 493, §7 (AMD). PL 2003, c. 493, §14 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 390, §1 (AMD). PL 2005, c. 539, §§1-3 (AMD). PL 2009, c. 142, §13 (AMD). PL 2009, c. 458, §1 (AMD). PL 2009, c. 652, Pt. A, §41 (AMD). PL 2011, c. 629, §§1-5 (AMD). PL 2013, c. 133, §23 (AMD). PL 2013, c. 269, Pt. A, §1 (AMD). PL 2013, c. 345, §1 (AMD). PL 2013, c. 368, Pt. V, §§5-12 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §2 (AMD). PL 2015, c. 185, §1 (AMD). PL 2015, c. 214, §1 (AMD). PL 2015, c. 441, §1 (AMD). PL 2015, c. 441, §2 (AFF). RR 2017, c. 1, §§16, 17 (COR). PL 2017, c. 17, §1 (AMD). PL 2017, c. 167, §§1, 2 (AMD). PL 2017, c. 301, §§1, 2 (AMD). PL 2019, c. 46, §1 (AMD). PL 2019, c. 281, §§1-4 (AMD). PL 2019, c. 404, §§1, 2 (AMD). PL 2019, c. 529, §§1-3 (AMD). PL 2019, c. 615, §1 (AMD). PL 2019, c. 615, §7 (AFF). PL 2021, c. 275, §13 (AMD). PL 2021, c. 598, §1 (AMD). PL 2021, c. 658, §§3-37 (AMD). PL 2023, c. 44, §§1-9 (AMD). PL 2025, c. 230, Pt. A, §§1, 2 (AMD).

§3. Payments by check

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 730, §13 (RPR). PL 1997, c. 373, §§21,22 (AMD). PL 2013, c. 368, Pt. V, §13 (RP).

§3-A. Payments

(REPEALED)

SECTION HISTORY

PL 2013, c. 368, Pt. V, §14 (NEW). PL 2013, c. 476, Pt. A, §3 (RP).

§3-B. Payments submitted to the bureau

1. Form of payment. The bureau may accept payment by check, credit card, debit card or electronic funds transfer from a licensee for:

A. Purchase of spirits; [PL 2021, c. 658, §38 (AMD).]

B. Payment of license fees, application fees, permit fees, excise taxes and premiums; and [PL 2013, c. 476, Pt. A, §4 (NEW).]

C. Payment of any other fees or taxes authorized by this Title. [PL 2013, c. 476, Pt. A, §4 (NEW).]

[PL 2021, c. 658, §38 (AMD).]

2. Timing of payment from agency liquor store. An agency liquor store, when approved by the bureau, may pay for spirits purchased from the bureau by mailing a check for payment to the bureau or the wholesale spirits provider when notified of the amount due or upon receiving a delivery of spirits. Payments remitted by check must be received or postmarked within 3 days of receipt of a delivery of

spirits or notification of the amount due. Payments remitted using electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits or notification of the amount due.
[PL 2021, c. 658, §39 (AMD).]

3. Payments returned for insufficient funds or not honored; suspension. If a payment made to the bureau is returned for insufficient funds or is not honored, the bureau shall immediately notify the licensee. If the bureau does not receive payment in full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter 375, subchapter 5, may immediately suspend the licensee's license. The director of the bureau or the director's designee shall notify the licensee of the suspension and shall demand that the licensee provide proof of payment within 30 days of the date of suspension. If the licensee fails to show proof that the payment returned for insufficient funds or not honored was subsequently paid in full, the suspension remains in effect until payment is made or until the license is subject to renewal as provided in section 458. A licensee aggrieved by a decision of the director or the director's designee may request in writing and must be granted a hearing before the District Court, which shall consider the matter in the same manner as is provided in section 803. The bureau may require a licensee whose payment is returned for insufficient funds or not honored to make all payments to the bureau by cash, certified check or money order only for a period not to exceed one year for each instance of payments returned for insufficient funds or not honored. For the purposes of this subsection, payments made to the bureau include payments to the wholesale spirits provider.
[PL 2021, c. 658, §40 (AMD).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §4 (NEW). PL 2021, c. 658, §§38-40 (AMD).

§4. Business days and hours

No liquor may be sold except as provided in this section. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Hours for sale of liquor. Except as provided in this subsection, licensees may sell or deliver liquor from 5 a.m. on any day until 1 a.m. of the following day.

A. [PL 2015, c. 74, §1 (RP).]

B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

(1) In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary. [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. [PL 1993, c. 266, §3 (RP).]

D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day. [PL 2001, c. 21, §1 (NEW).]

E. An on-premises retail licensee located in an international air terminal may sell liquor to an international passenger in transit at any time of day. [PL 2021, c. 658, §41 (NEW).]
[PL 2021, c. 658, §41 (AMD).]

2. Consumption and possession of liquor. Except as provided in paragraphs A and B, licensees may not permit the consumption or possession of liquor on their premises after 1:15 a.m.

A. Licensees may permit the consumption of liquor on their premises until 2:15 a.m. on January 1st. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. This subsection does not apply to consumption or possession by bona fide hotel guests in their rooms. [PL 1993, c. 730, §14 (AMD).]
[PL 1993, c. 730, §14 (AMD).]

3. Regulation of bottle clubs. Except as provided in paragraph A, municipalities may regulate the hours of operation of bottle clubs between the hours of 1 a.m. and 6 a.m.

A. Municipalities may regulate the hours of operation of bottle clubs between the hours of 2 a.m. and 6 a.m. on January 1st. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Local option decisions govern. Except as provided in subsection 1, paragraph B and section 353, nothing in this section may be construed to allow the sale of liquor in municipalities in violation of chapter 5.

[PL 1991, c. 528, Pt. PP, §1 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. PP, §1 (AMD).]

5. Illegal sales and purchases on Sunday.

[PL 2015, c. 74, §2 (RP).]

6. Penalty.

[PL 2015, c. 74, §2 (RP).]

7. License or right to sell on Sunday suspended or revoked.

[PL 1987, c. 342, §14 (RP).]

8. License suspended during appeal of conviction.

[PL 1987, c. 342, §14 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §14 (AMD). PL 1991, c. 528, §PP1 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §PP1 (AMD). PL 1993, c. 266, §3 (AMD). PL 1993, c. 730, §14 (AMD). PL 1995, c. 46, §1 (AMD). PL 1995, c. 159, §1 (AMD). PL 2001, c. 21, §1 (AMD). PL 2013, c. 2, §1 (AMD). PL 2013, c. 240, §1 (AMD). PL 2013, c. 476, Pt. A, §5 (AMD). PL 2015, c. 74, §§1, 2 (AMD). PL 2021, c. 658, §41 (AMD).

§5. Prevailing time

The hours referred to in this Title are the legal time prevailing in the State on the day of the sale or other activity. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§6. Form of advertising restricted

1. Advertising form subject to bureau authorization. No person may advertise liquor within the State, except in the form specifically authorized by the bureau. Radio, television, billboards, signs, newspapers, magazines and periodicals may carry advertising subject to the rules of the bureau.

[PL 1997, c. 373, §23 (AMD).]

2. Bureau may adopt rules governing advertising brand names in local option areas. The bureau may adopt rules restricting the advertising of any type of liquor by brand names during the period when such sales are prohibited in any municipality that has voted in any particular local option election against the sale of all types of liquor.

[PL 1997, c. 373, §23 (AMD).]

3. Use of picture or representation of State House prohibited. No person may use or display a picture or other form of representation of the State House for the advertising of liquor.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §23 (AMD).

§6-A. Approval and registration of labels

1. Federal approval required; exception. A person may not import to the State, export from the State or sell in the State malt liquor, wine, hard cider or a low-alcohol spirits product unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is imported, exported or sold bears a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. This subsection does not apply to malt liquor, wine, hard cider or a low-alcohol spirits product that is manufactured in the State and is not distributed, shipped, delivered or sold in interstate commerce.
[PL 2019, c. 46, §2 (NEW).]

2. Bureau registration required; exceptions. Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph B or I; [PL 2023, c. 197, §1 (AMD).]

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee; or [PL 2023, c. 197, §1 (AMD).]

C. Malt liquor, wine, hard cider or a low-alcohol spirits product sold by the manufacturer bearing a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. A manufacturer seeking an exception under this paragraph shall provide the bureau with notice of all products sold by that manufacturer in this State that meet the requirements of this paragraph. [PL 2023, c. 197, §1 (NEW).]
[PL 2023, c. 197, §1 (AMD).]

2-A. Criteria for label registration. Bureau review and approval of label registration is limited to whether the submitted label conforms to the regulations adopted by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau and the following criteria:

A. The label does not contain any statement, design, device or representation that:

(1) To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;

(2) Depicts or describes, in an offensive manner, sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value; and [PL 2023, c. 219, §1 (NEW).]

B. The label does not contain a subject matter or an illustration that targets minors. [PL 2023, c. 219, §1 (NEW).]
[PL 2023, c. 219, §1 (NEW).]

3. Fees. The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration or notice under subsection 2, paragraph C is $10. [PL 2023, c. 197, §2 (AMD).]

B. The fee for changing a label registration or notice under subsection 2, paragraph C is $1. [PL 2023, c. 197, §2 (AMD).]

C. The annual renewal fee is $1 for each registered label or notice under subsection 2, paragraph C. Renewal of a label registration or notice under subsection 2, paragraph C must coincide with renewal of the relevant license or certificate of approval. [PL 2023, c. 197, §2 (AMD).]

[PL 2023, c. 197, §2 (AMD).]

4. Rulemaking. The bureau shall adopt rules, consistent with the regulations promulgated by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau pursuant to the Federal Alcohol Administration Act, 27 United States Code, Section 205(e), establishing the requirements for registration of a malt liquor, wine, hard cider or low-alcohol spirits product label and for changing a label registration.

[PL 2019, c. 46, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 46, §2 (NEW). PL 2021, c. 658, §42 (AMD). PL 2023, c. 197, §§1, 2 (AMD). PL 2023, c. 219, §1 (AMD).

§7. Action not maintainable upon promise to pay for liquor

1. No action maintainable for promises to pay for liquor. Except as provided in paragraph A, no action may be maintained upon any claim or demand, promissory note or other security contracted or given for liquor sold in violation of any of the provisions of this Title, or for any liquor purchased out of the State with intent to sell all or any part in violation of this Title.

A. This section does not apply to negotiable paper in the hands of a holder for a valuable consideration and without notice of the illegality of the contract. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§8. Entrances from premises

The bureau may grant written permission to a licensee to maintain entrances, doorways or other apertures leading directly from the licensed premises. [PL 1997, c. 373, §24 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §24 (AMD).

§9. Separation of areas

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §24 (AMD). PL 2017, c. 347, §1 (RP).

§10. Class A restaurant and off-premises retail licensee on same premises

1. Class A restaurant or restaurant and off-premises retail licensee on same premises not prohibited. If a portion of the premises is licensed as an off-premises retail licensee, this Title may not be construed to prohibit issuance of a Class III or Class IV license to the same licensee for a restaurant or Class A restaurant for the remaining portion of the premises, as long as necessary qualifications are maintained for each separately licensed area and food is available for free or purchase at all times that liquor is sold for on-premises consumption.

[PL 2025, c. 230, Pt. A, §3 (AMD).]

2. Access between the 2 licensed areas. There may be access between the 2 licensed areas for the licensee or the licensee's employees if it is through areas open only to the licensee or the employees. There must be complete nonaccess between the 2 licensed areas by the public.
[PL 2013, c. 344, §1 (AMD).]

2-A. Access exception.

[PL 2013, c. 344, §1 (NEW); MRSA T. 28-A §10, sub-§2-A (RP).]

REVISOR'S NOTE: Subsection 2-A was repealed 9/30/15. PL 2015, c. 162, §1 attempted to strike the language that repealed the subsection, but did not take effect in time.

2-B. Access exception. Notwithstanding subsection 2, there may be access between the 2 licensed areas by the public as provided by this subsection.

A. There may be access between the 2 licensed areas when there is a clear delineation of space, by a wall or permanent barrier that separates the 2 licensed areas and allows only one clearly defined and controlled point of access for patrons between the licensed establishments. The controlled point of access is not required to include a door that must be physically opened and closed. [PL 2015, c. 494, Pt. D, §9 (NEW).]

B. When access between the 2 licensed areas exists for patrons of either establishment, food must be available for free or purchase at all times that malt liquor and wine is sold for on-premises consumption. [PL 2025, c. 230, Pt. A, §4 (AMD).]

C. Malt liquor or wine sold or served on the premises may not be transported by a patron from one licensed area to another. The licensee shall ensure that easily readable signs are conspicuously posted to inform the public that transfer of malt liquor or wine from one licensed area to another is strictly prohibited. [PL 2025, c. 230, Pt. A, §4 (AMD).]
[PL 2025, c. 230, Pt. A, §4 (AMD).]

3. Licensee to maintain separate records, supplies and inventory. The licensee shall maintain records within each separate licensed establishment in accordance with the appropriate license privilege authorized for each separate area. The licensee shall maintain supplies and inventory separately in accordance with the appropriate license privilege either in each separate licensed establishment or, with prior approval of the bureau, in one storage area on the premises with appropriate separation of the supplies and inventory.
[PL 2013, c. 344, §1 (AMD).]

4. Application. This section does not apply to:

A. A dual license holder under section 1208; or [PL 2017, c. 324, §1 (NEW).]

B. A manufacturing facility licensed under section 1355-A at the same location as a retail establishment authorized by section 1355-A, subsection 2, paragraph I. [PL 2017, c. 324, §1 (NEW).]
[PL 2017, c. 324, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2009, c. 438, §1 (AMD). PL 2013, c. 344, §1 (AMD). PL 2015, c. 162, §1 (AMD). PL 2015, c. 494, Pt. D, §9 (AMD). PL 2017, c. 167, §3 (AMD). PL 2017, c. 324, §1 (AMD). PL 2021, c. 658, §§43-46 (AMD). PL 2025, c. 230, Pt. A, §§3, 4 (AMD).

§11. Retailer on same premises as other businesses

1. Connection with other licensed premises. Notwithstanding any law or rule of the bureau to the contrary, a retailer's licensed premises may be connected with another retailer's licensed premises by a doorway or other aperture that is not securely and permanently sealed.
[PL 2021, c. 658, §47 (AMD).]

2. Violation of public drinking law. A person taking a drink of liquor to another person, offering a drink of liquor to another person or consuming liquor within the licensed premises of an off-premises retail licensee under the common roof is considered in violation of and subject to punishment under Title 17, section 2003-A. This subsection does not prohibit product sampling and taste testing authorized by and conducted in accordance with the requirements of this Title.
[PL 2021, c. 658, §48 (AMD).]

3. Premises operated by licensee identified. An applicant for a license shall fully describe in the application the part of the premises that the applicant owns, leases or rents. The bureau may require the licensee to identify on the premises by an appropriate marking the area that the licensee owns, rents or leases.
[PL 1997, c. 373, §25 (AMD).]

4. Inspection of business premises under common roof of licensee. All persons carrying on any business, except a financial institution or credit union, under the common roof and having common entranceways with a licensee shall agree in writing to allow reasonable inspection of their premises by authorized enforcement agents of the Department of Administrative and Financial Services and authorized representatives of the bureau.
[PL 2013, c. 476, Pt. A, §6 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §25 (AMD). PL 2013, c. 368, Pt. V, §15 (AMD). PL 2013, c. 476, Pt. A, §6 (AMD). PL 2021, c. 658, §§47, 48 (AMD).

§12. Inspection of premises

No licensee may refuse representatives of the bureau the right at any time to inspect the entire licensed premises or to audit the books and records of the licensee. [PL 1997, c. 373, §26 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §26 (AMD).

§13. Low-alcohol spirits products sold by malt liquor or wine licensees

1. Retail sales. Notwithstanding any provision of this Title to the contrary, a person licensed to sell malt liquor or wine for on-premises or off-premises consumption may also sell low-alcohol spirits products. All provisions of this Title applicable to wine, except chapters 65 and 67, apply to low-alcohol spirits products when sold by persons licensed to sell wine for on-premises or off-premises consumption.
[PL 2025, c. 230, Pt. A, §5 (AMD).]

2. Wholesale sales. Notwithstanding any provision of this Title to the contrary, a person licensed under section 1401 as an in-state wholesaler of malt liquor or wine may also sell and distribute low-alcohol spirits products.
[PL 2025, c. 230, Pt. A, §5 (AMD).]

SECTION HISTORY

PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §VV3 (NEW). PL 1991, c. 591, §VV3 (NEW). PL 2021, c. 658, §49 (RPR). PL 2025, c. 230, Pt. A, §5 (AMD).

§14. Hard cider sold by wine or malt liquor licensees

1. Retail sales. Notwithstanding any provision of this Title to the contrary, a person licensed to sell malt liquor for on-premises or off-premises consumption may also sell hard cider. All provisions of this Title applicable to malt liquor, except chapter 65, apply to hard cider when hard cider is sold by persons licensed to sell malt liquor for on-premises or off-premises consumption. Nothing in this

subsection prohibits a person licensed to sell wine for on-premises or off-premises consumption from selling hard cider.
[PL 2021, c. 658, §50 (NEW).]

2. Wholesale sales. Notwithstanding any provision of this Title to the contrary, a person licensed under section 1401 as an in-state wholesaler of malt liquor may also sell and distribute hard cider. Nothing in this subsection prohibits a person licensed under section 1401 as an in-state wholesaler of wine from selling and distributing hard cider.
[PL 2021, c. 658, §50 (NEW).]

SECTION HISTORY

PL 2003, c. 68, §1 (NEW). PL 2021, c. 658, §50 (RPR).

§15. Display of signs

A licensee under chapter 19 or 45 shall post a sign provided by the commissioner in a conspicuous location at the licensed premises informing customers of the provisions of sections 2051 and 2081. A person who violates this section commits a civil violation for which a fine of not less than $50 nor more than $200 may be adjudged for any one offense. [PL 2005, c. 437, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 437, §1 (NEW).

CHAPTER 3

ADMINISTRATION AND ORGANIZATION

(REPEALED)

SUBCHAPTER 1

GENERAL PROVISIONS

(REPEALED)

§51. Administration; enforcement

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 503, §B117 (AMD). PL 1997, c. 373, §27 (RP).

§52. Eligibility of members and employees

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §27 (RP).

§53. Conflict of interest

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §27 (RP).

SUBCHAPTER 2

THE STATE LIQUOR COMMISSION

(REPEALED)

§61. State Liquor Commission

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 623, §4 (AMD). PL 1991, c. 376, §47 (AMD). PL 1997, c. 373, §27 (RP). PL 1997, c. 424, §B3 (AMD). PL 2007, c. 466, Pt. A, §46 (RP).

§62. Powers of the State Liquor Commission

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §15 (AMD). PL 1987, c. 769, §A112 (AMD). PL 1993, c. 730, §§15-20 (AMD). PL 1997, c. 373, §27 (RP).

§62-A. Duties of the Bureau of Liquor Enforcement

(REPEALED)

SECTION HISTORY

PL 1993, c. 730, §21 (NEW). PL 1995, c. 140, §2 (AMD). PL 1997, c. 373, §27 (RP).

§63. Duties of the State Liquor Commission

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §16 (AMD). PL 1991, c. 780, §Y124 (AMD). PL 1997, c. 373, §27 (RP).

§64. Inventory and working capital

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 9, §FF (AMD). PL 1991, c. 780, §Y125 (AMD). PL 1993, c. 6, §B3 (AMD). PL 1993, c. 615, §1 (AMD). PL 1995, c. 560, §S1 (AMD). PL 1997, c. 373, §27 (RP).

SUBCHAPTER 3

BUREAU OF ALCOHOLIC BEVERAGES

(REPEALED)

§71. Director of the Bureau of Alcoholic Beverages; appointment

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 780, §Y126 (RP).

§72. Director of the Bureau of Alcoholic Beverages; powers and duties

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 376, §48 (RP).

§72-A. Director; duties

(REPEALED)

SECTION HISTORY

RR 1991, c. 1, §36 (COR). PL 1991, c. 376, §49 (NEW). PL 1991, c. 780, §§Y127,128 (AMD). PL 1993, c. 730, §22 (AMD). PL 1997, c. 373, §27 (RP).

CHAPTER 3-A

ADMINISTRATION AND ORGANIZATION

§81. State Liquor and Lottery Commission

1. Oversight of Bureau of Alcoholic Beverages and Lottery Operations. The commission shall monitor the operation of the bureau in its administration of the laws relating to the sale of spirits.
[PL 2013, c. 269, Pt. C, §1 (AMD); PL 2013, c. 269, Pt. C, §13 (AFF); PL 2013, c. 368, Pt. V, §61 (REV).]

2. Advice. The commission shall advise the director of the bureau regarding the administration of the functions of the bureau. The commission may advise the Governor and the Legislature regarding issues relating to the operation of the bureau and the administration of the laws relating to the sale of spirits.
[PL 2013, c. 269, Pt. C, §2 (AMD); PL 2013, c. 269, Pt. C, §13 (AFF); PL 2013, c. 368, Pt. V, §61 (REV).]

3. Listing of items. The commission shall determine which spirits items may be listed for sale in the State. Products listed must be made available by the spirits supplier at a warehouse designated by the commission.
[PL 2021, c. 658, §51 (AMD).]

4. Notice to delist or stop purchases. Before any spirits item listed by the commission is discontinued or delisted or before the commission issues any order to stop purchases of any listed spirits item, the commission shall give the vendor of the item reasonable written notice of its intention to delist or stop purchase of the item.
[PL 2021, c. 658, §52 (AMD).]

5. Retail price; reconsideration. The commission shall, in accordance with section 1651 and after considering any recommendation submitted by the bureau, establish the retail price of spirits sold in the State. The director of the bureau shall notify the affected spirits supplier of the commission's decision establishing the retail price and of the affected spirits supplier's opportunity to request reconsideration of the retail price determination at an adjudicatory hearing conducted by the commission in accordance with Title 5, chapter 375, subchapter 4. The decision of the commission issued after an adjudicatory hearing requested under this subsection is final agency action for the purposes of judicial review under Title 5, chapter 375, subchapter 7. The commission shall adopt rules establishing the procedures for the conduct of adjudicatory hearings under this subsection, including but not limited to the deadline for an affected spirits supplier to request a hearing. Rules adopted under

this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For purposes of this subsection, "affected spirits supplier" means a spirits supplier that supplies a spirits product that is the subject of a retail price determination of the State.
[PL 2021, c. 622, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). PL 1999, c. 535, §3 (AMD). PL 2013, c. 269, Pt. C, §§1, 2 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §61 (REV). PL 2021, c. 622, §1 (AMD). PL 2021, c. 658, §§51, 52 (AMD).

§82. Bureau of Liquor Enforcement

(REPEALED)

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). PL 1997, c. 571, §1 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 451, §T9 (AMD). PL 2009, c. 213, Pt. X, §§1, 2 (AMD). PL 2013, c. 368, Pt. V, §16 (RP).

§82-A. Enforcement of licensing

1. Authority. In addition to any authority a law enforcement officer has to enforce the laws, a law enforcement officer may, subject to subsections 2 and 4, enforce this Title or the rules adopted pursuant to this Title against violations that may result in an administrative sanction against a licensee or the licensee's agents or employees.
[PL 2005, c. 139, §4 (NEW).]

2. Commissioner. The commissioner in consultation with the Commissioner of Public Safety or the Commissioner of Public Safety's designee may by agreement, with the consent and approval of the affected law enforcement agency, designate the law enforcement agency's officers to exercise the enforcement authority identified in subsection 1.
[PL 2013, c. 368, Pt. V, §17 (AMD).]

3. Contract officers. The commissioner in consultation with the Commissioner of Public Safety or the Commissioner of Public Safety's designee may appoint contract officers for the purpose of enforcing this Title and the rules adopted pursuant to this Title against specific violations that may result in an administrative sanction against a licensee, or the licensee's agents or employees.
[PL 2013, c. 368, Pt. V, §17 (AMD).]

4. Limitation. The commissioner in consultation with the Commissioner of Public Safety or the Commissioner of Public Safety's designee may limit the authority granted by this section to specific sections of this Title and rules adopted pursuant to those sections.
[PL 2013, c. 368, Pt. V, §17 (AMD).]

SECTION HISTORY

PL 2005, c. 139, §4 (NEW). PL 2013, c. 368, Pt. V, §17 (AMD).

§83. Bureau of Alcoholic Beverages and Lottery Operations

(REPEALED)

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). PL 1999, c. 535, §4 (AMD). PL 2003, c. 20, §LLL1 (AMD). PL 2003, c. 20, §LLL4 (AFF). PL 2011, c. 693, §§1, 2 (AMD). PL 2013, c. 269, Pt. A, §2 (AMD). PL 2013, c. 269, Pt. C, §3 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §18 (RP). PL 2013, c. 476, Pt. A, §7 (RP).

§83-A. Bureau of Alcoholic Beverages and Lottery Operations

(REPEALED)

SECTION HISTORY

PL 2013, c. 368, Pt. V, §19 (NEW). PL 2013, c. 476, Pt. A, §8 (RP).

§83-B. Enforcement and licensing activities of the bureau

The bureau shall establish policies and rules and propose legislation concerning the administration and the enforcement of the laws under this Title and for the sale of liquor in this State. The bureau shall:
[PL 2013, c. 476, Pt. A, §9 (NEW).]

1. Enforcement. Enforce the laws relating to the manufacture, importation, storage, transportation and sale of all liquor and administer those laws relating to licensing and the collection of taxes on liquor required to be remitted under this Title;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

2. Licensing and licensing hearings. Issue and renew all licenses authorized by this Title and hold licensing hearings as required by this Title. The director of the bureau or the director's designee shall appoint a hearing officer who may conduct hearings in any licensing matter pending before the bureau. The hearing officer, after holding the hearing, shall render a final decision based upon the record of the hearing. Except as provided in section 805, the decision of the hearing officer is final.

The hearing officer may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any license question in dispute before the bureau or to any matter involved in a hearing. Witness fees in all proceedings are the same as for witnesses before the Superior Court and must be paid by the bureau, except that, notwithstanding Title 16, section 253, the bureau is not required to pay the fees before the travel and attendance occur;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

3. Recommend revocation of licenses. Recommend to the District Court that it suspend or revoke, in accordance with sections 802, 803 and 1503, any license issued pursuant to this Title or the rules adopted under this Title;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

4. Prevent sale to minors and others. Prevent the sale of liquor by licensees to minors and intoxicated persons;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

5. Appeals of municipal decisions. Review all appeals from the decisions of municipal officers. The director or the director's designee may appoint a hearing officer as provided in subsection 2 to conduct hearings;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

6. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of liquor throughout the State and the operation and administration of state activities relating to licensing and enforcement under this Title and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

7. Rules. Adopt rules consistent with this Title or other laws of the State for the administration, licensing, clarification, execution and enforcement of all laws concerning liquor and to prevent violations of those laws. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The rules adopted by the Department of Public Safety before July 1, 2013 are deemed adopted by the bureau;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

8. Rules for food service organizations. Adopt rules permitting food service organizations to purchase malt liquor and wine from a wholesale licensee, notwithstanding section 1401, subsection 9.

For the purposes of this subsection, "food service organization" means a business entity that provides catering services to passengers on international flights and cruises. The rules must provide that a food service organization is not required to have a license in order to purchase malt liquor and wine from a wholesale licensee for consumption by passengers on international flights and cruises after leaving port; [PL 2021, c. 658, §53 (AMD).]

9. Publish laws and rules. Ensure that licensees have access to the provisions of this Title, other laws governing liquor and all rules adopted pursuant to this Title in accordance with this section.

A. The bureau shall provide notification to licensees that the provisions of this Title and rules adopted pursuant to this Title are available on the bureau's publicly accessible website and that the bureau will provide a paper copy of this Title or rules to a licensee at no charge, upon request from that licensee. [PL 2013, c. 476, Pt. A, §9 (NEW).]

B. The bureau shall notify all licensees of changes to this Title and rules adopted within 90 days of adjournment of each regular session of the Legislature. [PL 2013, c. 476, Pt. A, §9 (NEW).]

C. The bureau may charge a reasonable fee for paper copies of this Title, any new laws enacted in this Title or any newly adopted or existing rules to cover the cost of producing the paper copy to persons other than licensees. Nothing in this paragraph prevents the bureau, upon its own discretion, from providing paper copies for no fee. [PL 2013, c. 476, Pt. A, §9 (NEW).]

D. The bureau shall keep that part of its publicly accessible website regarding this section updated with any new or updated laws or rules; [PL 2013, c. 476, Pt. A, §9 (NEW).]

[PL 2013, c. 476, Pt. A, §9 (NEW).]

10. Deposit revenues. Deposit all net revenues derived from licensing and enforcement under this Title to the General Fund; and

[PL 2013, c. 476, Pt. A, §9 (NEW).]

11. Certification. Certify monthly to the commission and the commissioner a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau including a statement of the revenues collected under chapter 65.

[PL 2019, c. 13, §5 (AMD).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §9 (NEW). PL 2019, c. 13, §5 (AMD). PL 2021, c. 658, §53 (AMD).

§83-C. Administration of the spirits business by the bureau; rules

The bureau shall establish policies and rules and propose legislation concerning the administration of the spirits business laws under this Title. The bureau shall: [PL 2013, c. 476, Pt. A, §9 (NEW).]

1. Administration and trade marketing supervision. Manage the administration and trade marketing of spirits through agency liquor stores and consistent with one or more contracts awarded under section 90;

[PL 2013, c. 476, Pt. A, §9 (NEW).]

2. Price regulation. Make recommendations to the commission regarding the retail prices of spirits sold in the State and establish the wholesale prices of spirits sold in this State. The bureau shall adopt rules regarding the wholesale pricing of spirits sold to agency liquor stores. The wholesale spirits provider is granted the privilege to distribute spirits under this Title and is immune from antitrust action so long as the wholesale spirits provider is in compliance with the bureau's rules and all other applicable laws and regulations;

[PL 2021, c. 658, §54 (AMD).]

2-A. Special pricing situations. Notwithstanding section 1651, the bureau may, by rule, set retail prices on spirits at different levels than those established by the commission in the following circumstances.

A. The bureau may establish special retail prices on certain listed spirits items to be made available to the consumer at all agency liquor stores. [PL 2019, c. 404, §3 (NEW).]

B. The bureau may reduce the retail price of a listed spirits item that is unlikely to be sold for the retail price set by the commission. [PL 2019, c. 404, §3 (NEW).]

C. The bureau may reduce, at the expense of the spirits supplier, the retail price of those test-market spirits items that fail to meet set minimum gross profit standards after a 3-month period; [PL 2021, c. 658, §55 (AMD).]

[PL 2021, c. 658, §55 (AMD).]

2-B. Recommendations; review. Beginning October 1, 2024, and every 2 years thereafter, review the retail prices of spirits sold in the State established by the commission under, section 81, subsection 5. The review must include comments provided to the bureau from a public hearing held by the bureau on the retail prices of spirits sold in the State. The bureau shall submit a report of the review conducted under this subsection to the commission and to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The report may include recommendations regarding the establishment of the retail prices of spirits sold in the State pursuant to subsection 2.
[PL 2023, c. 632, §1 (NEW).]

3. Purchase. Oversee the wholesale purchase and storage of spirits for sale in the State. Spirits delivered to the wholesale spirits provider and stored at a warehouse designated by the commission under section 81 are the property of the spirits supplier. Spirits become the property of the bureau upon removal from the warehouse for shipment to an agency liquor store. Spirits delivered to an agency liquor store become the property of the licensee upon receipt of delivery. The wholesale spirits provider at no time takes legal title to any spirits delivered to the warehouse. The bureau may buy and have in its possession spirits for sale to the public. The bureau shall buy spirits directly and not through the Chief Procurement Officer. All spirits must be free from adulteration and misbranding;
[PL 2023, c. 516, Pt. B, §44 (AMD).]

4. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of spirits throughout the State and the operation and administration of state activities regarding the sale of spirits and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;
[PL 2013, c. 476, Pt. A, §9 (NEW).]

5. Sales incentives to agents; rules.
[PL 2021, c. 592, Pt. B, §1 (RP).]

6. Rules. Adopt rules consistent with this Title or other laws of the State for the administration of all laws concerning the sale of spirits. The rules must include a process for developing recommendations to be submitted to the commission regarding the establishment of the retail prices of spirits sold in the State under subsection 2, including, but not limited to, rules regarding the data and other criteria used in developing the recommendations. The rules must establish a process for the bureau to receive public input regarding the proposed recommendations to the commission. In adopting the rules, the bureau shall hold a public hearing. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;
[PL 2023, c. 632, §2 (AMD).]

7. Certification. Certify monthly to the commission and the commissioner a complete statement of revenues from and expenses for the sale of spirits by the bureau;
[PL 2019, c. 13, §6 (AMD).]

8. Establish performance standards for contracts. Establish performance standards for any contract awarded under this Title, subject to applicable laws relating to public contracts; and
[PL 2013, c. 476, Pt. A, §9 (NEW).]

9. Report on expenditures. Report annually on expenditures and investments made by the bureau, including, but not limited to, reductions in the retail price at which spirits are sold and incentives offered to agency liquor stores, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The report must include the impact of those spending initiatives on the number of cases of spirits sold in the State and on sales of spirits generally.
[PL 2021, c. 658, §57 (AMD).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §9 (NEW). PL 2019, c. 13, §6 (AMD). PL 2019, c. 404, §§3, 4 (AMD). PL 2021, c. 592, Pt. B, §1 (AMD). PL 2021, c. 658, §§54-57 (AMD). PL 2023, c. 516, Pt. B, §44 (AMD). PL 2023, c. 632, §§1, 2 (AMD).

§84. Director of Bureau of Alcoholic Beverages and Lottery Operations

The director of the bureau or the director's designee shall: [PL 2013, c. 368, Pt. V, §20 (AMD).]

1. Manage sale of spirits. Manage the sale of spirits through agency liquor stores in accordance with applicable laws and rules that provide for the operation of wholesale distribution of spirits;
[PL 2013, c. 588, Pt. A, §34 (RPR); PL 2013, c. 588, Pt. A, §35 (AFF).]

1-A. Manage enforcement and licensing activities. Manage the enforcement and licensing activities of the bureau under section 83-B;
[PL 2013, c. 476, Pt. A, §10 (NEW).]

2. Act as chief administrative officer of bureau. Act as chief administrative officer of the bureau, having general charge of the office and records and employ such personnel as necessary to fulfill the purpose of this Title. The personnel must be employed with the approval of the commissioner and are subject to the Civil Service Law;
[PL 2021, c. 658, §58 (AMD).]

3. Act as executive secretary. Act as executive secretary of the commission;
[PL 1997, c. 373, §28 (NEW).]

4. Confer with commissioner. Confer regularly as necessary or desirable and not less than once a month with the commissioner on the operation and administration of the bureau and make available for inspection by the commissioner, upon request, all books, records, files and other information and documents of the bureau;
[PL 2021, c. 658, §59 (AMD).]

5. Certification.
[PL 2019, c. 13, §7 (RP).]

6. Implement a spirits sales data reporting system. Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require the trade association to compile aggregate data for each product code on the monthly sales made by reselling agents to establishments licensed to sell spirits for on-premises consumption and to make that data and the data provided in subsection 6-A available to spirits suppliers. The contract must also require that neither

the bureau nor the trade association may make publicly available any information that would specifically identify the reselling agent, including, but not limited to, the reseller's name, the name of the reseller's agency liquor store, the reseller's agency liquor store's address or the address of any associated storage facility of the reselling agent;
[PL 2021, c. 622, §2 (AMD).]

6-A. Wholesale spirits sales data. Provide to the trade association awarded the contract under subsection 6 data on spirits sales made each month by the State to agency liquor stores. The data must include, but is not limited to, aggregate sales of each product code sold to agency liquor stores by the State. For the purposes of this subsection, "product code" has the same meaning as in section 461; and
[PL 2021, c. 622, §3 (NEW).]

7. Annual report. Beginning February 15, 2020, submit a report annually, subject to the approval of the commission, to the Governor and the joint standing committees of the Legislature having jurisdiction over alcoholic beverage matters and appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters may submit to the Legislature legislation based on the report. The report must include:

A. A complete statement of the revenues and expenses for the bureau for the preceding fiscal year; [PL 2025, c. 230, Pt. B, §2 (AMD).]

B. A complete statement of the information required by section 83-B, subsection 11 for the preceding fiscal year; [PL 2025, c. 230, Pt. B, §2 (AMD).]

C. A complete statement of the information required by section 83-C, subsection 7 for the preceding fiscal year; [PL 2025, c. 230, Pt. B, §2 (AMD).]

D. The information required by section 83-C, subsection 9; and [PL 2019, c. 13, §9 (NEW).]

E. Any recommendations for changes to this Title. [PL 2019, c. 13, §9 (NEW).]
[PL 2025, c. 230, Pt. B, §2 (AMD).]

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). RR 1999, c. 2, §29 (COR). PL 1999, c. 535, §5 (AMD). PL 2013, c. 269, Pt. C, §4 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §§20, 21 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §10 (AMD). PL 2013, c. 588, Pt. A, §34 (AMD). PL 2013, c. 588, Pt. A, §35 (AFF). PL 2013, c. 588, Pt. B, §1 (AMD). PL 2015, c. 430, §§1-3 (AMD). PL 2019, c. 13, §§7-9 (AMD). PL 2021, c. 622, §§2, 3 (AMD). PL 2021, c. 658, §§58, 59 (AMD). PL 2025, c. 230, Pt. B, §2 (AMD).

§85. Inventory and working capital

1. Net profits are general revenue.
[PL 2013, c. 368, Pt. V, §22 (RP).]

2. Inventory. The bureau may keep and have on hand a stock of spirits for sale, the value of which when priced for resale must be computed on the delivered case cost F.O.B. liquor warehouse designated by the commission filed by spirits suppliers. The inventory value must be based upon actual cost for which payment may be due. Spirits may not be considered to be in the inventory until payment has been made for them.
[PL 2021, c. 658, §60 (AMD).]

3. Authorized working capital.
[PL 2013, c. 368, Pt. V, §22 (RP).]

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). PL 2013, c. 269, Pt. C, §5 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §22 (AMD). PL 2013, c. 476, Pt. A, §11 (AMD). PL 2021, c. 658, §60 (AMD).

§86. Conflict of interest

In addition to the limitations set forth in Title 5, section 18, any member of the commission or any employee of the commission or the bureau may not accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, wholesaler, wholesale licensee or retail licensee or any representative of a manufacturer, wholesaler, wholesale licensee or retail licensee under circumstances that may reasonably be construed as influencing or improperly relating to past, present or future performance of official duties. [PL 2013, c. 588, Pt. B, §2 (AMD).]

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). PL 2013, c. 588, Pt. B, §2 (AMD).

§87. Eligibility of employees

A person is not eligible for employment with the bureau if that person: [PL 2013, c. 588, Pt. B, §3 (AMD).]

1. Interest in corporation. Has any official, professional or other connection with or owns any stock in a corporation interest either directly or indirectly in the manufacture or sale of liquor; or [PL 1997, c. 373, §28 (NEW).]

2. Violation of state or federal law. Has been convicted or adjudicated guilty of violating any state or federal law regulating the manufacture, sale or transportation of liquor. [PL 1997, c. 373, §28 (NEW).]

SECTION HISTORY

PL 1997, c. 373, §28 (NEW). PL 2013, c. 588, Pt. B, §3 (AMD).

§88. Transfer of wholesale liquor activities

(REPEALED)

SECTION HISTORY

PL 2003, c. 20, §LLL2 (NEW). PL 2003, c. 20, §LLL4 (AFF). PL 2013, c. 269, Pt. A, §3 (RP). PL 2013, c. 269, Pt. A, §10 (AFF). PL 2013, c. 368, Pt. V, §23 (AMD).

§89. Renewal of contracts for wholesale liquor activities

(REPEALED)

SECTION HISTORY

PL 2011, c. 380, Pt. S, §1 (NEW). PL 2013, c. 1, Pt. G, §1 (RP).

§90. Contract for wholesale spirits activities and marketing

1. Statement of purpose. The Legislature finds that it is in the public interest to continue to maximize growth in the State's wholesale spirits business while ensuring that growth in revenue from the business is achieved in a socially responsible manner. The contracting of the operations of the wholesale spirits business serves this purpose and provides the State's agency liquor store partners with effective and efficient services in order to responsibly serve consumers of spirits in the State. [PL 2021, c. 592, Pt. A, §1 (RPR).]

2. Contract for spirits administration and trade marketing. Upon the expiration or termination of all contracts for the operation of the State's wholesale spirits business in effect on January 1, 2022,

the commissioner shall enter into a single 10-year contract for spirits administration and spirits trade marketing in accordance with the requirements in this section.
[PL 2021, c. 592, Pt. A, §1 (RPR).]

3. Competitive bid process. A contract described in subsection 2 must be awarded pursuant to a competitive bid process in a manner consistent with the process described in Title 5, chapter 155, subchapter 1-A.
[PL 2021, c. 592, Pt. A, §1 (RPR).]

4. Request for proposals. The commissioner shall develop a request for proposals for the competitive bid process required under subsection 3 designed to encourage vigorous bidding. The request for proposals must:

A. Inform potential bidders of the State's target gross revenue profit margin over the term of the contract; [PL 2021, c. 592, Pt. A, §1 (RPR).]

B. Instruct potential bidders to propose the scope of spirits administration and spirits trade marketing services that will be provided and the fee for those services expressed as a percentage of revenue generated by the wholesale business; [PL 2021, c. 592, Pt. A, §1 (RPR).]

C. Direct potential bidders to indicate whether subcontractors will be used for any portion of the services described in paragraph B and to identify those subcontractors; [PL 2021, c. 592, Pt. A, §1 (NEW).]

D. Inform potential bidders that they may propose incentives intended to encourage responsible growth of revenue and enhanced efficiencies in services provided; and [PL 2021, c. 592, Pt. A, §1 (NEW).]

E. Require each bidder to affirm that neither the bidder nor any of the principal officers of the bidder has a direct financial interest in a license or permit in this State or another state for the manufacture of spirits, other than a minor investment in not more than 1% of the securities of a business entity that holds such a license or permit. [PL 2021, c. 592, Pt. A, §1 (NEW).]
[PL 2021, c. 592, Pt. A, §1 (RPR).]

5. Information provided by bidder. A bidder seeking consideration of the award of a contract pursuant to this section shall:

A. Demonstrate the bidder's knowledge of the wholesale liquor business, the alcoholic beverage industry or a related field as well as the bidder's experience or knowledge, if any, of the responsible marketing of liquor; [PL 2021, c. 592, Pt. A, §1 (RPR).]

B. Propose the bidder's marketing strategies and the scope of the spirits administration services the bidder will provide as well as the fee for those strategies and services expressed as a percentage of revenue generated by the wholesale business; [PL 2021, c. 592, Pt. A, §1 (RPR).]

C. Identify the strategies and services proposed in paragraph B for which the bidder may use a subcontractor and identify those subcontractors; [PL 2021, c. 592, Pt. A, §1 (RPR).]

D. Demonstrate the bidder's financial capacity and access to capital to maintain the strategies and services proposed in paragraph B; [PL 2021, c. 592, Pt. A, §1 (RPR).]

E. Demonstrate the bidder's capabilities for providing transportation and distribution of spirits to agency liquor stores, which must include:

(1) Delivery vehicles with the appropriate capacity to deliver spirits to the full range of agency liquor stores, including both large and small stores;

(2) Drivers with the requisite driver's license credentials to drive all sizes of delivery vehicles;

(3) The ability to make deliveries to agency liquor stores on at least 250 days per year; and

(4) The ability to provide the minimum number of deliveries established in the request for proposals per week to each store, which may not be less than 2; [PL 2021, c. 592, Pt. A, §1 (RPR).]

F. Demonstrate the bidder's warehousing capacity and ability to expand its warehousing capacity over the term of the contract. The bidder shall propose bailment rates and related fees that the bidder proposes to charge spirits suppliers; [PL 2021, c. 592, Pt. A, §1 (RPR).]

G. Describe the bidder's information technology capabilities, which must include methods for processing orders and invoices, inventory management and sales data analysis; [PL 2021, c. 592, Pt. A, §1 (NEW).]

H. Describe the bidder's plan for enhancing services to spirits suppliers and agency liquor stores; [PL 2021, c. 592, Pt. A, §1 (NEW).]

I. Describe the bidder's business plan to provide services in a manner that will assist the State in achieving a responsible growth rate for the wholesale spirits business; [PL 2021, c. 592, Pt. A, §1 (NEW).]

J. Demonstrate the positive impact on the economy, employment and state revenues that the bidder's overall proposal will provide; [PL 2021, c. 592, Pt. A, §1 (NEW).]

K. Demonstrate that the bidder, any principal officer of the bidder and any named subcontractor have not been found to have violated any state or federal law or rule governing the manufacture, distribution or sale of spirits; and [PL 2021, c. 592, Pt. A, §1 (NEW).]

L. Affirm that neither the bidder nor any of the principal officers of the bidder has a direct financial interest in a license or permit in this State or another state for the manufacture of spirits, other than a minor investment in not more than 1% of the securities of a business entity that holds such a license or permit. [PL 2021, c. 592, Pt. A, §1 (NEW).]

In addition to the requirements of paragraphs A to L, the commissioner, in order to ensure that the objective of maximizing growth in the State's wholesale spirits business is achieved, may require a bidder to provide additional information, including disclosure of the potential of a bidder's direct and substantial conflict of interest with the State's financial interest.
[PL 2021, c. 592, Pt. A, §1 (RPR).]

6. Award criteria and issuance of contract. The commissioner shall choose the best-value bidder in conformity with Title 5, section 1825-B, subsection 7 and shall consider as criteria for award the information required to be provided in subsection 5. The commissioner may not award the contract to a bidder that holds or has a direct financial interest in, or that has a principal officer that holds or has a direct financial interest in, a license or permit in this State or another state to manufacture spirits. A minor investment in not more than 1% of the securities of a business entity that holds a license or permit in this State or another state to manufacture spirits does not constitute a financial interest prohibited by this subsection.

The commissioner shall ensure that the following criteria are met before entering into a contract:

A. That revenue to the State from the sale of spirits is predictable over the term of the contract; [PL 2021, c. 592, Pt. A, §1 (RPR).]

B. That revenue from the sale of spirits will be maximized by the issuance of the contract and achieved through efficiency of services; [PL 2021, c. 592, Pt. A, §1 (RPR).]

C. That the bidder has demonstrated that services provided to agency liquor stores will be enhanced; and [PL 2021, c. 592, Pt. A, §1 (RPR).]

D. That, upon execution of the contract, the disruption of services to agency liquor stores and spirits suppliers will be minimal or absent. [PL 2021, c. 592, Pt. A, §1 (NEW).]

[PL 2021, c. 592, Pt. A, §1 (RPR).]

7. Mandatory contract provisions. A contract entered into with a successful bidder in accordance with this section must:

A. Require that the person awarded the contract submit to the bureau, in a manner determined by the bureau, an annual report audited by an independent 3rd party. The bureau, following receipt of the report, shall provide the report annually to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and alcoholic beverages matters; [PL 2021, c. 592, Pt. A, §1 (NEW).]

B. Prohibit the person awarded the contract from engaging in activities reserved for agency liquor stores licensed as reselling agents to provide spirits to establishments licensed for on-premises consumption; [PL 2021, c. 592, Pt. A, §1 (NEW).]

C. Include provisions that allow for ongoing performance standards review so that deficiencies in such standards may result in amendments to the contract or nullification. Performance standards subject to contract amendments or nullification include:

(1) Working in partnership with the State to achieve the goal of a responsible growth rate for the wholesale spirits business as negotiated with the successful bidder at the time of award;

(2) Transparency in annual reporting and conformance to the reporting requirements established in consultation with the successful bidder throughout the term of the contract by the bureau; and

(3) Responsiveness to the service needs of agency liquor stores; [PL 2021, c. 592, Pt. A, §1 (NEW).]

D. Include provisions establishing standards of efficiency and quality of operations; and [PL 2021, c. 592, Pt. A, §1 (NEW).]

E. Require that the bureau approve all bailment rates and related fees. [PL 2021, c. 592, Pt. A, §1 (NEW).]

[PL 2021, c. 592, Pt. A, §1 (RPR).]

8. Extension. The commissioner and a successful bidder awarded a contract under this section may agree to a single extension of the existing terms of the contract for a period of no more than 3 years following the end of the original 10-year contract term.

[PL 2021, c. 592, Pt. A, §1 (NEW).]

9. Price regulation. Notwithstanding any other provision of this section to the contrary, the State shall regulate the wholesale and retail prices of all spirits sold in the State.

[PL 2021, c. 592, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 269, Pt. A, §4 (NEW). PL 2013, c. 368, Pt. V, §61 (REV). PL 2021, c. 592, Pt. A, §1 (RPR).

CHAPTER 5

LOCAL OPTION

§121. Local option election in a municipality

A local option election in a municipality shall be held in the following manner. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Petition. A petition for a local option election must be signed by 30 voters in that municipality or by a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least 60 days before holding any primary, special statewide, general or municipal election or town meeting.
[PL 2019, c. 672, §1 (RPR).]

1-A. Vote of municipal officers. As an alternative to the petition process in subsection 1, the municipal officers may vote to hold a local option election, which must be conducted pursuant to subsection 3, including one or more of the questions specified in section 123.
[PL 2019, c. 672, §2 (NEW).]

2. Meeting. Upon receipt of a petition, or in accordance with a vote of the municipal officers pursuant to subsection 1-A, the municipal officers shall notify the inhabitants of their respective municipalities to meet in the manner prescribed by law. The meeting must be held to vote upon any or all of the questions contained in section 123.
[PL 2019, c. 672, §3 (AMD).]

3. Conduct of election. Except as provided in this section, the petition process and the voting at elections held in towns and plantations must be held and conducted in accordance with Title 30-A, sections 2528, 2529 and 2532, even if the town or plantation has not accepted the provisions of section 2528. The voting at elections held in cities must be held and conducted in accordance with Title 21-A. No referendum questions except those set out in section 123 may be printed on the ballot. The municipal clerk shall make a return of the results, certify the results and send it to the office of the Secretary of State. The Secretary of State shall forward the results to the bureau.
[PL 1997, c. 373, §29 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 147, §1 (AMD). PL 1993, c. 608, §§2,3 (AMD). PL 1997, c. 373, §29 (AMD). PL 2017, c. 475, Pt. C, §8 (AMD). PL 2019, c. 672, §§1-3 (AMD).

§122. Unincorporated places

1. No local option election. No local option election may be held in unincorporated places.
[PL 1989, c. 158, §2 (RPR).]

2. Authorization of sales. The county commissioners may, after holding a public hearing:

A. Authorize or refuse to authorize the sale of liquor to be consumed on the premises where sold; and [PL 1987, c. 342, §17 (NEW).]

B. Authorize or refuse to authorize the sale of liquor to be consumed off the premises where sold. [PL 1987, c. 342, §17 (NEW).]
[PL 1987, c. 342, §17 (NEW).]

3. Approval of licenses. The county commissioners may refuse to approve a liquor license application on the ground that the license is not warranted for any substantial public convenience, necessity or demand.
[PL 1987, c. 342, §17 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 147, §2 (AMD). PL 1987, c. 342, §17 (RPR). PL 1989, c. 158, §2 (AMD).

§123. Local option questions

Any one or more of the following questions may be voted on in a local option election held under section 121. Each question applies to both full-time and part-time licensed establishments. [PL 1987, c. 342, §18 (RPR).]

1. Sale of liquor for consumption on the premises on days other than Sunday. Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sunday?
[PL 1997, c. 373, §30 (AMD).]

2. Sale of spirits for off-premises consumption on days other than Sunday. Shall this municipality authorize the State to permit the sale of spirits for off-premises consumption on days other than Sunday?
[PL 2021, c. 658, §61 (AMD).]

2-A. Sale of malt liquor and wine for consumption off the premises on days other than Sunday. Shall this municipality authorize the State to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on days other than Sunday?
[PL 1997, c. 373, §30 (AMD).]

3. Sale of liquor for consumption on the premises on Sundays. Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays?
[PL 1997, c. 373, §30 (AMD).]

4. Sale of spirits for off-premises consumption on Sundays. Shall this municipality authorize the State to permit the sale of spirits for off-premises consumption on Sundays?
[PL 2021, c. 658, §62 (AMD).]

4-A. Sale of malt liquor and wine for consumption off the premises on Sundays. Shall this municipality authorize the State to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on Sundays?
[PL 1997, c. 373, §30 (AMD).]

5. Operation of state liquor stores and agency liquor stores on Sunday.
[PL 1987, c. 342, §18 (RP).]

6. Sale of spirits to be consumed on the premises on Sunday.
[PL 1987, c. 342, §18 (RP).]

7. Sale of malt liquor and wine to be consumed on the premises on Sunday.
[PL 1987, c. 342, §18 (RP).]

8. Sale of malt liquor and wine for consumption on the premises on Sunday.
[PL 1987, c. 342, §18 (RP).]

9. Operation of bottle clubs.
[PL 1987, c. 342, §18 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §18 (RPR). PL 1991, c. 95, §§1-4 (AMD). PL 1997, c. 373, §30 (AMD). PL 2013, c. 368, Pt. V, §§24, 25 (AMD). PL 2021, c. 658, §§61, 62 (AMD).

§124. Results of vote

1. Determination vote. If the results of an election held under section 121 show that:

A. A majority of the votes cast in any municipality on any local option question is in the affirmative, the bureau may issue licenses of the type authorized by the affirmative vote in that municipality; [PL 2001, c. 471, Pt. B, §14 (AMD).]

B. A majority of the votes cast in any municipality on any local option question is in the negative, the bureau may not issue licenses of the type denied by the negative vote in that municipality; or [PL 2001, c. 471, Pt. B, §14 (AMD).]

C. The vote is tied on any local option question, the law remains as it was before the voting. [PL 1997, c. 373, §31 (AMD).]

[PL 2021, c. 658, §63 (AMD).]

2. Effective date. The vote is effective on the first day of the month following the certification of the vote to the Secretary of State.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Existing licenses. The holder of any license issued and outstanding on the effective date of the local option vote that denies issuance of that type of license and specifically indicates that the existing privilege is to be voided shall immediately surrender it to the bureau. The bureau shall refund that portion of the unused fee paid.

[PL 1997, c. 373, §32 (AMD).]

4. Repeal or reconsideration. When a municipality has voted to accept or reject any local option question, the vote is effective until repealed by a new petition and vote as required by section 121 or 122. A negative vote on a question repeals existing privileges only if the petition clearly indicates an intent that it do so. No local option vote may be taken on the same question more than once in any one-year period.

[PL 2001, c. 471, Pt. B, §15 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 623, §5 (AMD). PL 1991, c. 95, §5 (AMD). PL 1991, c. 377, §15 (AMD). PL 1997, c. 373, §§31,32 (AMD). PL 2001, c. 471, §§B14,15 (AMD). PL 2021, c. 658, §63 (AMD).

§125. Proof of local option election or county commissioner decision

1. Prohibition on licensing. Except as provided in subsection 4, the bureau may not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be licensed are located in a municipality or unincorporated place that has voted in favor of the issuance of the type of license sought.

[PL 2021, c. 137, §1 (AMD).]

2. Preliminary determination of authorized retail liquor establishments in each municipality. By December 31, 2020, the bureau shall notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of elections in that municipality on local option questions under section 123 or former Title 28, section 101, whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in that municipality.

[PL 2019, c. 672, §4 (NEW).]

3. Proof of municipal local option election. If a municipality disagrees with a preliminary determination made by the bureau under subsection 2, the municipality may, by July 1, 2022, submit evidence of the results of an election on any local option question pursuant to section 123 or former Title 28, section 101 to refute the bureau's preliminary determination. Nothing in this subsection prohibits a municipality from conducting a local option election in accordance with this chapter at any time.

[PL 2019, c. 672, §4 (NEW).]

4. Final determination of authorized retail liquor establishments in each municipality. On July 1, 2022, the bureau shall make a final determination of whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in each municipality. The bureau shall post a copy of the final determination for each municipality on its publicly accessible website.

In making its final determination under this subsection, the bureau shall consider:

A. The results of any local option election conducted in the relevant municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2; [PL 2021, c. 137, §2 (NEW).]

B. Evidence submitted by the relevant municipality under subsection 3; and [PL 2021, c. 137, §2 (NEW).]

C. The bureau's records of local option elections in the municipality. [PL 2021, c. 137, §2 (NEW).]

For purposes of paragraphs B and C, the results of any local option election conducted prior to January 1, 1977 in favor of a local option question pursuant to former Title 28, section 101 approving the issuance of licenses for the sale of liquor for on-premises consumption at any type of licensed establishment on Sundays or on days other than Sundays are deemed to be evidence that the municipality approved the issuance of licenses for the sale of liquor for on-premises consumption by all types of licensed establishments on those days unless the bureau's records demonstrate that the municipality voted to prohibit the issuance of licenses for the sale of liquor for on-premises consumption on those days in a subsequent local option election conducted under this chapter or under former Title 28, section 101.
[PL 2021, c. 137, §2 (AMD).]

5. Effect of final determination; future local option elections. Beginning July 1, 2022, the bureau's final determination under subsection 4 governs whether the bureau may issue licenses for the sale of liquor in each municipality. Nothing in this subsection prohibits a municipality from conducting a local option election in compliance with this chapter that has the effect of authorizing or prohibiting the issuance of any or all licenses for the sale of liquor in that municipality after July 1, 2022. If a municipality conducts a local option election after July 1, 2022, the bureau shall update the information posted on its publicly accessible website to reflect the results of that local option election.
[PL 2019, c. 672, §4 (NEW).]

6. Notice to county commissioners. By December 31, 2020, the bureau shall inform the county commissioners of each county in which an unincorporated place is located that proof of an affirmative decision under section 122 or former Title 28, section 103 authorizing the issuance of licenses for the retail sale of liquor is a prerequisite to issuance of such licenses in an unincorporated place and shall request that the county commissioners provide the bureau with copies of any such decisions for each unincorporated place in the county by July 1, 2022. If the county commissioners do not have a record of an affirmative decision under section 122 or former Title 28, section 103 authorizing the issuance of licenses for the retail sale of liquor in an unincorporated place, the county commissioners may, in compliance with section 122, determine whether to authorize or refuse to authorize the issuance of licenses for the retail sale of liquor in that unincorporated place and shall provide the bureau with a record of the decision.
[PL 2019, c. 672, §4 (NEW).]

SECTION HISTORY

PL 2019, c. 672, §4 (NEW). PL 2021, c. 137, §§1, 2 (AMD).

CHAPTER 7

BOTTLE CLUBS

§161. Bottle clubs

1. Registration. Each bottle club, as defined in section 2, subsection 3, shall register annually with the bureau on forms provided by the bureau. Registration consists of submission of the information required in paragraph A and payment of the registration fee established in paragraph B.

A. The information each bottle club is required to submit consists of only the following:

(1) The name and address of each owner of the bottle club;

(2) The name and address of each operator of the bottle club; and

(3) The regular hours of operation. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The annual fee for registration of a bottle club is $50. [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. [PL 2003, c. 452, Pt. P, §1 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

A bottle club that does not register with the bureau commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. P, §1 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Eligibility qualifications. The bureau may not register a bottle club unless each owner or operator of the bottle club meets the eligibility qualifications under section 601, subsection 1.
[PL 1997, c. 373, §34 (AMD).]

1-B. Disqualification. The bureau may not register a bottle club if the bureau determines that:

A. An owner or operator of the bottle club is disqualified from receiving a liquor license under section 601, subsection 2; or [PL 1993, c. 730, §23 (AMD).]

B. [PL 1993, c. 730, §24 (RP).]

C. The purpose of the application is to circumvent the eligibility or disqualification provisions of section 601. [PL 1989, c. 816, §2 (NEW).]

The bureau shall notify each owner or operator of the bottle club in writing of its decision to approve or deny registration of the bottle club under this subsection. The decision of the bureau to approve or deny registration of a bottle club is final agency action.
[PL 1997, c. 373, §35 (AMD).]

1-C. Penalty for operation after denial. Notwithstanding subsection 1, paragraph C, a person who operates a bottle club after receipt of notice of denial of registration under subsection 1-B commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. P, §1 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Charges and fees. Charges paid by the bottle club's members or the general public for membership, admission, food, mixers or other supplies used with liquor or storage or handling of liquor belonging to members or the general public are not sales, as defined in this Title, or gifts.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Minors on the premises.

[PL 2003, c. 452, Pt. P, §1 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-A. Minors on premises. A bottle club may not allow a minor not employed by the bottle club or not accompanied by the minor's parent, guardian or custodian, as defined in Title 22, section 4002,

to remain on the bottle club premises, except on occasions when liquor is prohibited on the bottle club premises. The following penalties apply to violations of this subsection.

A. A bottle club that violates this subsection commits a civil violation for which a fine of not less than $100 and not more than $300 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of $500 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3-B. Employment of minors. A bottle club may employ minors only if an employee of legal drinking age or older is present in a supervisory capacity.

[PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Consumption or possession on premises. A bottle club may not permit consumption or possession of imitation liquor on the bottle club premises by minors. A bottle club may not permit consumption of liquor on the bottle club premises by minors or visibly intoxicated persons. The following penalties apply to violations of this subsection.

A. A bottle club that violates this subsection commits a civil violation for which a fine of not less than $100 and not more than $300 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of $500 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §1 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Violation of state law. A bottle club may not knowingly allow any violation of any state law on the bottle club premises to occur or continue. The following penalties apply to violations of this subsection.

A. A bottle club that violates this subsection commits a civil violation for which a fine of not less than $100 and not more than $300 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of $500 may be adjudged. [PL 2003, c. 452, Pt. P, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §1 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Jurisdiction. The District Court has jurisdiction over the civil violations, defined in this section, under Title 17-A, section 9.

[PL 2003, c. 452, Pt. P, §1 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

7. Right of access. A bottle club shall allow law enforcement officers to enter the bottle club premises at reasonable times for the purpose of investigating compliance with this Title.

A. Entry into the bottle club premises under this subsection must be conducted in a reasonable manner so as not to disrupt the operation of the bottle club. [PL 2021, c. 658, §64 (AMD).]

B. The investigation must be limited to those areas involved in the actual operation of the bottle club, including storage areas. [PL 2003, c. 510, Pt. E, §5 (RPR).]

C. The following penalties apply to violations of this subsection.

(1) A bottle club that violates this subsection commits a civil violation for which a fine of not less than $100 and not more than $300 may be adjudged.

(2) A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 may be adjudged.

(3) A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of $500 may be adjudged. [PL 2003, c. 510, Pt. E, §5 (RPR).]

[PL 2021, c. 658, §64 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 816, §§1,2 (AMD). PL 1993, c. 266, §4 (AMD). PL 1993, c. 730, §§23,24 (AMD). PL 1997, c. 373, §§33-35 (AMD). PL 2003, c. 451, §T10 (AMD). PL 2003, c. 452, §P1 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 510, §E5 (AMD). PL 2021, c. 658, §64 (AMD).

§161-A. Local approval of bottle clubs

(REPEALED)

SECTION HISTORY

PL 1989, c. 816, §3 (NEW). PL 1993, c. 730, §25 (RP).

§161-B. Local approval of bottle clubs

1. Application to local authorities. Prior to registration with the bureau under section 161, an owner or operator of a bottle club must apply to the municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, for permission to operate the bottle club or for transfer of location of an existing bottle club. The bureau shall prepare and supply application forms.
[PL 1995, c. 462, Pt. D, §4 (AMD).]

2. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located shall hold a public hearing for the consideration of applications for new bottle clubs and applications for transfer of location of existing bottle clubs. The municipal officers or the county commissioners shall provide public notice of a hearing held under this section. The notice, at the applicant's prepaid expense, must state the name and place of the hearing and must appear for at least 3 consecutive days before the date of the hearing in a daily newspaper having general circulation in the municipality or unincorporated place where the bottle club is located or for 2 consecutive weeks before the hearing date in a weekly newspaper having general circulation in the municipality or unincorporated place where the bottle club is located.
[PL 1995, c. 140, §3 (NEW).]

3. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. An application may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [PL 1995, c. 140, §3 (NEW).]

B. Noncompliance of the bottle club with any local zoning ordinance or other land use ordinance not related directly to liquor control; [PL 1995, c. 140, §3 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the bottle club and caused by persons patronizing or employed by the bottle club or other such conditions that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the bottle club to use their property in a reasonable manner; [PL 1995, c. 140, §3 (NEW).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law at or in the vicinity of the bottle club and caused by persons patronizing or employed by the bottle club; [PL 1995, c. 140, §3 (NEW).]

E. A violation of any provision of this Title; [PL 1995, c. 140, §3 (NEW).]

F. In the case of corporate applicants, ineligibility or disqualification under section 601 of any officer, director or stockholder of the corporation; and [PL 1995, c. 140, §3 (NEW).]

G. Location of the bottle club at any amusement area, beach or other area designed primarily for use by minors. [PL 1995, c. 140, §3 (NEW).]

[PL 1995, c. 140, §3 (NEW).]

4. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all of the requirements referred to in subsection 3.

A. If the decision appealed is approval of the application, the bureau may reverse the decision if it was arbitrary or based on an erroneous finding. [PL 1995, c. 462, Pt. D, §4 (AMD).]

B. If the decision appealed is denial of the application, the bureau may reverse the decision and register the bottle club under section 161 only if it finds by clear and convincing evidence that the decision was without justifiable cause. [PL 1995, c. 462, Pt. D, §4 (AMD).]

[PL 1995, c. 462, Pt. D, §4 (AMD).]

5. Appeal to Superior Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the Superior Court.

[PL 1995, c. 462, Pt. D, §4 (AMD).]

SECTION HISTORY

PL 1995, c. 140, §3 (NEW). PL 1995, c. 462, §D4 (AMD).

§162. Local authority for operation of bottle clubs

1. Question on bottle clubs. A municipality may hold an election on the following question.

A. Bottle clubs are defined as persons operating, on a regular, profit or nonprofit basis, facilities for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintain suitable facilities for the use of members on a regular basis or charge an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor. Shall bottle clubs be operated in this municipality? [PL 1987, c. 342, §19 (NEW).]

[PL 1987, c. 342, §19 (NEW).]

2. Procedure for election. The provisions of section 121 apply to elections under this section.
[PL 1987, c. 342, §19 (NEW).]

3. Results of vote. If the results of an election held under this section show that:

A. A majority of the votes cast in the municipality on the bottle club question is in the affirmative, bottle clubs may operate in that municipality; [PL 1987, c. 342, §19 (NEW).]

B. A majority of the votes cast in the municipality on the bottle club question is in the negative, bottle clubs may not operate in that municipality; or [PL 1987, c. 342, §19 (NEW).]

C. The vote is tied on any local option question, the law shall remain as it was before the voting. [PL 1987, c. 342, §19 (NEW).]
[PL 1987, c. 342, §19 (NEW).]

4. Effective date. The vote is effective on the first day of the month following the certification of the vote to the Secretary of State.
[PL 1987, c. 342, §19 (NEW).]

5. Repeal or reconsideration. When a municipality has voted to allow or not allow the operation of bottle clubs, the vote is effective until repealed by a new petition and vote as required by this section. No vote may be taken on the bottle club question more than once in any 2-year period.
[PL 1987, c. 342, §19 (NEW).]

6. Unincorporated places. The county commissioners, after holding a public hearing, may or may not allow the operation of bottle clubs in the unincorporated place.
[PL 1987, c. 342, §19 (NEW).]

SECTION HISTORY

PL 1987, c. 342, §19 (NEW).

§163. B.Y.O.B. function permit

1. Permit required. A person may not hold a B.Y.O.B. function unless a permit is obtained from the bureau. The bureau may issue a permit that authorizes multiple B.Y.O.B. functions over a period of 12 months as long as the B.Y.O.B. functions are held at the same location.
[PL 2015, c. 106, §1 (AMD).]

2. Application. A person must apply for a B.Y.O.B. function permit at least 24 hours prior to the proposed B.Y.O.B. function. The application must be on forms provided by the bureau and must be accompanied by a permit fee of $10 for each day the function is to be held. The application must be signed by the B.Y.O.B. sponsor and must contain the following information:

A. Name and address of each person responsible for the B.Y.O.B. function; [PL 1993, c. 266, §5 (NEW).]

B. The date and the beginning and ending time of the B.Y.O.B. function; [PL 1993, c. 266, §5 (NEW).]

C. The location where the B.Y.O.B. function is to be held; [PL 1993, c. 266, §5 (NEW).]

D. The seating capacity of the location; [PL 1993, c. 266, §5 (NEW).]

E. Written approval of the municipal officers or a municipal official designated by the municipal officers, for the B.Y.O.B. function to be held at the location within the municipality; and [PL 1993, c. 266, §5 (NEW).]

F. Proof that the B.Y.O.B. sponsor is at least 21 years of age. [PL 1993, c. 266, §5 (NEW).]
[PL 1997, c. 373, §36 (AMD).]

3. Charges and fees. Charges paid by the general public for admission, food, mixers or other supplies used with liquor or storage or handling of liquor that belongs to the general public are not sales or gifts.
[PL 1993, c. 266, §5 (NEW).]

4. Minors prohibited at B.Y.O.B. function. The B.Y.O.B. sponsor may not allow any minor not employed by the B.Y.O.B. sponsor or not accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002, to remain at the premises of a B.Y.O.B. function.

A B.Y.O.B. sponsor may employ a minor only if the sponsor is present in a supervisory capacity.
[PL 1993, c. 266, §5 (NEW).]

5. Possession or consumption by minors. A B.Y.O.B. sponsor may not allow a minor to possess or consume liquor or imitation liquor on the premises of the B.Y.O.B. function.
[PL 1993, c. 266, §5 (NEW).]

6. Consumption by intoxicated persons. A B.Y.O.B. sponsor may not allow a visibly intoxicated person to consume liquor on the premises of the B.Y.O.B. function.
[PL 1993, c. 266, §5 (NEW).]

7. Violation of the state law. A B.Y.O.B. sponsor may not knowingly allow any violation of any state law on the premises of the B.Y.O.B. function.
[PL 1993, c. 266, §5 (NEW).]

8. Right of access. A B.Y.O.B. sponsor shall allow a law enforcement officer to enter the premises of the B.Y.O.B. function at reasonable times for the purpose of investigating compliance with this Title.

Entry into the premises must be conducted in a reasonable manner so as not to disrupt the operation of the B.Y.O.B. function.

The investigation must be limited to those areas involved in the actual operation of the B.Y.O.B. function, including storage areas.
[PL 1993, c. 266, §5 (NEW).]

9. Violations. The following penalties apply to violations of this section.

A. A B.Y.O.B. sponsor that violates this section commits a civil violation for which a fine of not less than $100 and not more than $300 may be adjudged. [PL 2003, c. 452, Pt. P, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A B.Y.O.B. sponsor that violates this section after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 may be adjudged. [PL 2003, c. 452, Pt. P, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A B.Y.O.B. sponsor that violates this section after having previously violated this section 2 or more times commits a civil violation for which a fine of $500 may be adjudged. [PL 2003, c. 452, Pt. P, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §2 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1993, c. 266, §5 (NEW). PL 1997, c. 373, §36 (AMD). PL 2003, c. 452, §P2 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 106, §1 (AMD).

CHAPTER 9

PUBLIC INFORMATION

(REPEALED)

§201. Erection of guidepost

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 45, Pt. A, §4 (NEW). PL 1997, c. 373, §37 (AMD). PL 2011, c. 629, §6 (RP).

CHAPTER 11

ENTERTAINMENT DISTRICTS

§221. Entertainment districts

A municipal legislative body may establish by ordinance an entertainment district within the municipality for the purpose of designating the area in which a common consumption area may be located. [PL 2019, c. 281, §5 (NEW).]

An entertainment district ordinance adopted in accordance with this section must: [PL 2019, c. 281, §5 (NEW).]

1. Location of entertainment district. Specify the boundaries of the entertainment district within which a common consumption area may be located and include a map depicting the entertainment district;
[PL 2019, c. 281, §5 (NEW).]

2. Common consumption area parameters. Specify the maximum number of acres permitted to be within a common consumption area and indicate whether a common consumption area may include public or private ways;
[PL 2019, c. 281, §5 (NEW).]

3. Hours of operation. Specify the permissible hours of operation of a common consumption area; and
[PL 2019, c. 281, §5 (NEW).]

4. Maximum number of licensees. Specify the maximum number of common consumption areas that may be located within the entertainment district and the maximum number of licensed premises that may be licensed to use a single common consumption area.
[PL 2019, c. 281, §5 (NEW).]

SECTION HISTORY

PL 2019, c. 281, §5 (NEW).

PART 2

AGENCY LIQUOR STORES

CHAPTER 15

AGENCY LIQUOR STORES

§351. Proximity to churches and schools

1. Agency liquor store may not be located within 300 feet of school or church. The bureau may not license an agency liquor store located within 300 feet of any public or private school, church, chapel or parish house.

A. The bureau, after holding a public hearing near the proposed location, may locate an agency liquor store within 300 feet of a church, chapel, parish house or postsecondary school. [PL 1997, c. 373, §38 (AMD).]

[PL 2013, c. 368, Pt. V, §26 (AMD).]

2. Method of measurement. The distance must be measured from the main entrance of the agency liquor store to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel.

[PL 2013, c. 368, Pt. V, §26 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §20 (AMD). PL 1997, c. 373, §38 (AMD). PL 2013, c. 368, Pt. V, §26 (AMD).

§352. Purchase of liquor in state and agency liquor stores; purchase from bureau

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §21 (AMD). PL 1991, c. 376, §50 (RPR). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §VV4 (AMD). PL 1991, c. 591, §VV4 (AMD). PL 1991, c. 791, §1 (RPR). PL 1993, c. 615, §§2,3 (AMD). PL 1997, c. 373, §39 (AMD). PL 2013, c. 368, Pt. V, §27 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §12 (RP).

§352-A. Purchase of spirits from agency liquor stores; purchase from reselling agents

Purchases of spirits by a nonlicensee from an agency liquor store must be made by cash, check, credit card or debit card. Purchases from a reselling agent by a licensee authorized to sell spirits for on-premises consumption must be made by cash, check or electronic funds transfer. [PL 2013, c. 476, Pt. A, §13 (NEW).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §13 (NEW).

§353. Business hours

Agency liquor stores may be open for the sale and delivery of spirits as provided in section 4, subsection 1 in municipalities that have voted in favor of the sale of spirits for off-premises consumption under local option provisions and in unincorporated places where the sale of liquor for off-premises consumption has been authorized by the county commissioners under section 122. Notwithstanding any local option decisions to the contrary, agency liquor stores may be open from 5 a.m. Sunday to 1 a.m. the following day. [PL 2021, c. 658, §65 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 528, §PP2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §PP2 (AMD). PL 1993, c. 266, §6 (AMD). PL 1997, c. 373, §40 (AMD). PL 2013, c. 368, Pt. V, §28 (AMD). PL 2013, c. 476, Pt. A, §14 (AMD). PL 2013, c. 476, Pt. A, §36 (AFF). PL 2015, c. 74, §3 (AMD). PL 2021, c. 658, §65 (AMD).

§353-A. Business hours

(REPEALED)

SECTION HISTORY

PL 2013, c. 476, Pt. B, §1 (NEW). PL 2013, c. 476, Pt. B, §6 (AFF). PL 2015, c. 74, §4 (AMD). PL 2021, c. 658, §66 (RP).

§354. Sales to minors or intoxicated persons

An agency liquor store may not sell liquor to a minor or to a visibly intoxicated person. [PL 2013, c. 476, Pt. A, §15 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2013, c. 368, Pt. V, §29 (AMD). PL 2013, c. 476, Pt. A, §15 (AMD).

§355. Closed in cases of riots; hurricanes; flood

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §41 (AMD). PL 2005, c. 539, §4 (AMD). PL 2013, c. 368, Pt. V, §30 (AMD). PL 2013, c. 476, Pt. A, §16 (RP).

§356. Flexible hours for certain agency liquor stores

If an agency liquor store is subject to a substantial seasonal variation in business or retail customers based upon tourism or other factors, the agency liquor store may have flexibility in setting seasonal hours. An agency liquor store that establishes seasonal hours under this section shall notify the bureau, in writing, of those seasonal hours. [PL 2019, c. 48, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 48, §1 (NEW).

CHAPTER 17

STATE LIQUOR STORES

(REPEALED)

§401. Location of facilities

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §Z1 (RP). PL 1991, c. 591, §Z1 (RP).

§401-A. Location of facilities

(REPEALED)

SECTION HISTORY

PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §Z2 (NEW). PL 1991, c. 591, §Z2 (NEW). PL 1993, c. 509, §1 (AMD). PL 1997, c. 373, §42 (AMD). PL 2011, c. 629, §7 (RP).

§402. Notice on locating state liquor stores

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §Z3 (AMD). PL 1991, c. 591, §Z3 (AMD). PL 1997, c. 373, §43 (AMD). PL 2011, c. 629, §7 (RP).

§403. Discount state liquor stores

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 780, §Y129 (AMD). PL 1997, c. 755, §1 (AMD). PL 2001, c. 358, §V1 (RP).

CHAPTER 19

AGENCY LIQUOR STORES

§451. Agency liquor stores

This chapter governs the issuance of an agency liquor store license and the operation of agency liquor stores licensed pursuant to this Part. The bureau may license and regulate a person as an agency liquor store on an annual or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages for off-premises consumption. [PL 2021, c. 658, §67 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 509, §2 (AMD). PL 1997, c. 373, §44 (AMD). PL 2021, c. 658, §67 (AMD).

§452. Rules governing agency liquor stores

The bureau shall adopt rules for the selection, licensing and operation of agency liquor stores. These rules include, but are not limited to, the following: [PL 1997, c. 373, §45 (AMD).]

1. Location. Location of agency stores, subject to section 453;
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Storage facilities. Storage facilities for liquor;
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Handling and sale. The handling and sale of liquor;
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Hours. The hours of operation;
[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Separation from other merchandise. The separation of liquor from other merchandise in the agency liquor stores;
[PL 1987, c. 45, Pt. A, §4 (NEW).]

6. Size and nature of facilities. The size and nature of the facilities of agency liquor stores for different quantities of liquor to be sold; and
[PL 1987, c. 45, Pt. A, §4 (NEW).]

7. Other. Any other rules necessary to carry out the purposes of this chapter.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

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

§453. Location of agency stores

1. Location requirements. The bureau may license an agency liquor store only when the following requirements are met.

A. The proposed agency liquor store is located in a municipality that has voted in favor of local option provisions that authorize the sale of spirits, wine and malt liquor for off-premises consumption or the proposed agency liquor store is located in an unincorporated place where the county commissioners have authorized the sale of spirits, wine and malt liquor for off-premises consumption. [PL 2021, c. 658, §68 (AMD).]

B. [PL 1993, c. 380, §1 (RP); PL 1993, c. 380, §7 (AFF).]

C. [PL 2001, c. 711, §2 (RP).]

D. [PL 2001, c. 711, §2 (RP).]

[PL 2021, c. 658, §68 (AMD).]

1-A. Limitation on number of agency liquor stores. The bureau may license up to:

A. Twelve agency liquor stores in a municipality with a population over 60,000; [PL 2021, c. 172, §1 (AMD).]

B. Eleven agency liquor stores in a municipality with a population over 45,000 but less than 60,001; [PL 2021, c. 172, §1 (AMD).]

C. Ten agency liquor stores in a municipality with a population over 30,000 but less than 45,001; [PL 2021, c. 172, §1 (AMD).]

D. Nine agency liquor stores in a municipality with a population over 20,000 but less than 30,001; [PL 2021, c. 172, §1 (AMD).]

E. Seven agency liquor stores in a municipality with a population over 10,000 but less than 20,001; [PL 2023, c. 550, §1 (AMD).]

F. [PL 2023, c. 550, §2 (RP).]

G. Four agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; [PL 2019, c. 74, §1 (NEW).]

H. Three agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001; and [PL 2019, c. 74, §1 (NEW).]

I. One agency liquor store in a municipality with a population less than 2,000. [PL 2019, c. 74, §1 (NEW).]

The bureau may issue one additional agency liquor store license beyond those otherwise authorized by this subsection in any municipality. The bureau may consider any information provided by the municipality requesting an additional agency liquor store license.

This subsection may not be construed to reduce the number of agency liquor stores the bureau may license in a municipality as of June 30, 2009.

[PL 2023, c. 550, §§1-3 (AMD).]

2. Replacement of state or agency liquor stores.

[PL 2001, c. 711, §2 (RP).]

2-A. Limitation on number of agency liquor stores.

[PL 2019, c. 74, §2 (RP).]

2-B. Requirement of at least one replacement agency liquor store before closing.

[PL 2013, c. 368, Pt. V, §31 (RP).]

2-C. Licenses. The bureau shall consider whether the applicant can satisfy the following criteria when determining whether to issue an agency liquor store license under this section:

A. If the applicant has previously held a license to sell malt liquor and wine for off-premises consumption, the applicant was not found by the District Court to have committed a violation of any provision of this Title or rule of the bureau within the last year; [PL 2019, c. 404, §5 (AMD).]

B. If the applicant is applying for an agency liquor store license in a municipality with a population of 1,000 or more, the applicant will be able to stock at least $10,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license. If the applicant is applying for an agency liquor store license in a municipality with a population of 999 or less, the applicant will be able to stock at least $5,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license; [PL 2017, c. 167, §4 (AMD).]

C. The applicant can purchase the initial stock of spirits using a bank check or other financial instrument that certifies that funds are available; and [PL 2017, c. 167, §4 (AMD).]

D. The applicant demonstrates that the applicant is likely to be a responsible licensee. [PL 2017, c. 167, §4 (NEW).]

[PL 2019, c. 404, §5 (AMD).]

2-D. Exception.

[PL 2017, c. 167, §5 (RP).]

3. Measurement of distances.

[PL 1993, c. 380, §5 (RP); PL 1993, c. 380, §7 (AFF).]

4. Procedure for selection of agency liquor store location.

[PL 1991, c. 622, Pt. K, §4 (RP).]

5. Aggrieved applicants.

[PL 1991, c. 622, Pt. K, §5 (RP).]

SECTION HISTORY

PL 1987, c. 45, Pt. A, §4 (NEW). PL 1987, c. 342, §22 (AMD). PL 1989, c. 502, Pt. B, §§26-28 (AMD). PL 1991, c. 528, Pt. E, §34 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, Pt. E, §34 (AMD). PL 1991, c. 622, Pt. K, §§3-5 (AMD). PL 1993, c. 380, §§1-5 (AMD). PL 1993, c. 380, §7 (AFF). PL 1997, c. 373, §46 (AMD). PL 2001, c. 711, §2 (AMD). PL 2003, c. 20, Pt. SS, §§1, 2 (AMD). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2009, c. 213, Pt. JJJJ, §§1, 2 (AMD). PL 2013, c. 253, §1 (AMD). PL 2013, c. 269, Pt. A, §§5, 6 (AMD). PL 2013, c. 368, Pt. V, §31 (AMD). PL 2015, c. 128, §1 (AMD). PL 2015, c. 221, §§1, 2 (AMD). PL 2015, c. 494, Pt. A, §31 (AMD). PL 2017, c. 167, §§4, 5 (AMD). PL 2019, c. 74, §§1, 2 (AMD). PL 2019, c. 404, §5 (AMD). PL 2021, c. 172, §1 (AMD). PL 2021, c. 658, §68 (AMD). PL 2023, c. 550, §§1-3 (AMD).

§453-A. Issuance of agency liquor store license

The bureau shall issue a license for an agency liquor store within a municipality or unincorporated place by the following procedure. [PL 1997, c. 373, §47 (AMD).]

1. Bidding to replace state liquor stores.

[PL 2001, c. 711, §3 (RP).]

1-A. Bidding to establish or replace agency liquor stores.

[PL 2001, c. 711, §3 (RP).]

2. Public notice. The bureau shall, in accordance with the Maine Administrative Procedure Act, give public notice that an agency liquor store may be established in a particular municipality or unincorporated place. The bureau shall request all parties in the municipality or unincorporated place interested in a license to establish an agency liquor store there to submit applications to the bureau.
[PL 2001, c. 711, §4 (AMD).]

3. Information to applicants. The bureau shall provide all applicants with the necessary information for the establishment of an agency liquor store.
[PL 1997, c. 373, §47 (AMD).]

4. Notice to municipality. Upon receipt of all applications for an agency liquor store license in a municipality and at least 15 days before the final selection of an applicant or applicants by the bureau, the bureau shall notify the municipal officers of that municipality of the proposed location of each applicant.
[PL 1997, c. 373, §47 (AMD).]

5. Licensing decisions. The bureau shall conduct an investigation to determine the feasibility of the location and type of facility for the agency liquor store and shall issue the license to one or more of the applicants, taking into consideration the absence of an existing agency liquor store with less than 3,000 square feet of retail space in a downtown location and any other factors the bureau considers appropriate. The bureau is not required to consider the availability of parking spaces for motor vehicles for the issuance of an agency liquor store license to a store with less than 3,000 square feet of retail space in a downtown location. When considering the issuance of a license, the bureau shall consider the proximity of the proposed agency store to existing agency stores and the potential impact the location of the proposed agency store may have on an existing agency store. The bureau may deny a license if the bureau determines the proposed agency store location is in too close proximity to an existing agency store. For purposes of this subsection, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A.
[PL 2005, c. 596, §1 (AMD).]

5-A. Hearings on applications. The bureau, in accordance with the provisions of the Maine Administrative Procedure Act, shall conduct a hearing to take testimony, consider comment and deliberate on applications. In addition to giving any notice required by the Maine Administrative Procedure Act, the bureau shall give notice of public hearing in writing to any existing agency liquor stores located within 5 miles of the applicant's proposed store location by regular mail at least 15 days prior to the hearing.
[PL 1997, c. 373, §47 (AMD).]

6. Denial of application. The bureau shall notify any applicant denied a license of the reasons for the denial by certified mail to the mailing address given by the applicant in the application for an agency liquor store license.
[PL 1997, c. 373, §47 (AMD).]

7. Aggrieved applicants. Any applicant aggrieved by a decision made by the bureau may appeal the decision by filing an appeal with the District Court and serving a copy of the appeal upon the bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of the mailing of the bureau's decision.
[PL 2001, c. 471, Pt. D, §26 (AMD).]

8. Measurement of distance. All distances described in this section must be determined by the most reasonable direct route of travel.
[PL 1993, c. 380, §6 (NEW).]

9. Exception.
[PL 2017, c. 167, §6 (RP).]

SECTION HISTORY

PL 1991, c. 622, §K6 (NEW). PL 1993, c. 380, §6 (AMD). PL 1993, c. 509, §§3,4 (AMD). PL 1997, c. 373, §47 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 471, §D26 (AMD). PL 2001, c. 711, §§3-5 (AMD). PL 2005, c. 596, §1 (AMD). PL 2011, c. 460, §1 (AMD). PL 2017, c. 167, §6 (AMD).

§453-B. License fees

(REPEALED)

SECTION HISTORY

PL 1991, c. 622, §K6 (NEW). PL 1993, c. 509, §5 (RPR). PL 2001, c. 358, §V2 (RPR). PL 2007, c. 117, §1 (RPR). PL 2021, c. 658, §69 (RP).

§453-C. Reselling agents

1. License to resell spirits purchased from the bureau; fortified wine sale permitted. An agency liquor store may not resell spirits purchased from the bureau to a retail licensee licensed for on-premises consumption unless the agency liquor store is licensed as a reselling agent under this section. A reselling agent is prohibited from reselling spirits to a retail licensee licensed for on-premises consumption unless the spirits are purchased from the bureau. A reselling agent may sell fortified wine to a retail licensee for on-premises consumption.
[PL 2025, c. 230, Pt. A, §6 (AMD).]

2. License fee. The fee for a state license to resell spirits to a retail licensee licensed for on-premises consumption is $50 annually.
[PL 2013, c. 269, Pt. C, §7 (AMD); PL 2013, c. 269, Pt. C, §13 (AFF).]

3. Off-site facility license. A licensed reselling agent may obtain a license to maintain an off-site facility for the storage and distribution of spirits as provided in this subsection.

A. The off-site facility may be used for the storage of spirits intended for sale to an on-premises licensee or to fulfill and distribute orders to an on-premises licensee. The sales of spirits to an on-premises licensee may be transacted at the licensed retail agency store or at the licensed off-site facility. [PL 2015, c. 434, §1 (AMD).]

B. The off-site facility must be equipped with a security system providing 24-hour response. [PL 2015, c. 434, §1 (AMD).]

C. A licensed reselling agent may have only one off-site facility, which may not be located further than 5 miles from the licensed retail agency store. [PL 2015, c. 434, §1 (AMD).]

D. The fee for an off-site facility license is $100 annually. [PL 2015, c. 434, §1 (AMD).]
[PL 2015, c. 434, §1 (AMD).]

4. Reporting of spirits sales to on-premises licensees. Beginning October 15, 2016, a licensed reselling agent shall report on a monthly basis all spirits sales made to establishments licensed to sell spirits for on-premises consumption.

A. A report under this subsection must be made to a trade association contracted by the bureau to collect spirits sales data from reselling agents as described in section 84, subsection 6. [PL 2015, c. 430, §4 (NEW).]

B. The bureau shall ensure that reports under this subsection may be made by electronic transmission through a secure website established by the bureau. A reselling agent that is not reasonably able to use the website may submit a report under this subsection on paper or by using other methods approved by the bureau. [PL 2015, c. 430, §4 (NEW).]

C. The bureau may provide a stipend or reimbursement to reselling agents licensed and actively selling spirits to on-premises licensees as of July 1, 2016 to mitigate the costs of compliance with this subsection. [PL 2015, c. 430, §4 (NEW).]

D. The bureau may adopt rules regarding mitigating the costs incurred by reselling agents in complying with this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 430, §4 (NEW).]

[PL 2015, c. 430, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 711, §6 (NEW). PL 2003, c. 639, §1 (AMD). PL 2005, c. 539, §5 (AMD). PL 2013, c. 269, Pt. C, §§6, 7 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §32 (AMD). PL 2013, c. 476, Pt. B, §2 (AMD). PL 2013, c. 476, Pt. B, §6 (AFF). PL 2015, c. 430, §4 (AMD). PL 2015, c. 434, §1 (AMD). PL 2021, c. 658, §70 (AMD). PL 2025, c. 230, Pt. A, §6 (AMD).

§453-D. Change of location

The bureau shall permit the relocation of an agency liquor store within the same municipality as prescribed by this section. [PL 2011, c. 135, §1 (NEW).]

1. Relocation application requirements. The bureau shall permit a change of location of an agency liquor store licensee if:

A. The licensee submits an application in a form prescribed by the bureau; [PL 2017, c. 167, §7 (AMD).]

B. The application includes proof of receipt of municipal approval of the relocation; [PL 2011, c. 135, §1 (NEW).]

C. The licensee has held the license and operated as an agency liquor store for no less than one year at the currently licensed location, unless the relocation is directly related to retroactive zoning or unintentional destruction of the property that prevents rebuilding at the current location; [PL 2017, c. 167, §7 (AMD).]

D. The proposed location of the agency liquor store meets all applicable criteria for licensure for an agency liquor store; and [PL 2017, c. 167, §7 (AMD).]

E. The application includes proof of notification, in the form of a certified mail receipt, that all agency liquor stores in the same municipality as the licensee's proposed relocation site were notified of the proposed relocation before receiving approval under paragraph B. [PL 2017, c. 167, §7 (NEW).]

[PL 2017, c. 167, §7 (AMD).]

2. Hearing on relocation application.

[PL 2017, c. 167, §8 (RP).]

3. Agency liquor store input. The bureau shall establish a process by which an agency liquor store in the same municipality as the licensee's proposed relocation may declare support of or objections to a proposed relocation. The bureau shall consider the declarations when considering approval of the relocation application. The process required by this subsection must be established by rule. The bureau shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this subsection.

[RR 2017, c. 2, §11 (COR).]

SECTION HISTORY

PL 2011, c. 135, §1 (NEW). PL 2017, c. 167, §§7-9 (AMD). RR 2017, c. 2, §11 (COR).

§454. Agency liquor store in former state liquor store location.

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2011, c. 629, §8 (RP).

§455. Purchase of spirits

1. Agency liquor store purchases. Agency liquor stores shall buy their spirits from the bureau under section 606.
[PL 2021, c. 658, §71 (AMD).]

2. Monthly specials. The bureau may establish monthly specials for all agency liquor stores.
[PL 2021, c. 658, §71 (AMD).]

SECTION HISTORY

PL 1987, c. 45, Pt. A, §4 (NEW). PL 1991, c. 376, §51 (AMD). PL 1997, c. 373, §48 (AMD). PL 2003, c. 20, Pt. SS, §3 (RPR). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2013, c. 368, Pt. V, §61 (REV). PL 2021, c. 658, §71 (AMD).

§456. Special seasonal agency liquor stores

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 600, §§A17,A18 (AMD). PL 1989, c. 930 (AMD). MRSA T. 28-A §456, sub-§3 (RP).

§456-A. Special seasonal agency liquor stores

(REPEALED)

SECTION HISTORY

PL 1991, c. 367 (NEW). PL 1991, c. 622, §K7 (AMD). PL 1993, c. 509, §6 (RP).

§457. Transfer of agency liquor store license

Upon application of a licensee under this chapter, an agency liquor store license must be transferred to a new owner upon the sale of the licensed establishment and payment of the transfer fee required in section 1010-A, subsection 2 if the new owner is eligible under section 601 and the physical premises of the establishment remain unchanged. [PL 2021, c. 658, §72 (AMD).]

SECTION HISTORY

P&SL 1987, c. 50 (NEW). PL 1987, c. 342, §23 (NEW). PL 1987, c. 623, §6 (AMD). PL 1997, c. 373, §49 (AMD). PL 2007, c. 117, §2 (RPR). PL 2021, c. 658, §72 (AMD).

§458. Renewal of agency liquor store license; selection of alternate licensee

1. Application by store. The holder of an agency liquor store license shall apply annually to the bureau for renewal of that license. An application for renewal must be submitted on a form prepared by the bureau.
[PL 1997, c. 373, §50 (AMD).]

2. Review by bureau. In reviewing applications for renewal submitted under subsection 1, the bureau shall consider the following criteria:

A. The applicant's sales and inventory of spirits; [PL 2021, c. 658, §73 (AMD).]

B. The applicant's sales and inventory of groceries and related items; [PL 1991, c. 782, §1 (NEW).]

C. Any changes in the interior selling location of the premises or renovations to the applicant's licensed premises; [PL 1999, c. 34, §1 (AMD).]

D. Any customer complaints of poor service against the applicant's store; [PL 1991, c. 782, §1 (NEW).]

E. Any violations of liquor laws by the applicant; and [PL 1991, c. 782, §1 (NEW).]

F. Records of any bad checks rendered to the commission or bureau. [PL 1997, c. 373, §50 (AMD).]

[PL 2021, c. 658, §73 (AMD).]

2-A. Review exemptions. Notwithstanding subsection 2, paragraph C, when considering an application for the renewal of an agency liquor store license, the bureau may not consider minor changes to the placement of spirits inventory if the changes are not for the purposes of marketing beyond those provided in law or rule or for increasing access by minors but are to address some other spirits placement issue that is within the scope of the person's license.
[PL 2021, c. 658, §74 (AMD).]

3. Rejection of application; selection of alternate licensee. If the bureau denies an application for renewal of an agency liquor store license, the bureau may select an alternate licensee in accordance with the criteria set forth in sections 453 and 453-A. If the alternate licensee held an agency liquor store license in the past, the bureau may consider any of the applicable criteria set forth in subsection 2 in considering whether to license the alternate agency liquor store.
[PL 2021, c. 658, §75 (AMD).]

4. Purchase of store merchandise by State. If the bureau does not renew the agency liquor store license, the bureau shall purchase from the agency liquor store all resalable spirits held in inventory by the agency liquor store. The purchase price is the cost at which that agency liquor store purchased the spirits from the bureau, minus 10% of that cost.
[PL 1997, c. 373, §50 (AMD); PL 2013, c. 368, Pt. V, §61 (REV).]

5. Aggrieved applicant. Any agency liquor store licensee aggrieved by a decision of the bureau not to renew an agency liquor store license may appeal the decision by filing an appeal with the District Court and serving a copy of the appeal on the bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of notification of the agency liquor store licensee by the bureau that the license will not be renewed.
[PL 2001, c. 471, Pt. D, §27 (AMD).]

SECTION HISTORY

PL 1991, c. 782, §1 (NEW). PL 1997, c. 373, §50 (AMD). PL 1999, c. 34, §§1,2 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 471, §D27 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2021, c. 658, §§73-75 (AMD).

§459. Delivery of spirits by reselling agents

Reselling agents may deliver spirits to establishments that are licensed to sell spirits for on-premises consumption. [PL 2021, c. 658, §76 (AMD).]

SECTION HISTORY

PL 1993, c. 276, §1 (NEW). PL 2021, c. 658, §76 (AMD).

§460. Agency liquor store taste testing of spirits

1. Taste testing on agency liquor store premises. Subject to the conditions in subsections 2 and 2-A, the bureau may authorize an agency liquor store stocking at least 100 different codes of spirits products to conduct taste testing of spirits on that licensee's premises. An agency liquor store may not

allow any other consumption of liquor on the agency liquor store's premises, except as permitted under section 1206.
[PL 2021, c. 658, §77 (AMD).]

2. Conditions for conducting taste-testing events. The conditions under this subsection apply to taste-testing events under this section.

A. Spirits may not be served to persons who have not yet attained 21 years of age. [PL 2019, c. 79, §1 (AMD).]

B. 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; and, 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. 79, §1 (AMD).]

C. Spirits must be dispensed using a standard measuring device. [PL 2019, c. 79, §1 (AMD).]

D. [PL 2019, c. 79, §1 (RP).]

E. A person may not be charged a fee for any spirits served as part of a taste-testing event. [PL 2019, c. 79, §1 (AMD).]

F. A person may not be served who is visibly intoxicated. [PL 2009, c. 459, §1 (NEW).]

G. A taste-testing event must be limited to a designated area. [PL 2019, c. 79, §1 (AMD).]

H. A taste-testing event must be conducted within the hours of retail sale established in this Title. [PL 2019, c. 79, §1 (AMD).]

I. [PL 2019, c. 79, §1 (RP).]

J. The agency liquor store may conduct an unlimited number of taste-testing events per month. If the agency liquor store complies with the applicable requirements of sections 1205 and 1207, the agency liquor store may offer wine and malt liquor for tasting at the same time as spirits. [PL 2021, c. 131, §1 (AMD).]

K. 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 2019, c. 79, §1 (AMD).]

L. [PL 2019, c. 79, §1 (RP).]

M. [PL 2015, c. 184, §2 (RP).]

M-1. [PL 2023, c. 349, §1 (RP).]

M-2. Spirits served at a taste-testing event must be:

(1) Provided by the agency liquor store;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the agency liquor store; or

(3) Provided by a licensed sales representative participating in the taste-testing event or a spirits supplier, including those licensed under section 1355-A, participating in the taste-testing event and purchased in the State at the retail price. A record of the transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or spirits supplier shall remove all products supplied for the taste-testing event from the licensee's premises. [PL 2023, c. 349, §2 (NEW).]

N. Prior to a taste-testing event, the agency liquor store shall post prominently at the entrance to the store a sign that announces the date and time of the event. [PL 2013, c. 368, Pt. V, §33 (AMD).]

O. An agency liquor store, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the agency liquor store's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph N. [PL 2009, c. 510, §3 (NEW).]

P. Spirits may be poured for the taste-testing event only by the owner or an employee of the agency liquor store, by a sales representative licensed under section 1502 or by the spirits supplier. [PL 2021, c. 658, §78 (NEW).]

[PL 2023, c. 349, §§1, 2 (AMD).]

2-A. Written permission from the bureau. An agency liquor store must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.

A. The agency liquor store shall request authority to conduct a taste-testing event using forms prescribed by the bureau. [PL 2019, c. 79, §1 (NEW).]

B. The agency liquor store may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the agency liquor store requests authority to conduct in a calendar month under this section, section 1205 and section 1207. [PL 2019, c. 79, §1 (NEW).]

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event. [PL 2019, c. 79, §1 (NEW).]

D. [PL 2021, c. 658, §79 (RP).]

[PL 2021, c. 658, §79 (AMD).]

3. Rules. The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 476, Pt. A, §17 (AMD).]

SECTION HISTORY

PL 2009, c. 459, §1 (NEW). PL 2009, c. 510, §§1-3 (AMD). PL 2011, c. 103, §1 (AMD). PL 2013, c. 368, Pt. V, §§33, 34 (AMD). PL 2013, c. 476, Pt. A, §17 (AMD). PL 2015, c. 129, §§1, 2 (AMD). PL 2015, c. 184, §§1-3 (AMD). PL 2015, c. 329, Pt. D, §1 (AMD). PL 2015, c. 329, Pt. D, §4 (AFF). PL 2019, c. 79, §1 (AMD). PL 2019, c. 404, §6 (AMD). PL 2021, c. 131, §1 (AMD). PL 2021, c. 658, §§77-79 (AMD). PL 2023, c. 349, §§1, 2 (AMD).

§461. Minimum stock requirement

An agency liquor store shall maintain a minimum number of product codes in accordance with this section. For the purposes of this section, "product code" means a single spirit product purchased from the State or the State's wholesale distributor. [PL 2013, c. 269, Pt. C, §8 (AMD); PL 2013, c. 269, Pt. C, §13 (AFF).]

1. Store in municipality with population of 1,000 or more. An agency liquor store located in a municipality with a population of 1,000 or more shall have in stock, or on hand, a minimum of 100 different product codes.

[PL 2011, c. 140, §1 (NEW).]

2. Store in municipality with population of 999 or less. An agency liquor store located in a municipality with a population of 999 or less shall have in stock, or on hand, a minimum of 50 different product codes.

[PL 2011, c. 140, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 140, §1 (NEW). PL 2013, c. 269, Pt. C, §8 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF).

§462. Purveyor of spirits

1. License. An agency liquor store may obtain a purveyor of spirits license to conduct unlimited taste-testing events as provided in this section.
[PL 2025, c. 230, Pt. A, §7 (NEW).]

2. License fee. The fee for a purveyor of spirits license is $500.
[PL 2025, c. 230, Pt. A, §7 (NEW).]

3. Eligibility. An agency liquor store is eligible for a purveyor of spirits license if it meets the following criteria:

A. The agency liquor store has in stock a minimum of 1,500 different product codes. For the purposes of this paragraph, "product code" has the same meaning as in section 461; and [PL 2025, c. 230, Pt. A, §7 (NEW).]

B. At least 50% of the agency liquor store sales are from the sale of liquor. [PL 2025, c. 230, Pt. A, §7 (NEW).]
[PL 2025, c. 230, Pt. A, §7 (NEW).]

4. Conditions for conducting taste-testing events. The conditions under this subsection apply to taste-testing events under this section.

A. Spirits may not be served to a person who has not yet attained 21 years of age. [PL 2025, c. 230, Pt. A, §7 (NEW).]

B. A person who is visibly intoxicated may not be served. [PL 2025, c. 230, Pt. A, §7 (NEW).]

C. Spirits served at a taste-testing event under a purveyor of spirits license must be:

(1) Provided by the agency liquor store;

(2) Purchased at the retail price by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the agency liquor store; or

(3) Provided by a licensed sales representative participating in the taste-testing event or a spirits supplier, including those licensed under section 1355-A, participating in the taste-testing event and purchased in the State at the retail price. The purveyor of spirits shall maintain and make available to the bureau a record of transactions under this subparagraph. [PL 2025, c. 230, Pt. A, §7 (NEW).]

D. Spirits may be poured for the taste-testing event only by the owner or an employee of the agency liquor store, by a sales representative licensed under section 1502 or by the spirits supplier. [PL 2025, c. 230, Pt. A, §7 (NEW).]
[PL 2025, c. 230, Pt. A, §7 (NEW).]

5. Mixed drinks. The purveyor of spirits licensee may provide mixed drinks containing spirits for a taste-testing event.
[PL 2025, c. 230, Pt. A, §7 (NEW).]

6. Spirits containers used for taste-tasting events. Spirits containers that have been opened for a taste-testing event must be resealed and stored in an area not accessible by the public after the taste-testing event.
[PL 2025, c. 230, Pt. A, §7 (NEW).]

7. Rules. The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 230, Pt. A, §7 (NEW).]

SECTION HISTORY

PL 2025, c. 230, Pt. A, §7 (NEW).

CHAPTER 21

WHOLESALE SPIRITS PROVIDER

§501. Wholesale liquor provider; definition

(REPEALED)

SECTION HISTORY

PL 2003, c. 20, Pt. SS, §4 (NEW). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2013, c. 269, Pt. C, §9 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2021, c. 658, §81 (RP).

§502. Wholesale spirits provider prohibited financial interests

The wholesale spirits provider and each principal officer of the wholesale spirits provider may not hold or possess: [PL 2021, c. 658, §82 (NEW).]

1. Agency liquor store license. An agency liquor store license;
[PL 2021, c. 658, §82 (NEW).]

2. License to manufacture spirits. A license in this State or another state to manufacture spirits; or
[PL 2021, c. 658, §82 (NEW).]

3. Direct financial interest in prohibited license. A direct financial interest in a license described in subsection 1 or 2, except that a minor investment in not more than 1% of the securities of a business entity holding a license described in subsection 1 or 2 does not constitute a financial interest prohibited by this subsection.
[PL 2021, c. 658, §82 (NEW).]

SECTION HISTORY

PL 2003, c. 20, Pt. SS, §4 (NEW). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2021, c. 658, §82 (RPR).

§503. Delivery of spirits by wholesale spirits provider

1. Authorized delivery to agency liquor stores. The wholesale spirits provider may deliver to an agency liquor store spirits that the agency liquor store purchased from the bureau.
[PL 2021, c. 658, §83 (NEW).]

2. Delivery to on-premises retail licensees prohibited. The wholesale spirits provider may not deliver spirits to establishments licensed by the State to sell spirits for on-premises consumption.
[PL 2021, c. 658, §83 (NEW).]

SECTION HISTORY

PL 2003, c. 20, Pt. SS, §4 (NEW). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2013, c. 269, Pt. C, §10 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2021, c. 658, §83 (RPR).

PART 3

LICENSES FOR SALE OF LIQUOR

SUBPART 1

GENERAL PROVISIONS

CHAPTER 25

GENERAL PROVISIONS

§601. Eligibility

1. Eligibility qualifications. The bureau may not issue a license or certificate of approval to an applicant unless that applicant meets the following qualifications.

A. If the applicant is an individual, the applicant must be:

(1) At least 21 years of age; and

(2) A citizen of the United States. [PL 1993, c. 730, §26 (AMD).]

B. If the applicant is a partnership or association, each individual having an interest in the partnership or association must be:

(1) At least 21 years of age; and

(2) A citizen of the United States. [PL 2021, c. 658, §84 (AMD).]

C. If the applicant is a corporation, it must be incorporated under the laws of the State or authorized to transact business in the State. [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. If the applicant has an existing business, the applicant must be currently in compliance with all license, permit and approval requirements under Title 22 and under any rules adopted pursuant to Title 22 that apply to the applicant's existing business. [PL 2021, c. 658, §84 (NEW).]

[PL 2021, c. 658, §84 (AMD).]

2. Disqualifications. The bureau may not issue a license or certificate of approval to an applicant if:

A. Any of the principal officers of the corporation is not personally eligible because that officer has had a license or certificate of approval for the sale of liquor revoked under chapter 33, if the applicant is a corporation; [PL 2021, c. 658, §84 (AMD).]

B. The applicant held a license or certificate of approval that was revoked for a specific period under chapter 33 and the applicant is applying for a license or certificate of approval within that period since revocation; [PL 2021, c. 658, §84 (AMD).]

C. The applicant, that was not at the time of the offense the holder of a liquor license or a certificate of approval, was convicted of violating any laws of the State or the United States with respect to manufacture, transportation, importation, possession or sale of liquor within 5 years of applying for the license or certificate of approval. For the purposes of this paragraph, a person that sells liquor of a greater alcohol content than authorized by that person's license or certificate of approval is not considered the holder of a license or a certificate of approval; [PL 2021, c. 658, §84 (AMD).]

D. The applicant was convicted of selling liquor illegally on Sunday while an employee or agent of a licensee within 5 years of applying for the license or certificate of approval; [PL 2021, c. 658, §84 (AMD).]

E. The applicant's license or certificate of approval expired pending an appeal from conviction of illegally selling liquor on Sunday within 5 years of applying for the license or certificate of approval; [PL 2021, c. 658, §84 (AMD).]

F. The applicant is a law enforcement officer or if a law enforcement officer would benefit directly from the issuance of the license or certificate of approval; [PL 2021, c. 658, §84 (AMD).]

G. The applicant was denied a license or certificate of approval within the 6 months before the application was filed, unless the bureau's denial of the license or certificate of approval is overruled by the court under an appeal provided by section 805; [PL 2021, c. 658, §84 (AMD).]

H. The applicant is the spouse, parent, child or other close relation of a person whose license or certificate of approval or application for a license or certificate of approval for the same premises was revoked by the District Court or denied by the bureau within the 6 months before the application was filed; [PL 2021, c. 658, §84 (AMD).]

I. The bureau determines that the purpose of the application is to circumvent the provisions of this section; or [PL 1997, c. 373, §51 (AMD).]

J. The applicant is a golf course or a restaurant located on the property of a golf course and the Maine Human Rights Commission has found reasonable grounds to believe that the golf course has denied membership to a person in violation of Title 5, chapter 337, subchapter 5 and has determined that conciliation efforts under Title 5, section 4612, subsection 3 have not succeeded. The Maine Human Rights Commission shall notify the bureau when the golf course has corrected its discriminatory membership practices, after which the applicant ceases to be disqualified under this paragraph. [PL 2021, c. 658, §84 (AMD).]

[PL 2021, c. 658, §84 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 592, §§1,2 (AMD). PL 1991, c. 158, §§1-3 (AMD). PL 1993, c. 730, §26 (AMD). PL 1995, c. 192, §1 (AMD). PL 1997, c. 373, §51 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 168, §1 (AMD). PL 2017, c. 167, §10 (AMD). PL 2021, c. 658, §84 (AMD).

§601-A. Examination of new applicants

(REPEALED)

SECTION HISTORY

PL 1989, c. 526, §§2,28 (NEW). PL 1997, c. 373, §52 (RP).

§602. Notification of license or certificate of approval expiration

1. Seven-day grace period upon license or certificate of approval expiration. Except as provided in subsection 3, a licensee that unintentionally fails to renew a license or certificate of approval upon its expiration date and continues to make sales of liquor is not chargeable with illegal sales under section 2078 for a period of 7 days following the expiration date.
[PL 2021, c. 658, §85 (AMD).]

2. Bureau must notify licensee of expiration. The bureau shall notify the licensee by the most expedient means available that the license or certificate of approval has expired and all sales of liquor must be suspended immediately and remain suspended until the license or certificate of approval is properly renewed.
[PL 2021, c. 658, §85 (AMD).]

3. Illegal sales after expiration of grace period or after notice. A licensee that continues to make sales of liquor after having been properly notified of the expired license or certificate of approval must be charged with illegal sales under section 2078.
[PL 2021, c. 658, §85 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §53 (AMD). PL 2021, c. 658, §85 (AMD).

§603. Part-time 7-month license

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §24 (RP).

§604. Production of licenses or certificates of approval

A licensee shall make available for inspection its licenses or certificates of approval at any premises in the State to which those licenses or certificates of approval apply. [PL 2021, c. 658, §86 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2011, c. 535, §3 (AMD). PL 2021, c. 658, §86 (AMD).

§605. Transfer of licenses; death; bankruptcy; receivership; guardianship; corporations

Except as otherwise provided in this section and section 608, a license or any interest in a license may not be sold, transferred, assigned or otherwise subject to control by any person other than the licensee. If the business, or any interest in the business, in connection with which a licensed activity is conducted is sold, transferred or assigned, the licensee shall immediately send to the bureau the license and a sworn statement showing the name and address of the purchaser. The bureau is not required to refund any portion of the license fee if the license is surrendered before it expires. For the purposes of this section, neither a tenant brewery that is licensed in accordance with section 1355-A, subsection 6 nor a tenant winery that is licensed in accordance with section 1355-A, subsection 7 is considered to be subject to the control of the host brewery or host winery, as the case may be, as described in those subsections, or considered to have been transferred or assigned the license or interest in the license of the host brewery or host winery. [PL 2021, c. 658, §87 (AMD).]

1. Transfer within same municipality. Upon receipt of a written application, the bureau may transfer any retail liquor license from one place to another within the same municipality. If the approval of the municipal officers was required for the original license, the transfer may be made only with the approval of the municipal officers. No transfer may be made to premises for which the license could not have been originally legally issued.
[PL 1997, c. 373, §55 (AMD).]

2. Death, bankruptcy or receivership. In the case of death, bankruptcy or receivership of any licensee, the executor or administrator of the deceased licensee or the trustee or receiver of the bankrupt licensee or licensee in receivership may retain the license for the remaining term of the license or transfer the license without additional fee.

A. Personal representatives, receivers or trustees may operate the premises themselves or through a manager for a year from the date of their appointment for the benefit of the estate.

(1) The license must be renewed upon the expiration date at the regular license fee.

(2) If the license or renewed license is not transferred within one year from the date of appointment, it becomes void and must be returned to the bureau for cancellation.

(3) Any suspension or revocation of the license by the District Court for any violation applies against both the manager and the personal representative, receiver or trustee.

(4) A personal representative, receiver, trustee or duly appointed manager may not operate under the license unless approved by the bureau. [PL 2021, c. 658, §§88, 89 (AMD).]

B. If a licensee dies, the following persons, with the written approval of the bureau, may continue the operation of the license for not more than 60 days pending appointment of a personal representative of the estate:

(1) The surviving spouse;

(2) A person who has filed a petition for appointment as executor or administrator for the estate of the deceased licensee;

(3) Any sole heir of the deceased licensee; or

(4) Any person designated by all of the heirs of the deceased licensee. [PL 1997, c. 373, §56 (AMD).]

C. When no administration of the estate of a deceased licensee is contemplated, the surviving spouse or person designated by all of the heirs of the deceased licensee may take over the license under the same conditions as are provided for operation and transfer by executors and administrators. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2021, c. 658, §§88, 89 (AMD).]

2-A. Transfer to surviving spouse or designated heir. When the term of the license of a deceased licensee expires, the bureau shall transfer the license for the existing location to the surviving spouse or a designated heir of the deceased licensee if the surviving spouse or designated heir submits a request for the transfer of that license at least 60 days prior to the expiration of the license. The bureau may deny the transfer of the license if the surviving spouse or designated heir does not meet all of the eligibility requirements for that license set forth in this chapter. If both the surviving spouse and the designated heir request transfer of the license, the bureau shall reissue the license by the same process used if no surviving spouse or designated heir requested that the license be transferred.

[PL 2001, c. 711, §7 (NEW).]

3. Guardians and conservators. Duly appointed and qualified guardians and conservators of the estate of a licensee may take over, operate and renew licenses of their wards during their term of office if they or their managers are approved by the bureau.

A. Guardians and conservators, except in the case of off-premises retail licensees approved by the municipal officers in their municipality, may not transfer their wards' licenses and shall renew licenses each year. [PL 2021, c. 658, §90 (AMD).]

B. Penalties for violations apply to both guardians or conservators and their managers in the same manner as executors or administrators and their managers in subsection 2. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2021, c. 658, §90 (AMD).]

4. Sale of stock of a corporate licensee. Any sale or transfer of stock of a corporate licensee which results in the sale or transfer of more than 10% of the shares of stock of the corporate licensee shall be considered a transfer within the meaning of this section and a new license must be purchased.

[PL 1987, c. 342, §26 (AMD).]

5. Incorporation of licensee's business. The incorporation of a licensee's business or a change in the form of incorporation of a licensee's business are transfers within the meaning of this section. This subsection does not apply to agency liquor stores as long as the licensed agent retains control of the corporate stock.

[PL 1987, c. 623, §7 (AMD).]

6. Change in partnership. Addition or deletion of a partner in a partnership is a transfer within the meaning of this section.

[PL 1987, c. 342, §27 (NEW).]

7. Corporate merger or acquisition. The merger or acquisition of a licensee which is incorporated is a transfer within the meaning of this section.

[PL 1987, c. 342, §27 (NEW).]

8. Application. This section does not apply to certificate of approval holders.

[PL 1987, c. 623, §7 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§25-27 (AMD). PL 1987, c. 623, §7 (AMD). PL 1987, c. 769, §A113 (AMD). PL 1997, c. 373, §§54-57 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 711, §7 (AMD). PL 2013, c. 345, §2 (AMD). PL 2013, c. 446, §1 (AMD). PL 2015, c. 185, §2 (AMD). PL 2021, c. 658, §§87-90 (AMD).

§606. Purchase of spirits by licensees, government instrumentalities, airlines, ferry services, hospitals and state institutions

1. Purchase of spirits. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits for on-premises consumption shall purchase spirits from an agency liquor store licensed as a reselling agent. This subsection does not apply to public service corporations operating interstate.

A. [PL 1993, c. 276, §2 (RP).]

[PL 2021, c. 658, §91 (AMD).]

1-A. On-premises licensees; purchase from reselling agent. Except for a public service corporation that operates interstate, a person licensed to sell spirits for on-premises consumption shall purchase spirits from a reselling agent only, in accordance with this subsection. A licensee that violates this subsection is subject to the administrative penalties provided in section 2074-A.

A. The sale price of spirits sold by a reselling agent to an establishment licensed for on-premises consumption must be the retail price established by the commission or the discounted retail price established by the bureau in accordance with subsection 1-C. [PL 2019, c. 404, §8 (AMD).]

B. Upon completion of a transaction, the reselling agent and the on-premises licensee shall each retain a copy of the licensee order form. [PL 2021, c. 658, §91 (AMD).]

C. [PL 1993, c. 276, §3 (RP).]

D. [PL 1993, c. 276, §3 (RP).]

[PL 2021, c. 658, §91 (AMD).]

1-B. Price of sales to agency liquor stores.

[PL 1997, c. 24, Pt. L, §1 (RP).]

1-C. Price of state spirits sales to agency liquor stores. The bureau may offer discounts below the retail price set by the commission on spirits sold to agency liquor stores.

[PL 2019, c. 404, §9 (AMD).]

1-D. Purchase of spirits.

[PL 2021, c. 658, §91 (RP).]

2. On-premises retailers must report purchases.

[PL 2015, c. 430, §5 (RP).]

3. Prospective licensees may order spirits in advance. Upon approval of the bureau, a person that has been issued an agency liquor store license effective at a future date or a license to sell spirits for on-premises consumption effective at a future date may order spirits in advance of the effective date of the license and may advertise the effective date.

[PL 2021, c. 658, §91 (AMD).]

4. Discount for agency liquor stores.

[PL 2013, c. 476, Pt. A, §21 (RP).]

4-A. Discount rates for agency liquor stores; rulemaking. Beginning July 1, 2014, the bureau shall set the wholesale price of spirits, which is the price an agency liquor store pays to purchase spirits from the State, at a minimum discount of 12% off the retail price. Upon the expiration or termination of all contracts for the operation of the State's wholesale spirits business in effect on January 1, 2022,

the bureau shall set the wholesale price of spirits, which is the price an agency liquor store pays to purchase spirits from the State, at a minimum discount of 18% off of the retail price.

The bureau by rule may establish discount rates greater than the minimum discount rates established in this subsection, including:

A. Graduated discount rates, which must be structured in a way that does not adversely affect agency liquor stores that stock a low level of inventory; and [PL 2021, c. 592, Pt. B, §2 (NEW).]

B. Increased discount rates to be awarded as part of a sales incentive program for agency liquor stores. In adopting a sales incentive program under this paragraph, the bureau shall consider the effect of the sales incentive program on state revenue and on any pending or existing contracts awarded under section 90. [PL 2021, c. 592, Pt. B, §2 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 658, §91 (AMD).]

4-B. Discount rate for small distilleries. Beginning July 1, 2019, the bureau shall set the wholesale price of spirits produced by a small distillery licensed under section 1355-A, subsection 5, paragraph B and retained by that small distillery for sale under section 1355-A, subsection 5, paragraph G or H, which is the price the small distillery pays to purchase those spirits from the State, at a discount of 22.75% off the retail price.
[PL 2021, c. 658, §91 (AMD).]

5. Sale to government instrumentalities. The bureau may authorize the sale of spirits to government instrumentalities within the State. The bureau shall set the price.
[PL 2021, c. 658, §91 (AMD).]

6. Sale to airlines and ferry services for consumption outside the State. The bureau may authorize the sale of spirits for consumption outside of the State to airlines and ferry services or their agents. The bureau shall set the price.
[PL 2021, c. 658, §91 (AMD).]

6-A. Sale to hospitals and state institutions. The bureau may authorize the sale of spirits to hospitals and state institutions within the State for medicinal purposes only. The bureau shall set the price.
[PL 2021, c. 658, §91 (NEW).]

7. Premium must be collected. Nothing in this section permits the sale of spirits without collecting the entire premium assessed under chapter 65.
[PL 1997, c. 373, §58 (AMD).]

8. Limits on price. An agency liquor store shall sell all spirits purchased from the bureau at the retail price established by the commission.
[PL 2021, c. 658, §91 (AMD).]

SECTION HISTORY

PL 1987, c. 45, Pt. A, §4 (NEW). PL 1987, c. 342, §§28,29 (AMD). PL 1991, c. 227, §§1,2 (AMD). PL 1991, c. 376, §52 (AMD). PL 1991, c. 622, Pt. K, §8 (AMD). PL 1991, c. 791, §2 (AMD). PL 1991, c. 824, Pt. A, §57 (AMD). PL 1993, c. 276, §§2,3 (AMD). PL 1995, c. 53, §1 (AMD). PL 1997, c. 24, Pt. L, §§1-4 (AMD). PL 1997, c. 373, §58 (AMD). PL 2001, c. 711, §8 (AMD). PL 2003, c. 20, Pt. SS, §§5,6 (AMD). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2005, c. 539, §6 (AMD). PL 2011, c. 380, Pt. PPPP, §1 (AMD). PL 2013, c. 269, Pt. A, §§7, 8 (AMD). PL 2013, c. 269, Pt. A, §10 (AFF). PL 2013, c. 269, Pt. C, §11 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §§35-39 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §§18-21 (AMD). PL 2013, c. 476, Pt.

A, §36 (AFF). PL 2013, c. 476, Pt. B, §§3, 4 (AMD). PL 2013, c. 476, Pt. B, §6 (AFF). PL 2015, c. 430, §5 (AMD). PL 2019, c. 168, §1 (AMD). PL 2019, c. 404, §§7-11 (AMD). PL 2021, c. 592, Pt. B, §2 (AMD). PL 2021, c. 658, §91 (AMD).

§607. Licensees closed in case of riots, hurricanes or floods

The Governor or the bureau may, in cases of riots, hurricanes and floods, order any or all licensees not to sell any liquor. [PL 1997, c. 373, §59 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §59 (AMD).

§608. Licensees with professional sporting events; revenues from the sale of liquor

A licensee authorized to sell liquor for on-premises consumption may enter into an agreement to share revenues from the sale of liquor with a professional sports team not licensed under this Title if: [PL 2013, c. 446, §2 (NEW).]

1. Capacity. The licensee has a capacity to seat at least 3,000 people;
[PL 2013, c. 446, §2 (NEW).]

2. Licensee is designated host facility. The licensee is the designated host facility for the professional sports team. For the purposes of this subsection, "designated host facility" means a facility licensed to sell liquor for on-premises consumption, including, but not limited to, a civic auditorium or an outdoor stadium where a professional sports team conducts at least 75% of its sporting events as the home team in the competition;
[PL 2013, c. 446, §2 (NEW).]

3. Revenues from sales at sporting events only. Revenues to be shared as provided by this section between the licensee and the professional sports team are limited to revenues from the sale of liquor sold at the time of sporting events conducted by that professional sports team; and
[PL 2013, c. 446, §2 (NEW).]

4. Application. The licensee discloses any agreement, including any revenue-sharing provisions pursuant to subsection 3, with a professional sports team permitted under this section when submitting an application for a liquor license as required by section 651, subsection 2.
[PL 2013, c. 446, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 446, §2 (NEW).

CHAPTER 27

APPLICATION PROCEDURE

§651. Applications

1. File application with bureau. An applicant for a license or certificate of approval under this Title shall file an application in the form required by the bureau.
[PL 2021, c. 658, §92 (AMD).]

2. Contents of application. The application must contain the following.

A. An applicant shall disclose any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought. If the applicant is a purchaser by contract, the applicant shall also disclose the terms of the contract.

(1) For any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought and is a business entity, the applicant shall disclose any person that holds an ownership interest in that business entity that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought.

(2) For any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought and is a business entity, the applicant may attest to the bureau by affidavit that no person that holds an ownership interest in that business entity holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought. [PL 2023, c. 633, §1 (RPR).]

A-1. An applicant shall disclose any person that holds an indirect financial interest equal to or greater than 10% in the person for which a license or certificate of approval is sought. For the purposes of this paragraph, "indirect financial interest" means:

(1) An option, warrant or other right to acquire an equity interest in the person for which a license or certificate of approval is sought; or

(2) A right to payment of, or a right to payment based upon, all or any portion of revenues, profits or losses derived from the operations under a license or certificate of approval issued under this Title of the person for which a license or certificate of approval is sought, including, but not limited to, profit sharing, revenue sharing or royalty payments. [PL 2025, c. 21, §1 (AMD).]

B. An applicant for a license for the sale of liquor for on-premises consumption shall include in the application a description of the premises to be licensed and provide any other material information, description or plan of that part of the premises where the applicant proposes to keep or sell liquor as the bureau requires. [PL 2021, c. 658, §92 (AMD).]

C. The owner or the bona fide prospective purchaser shall sign the application. If the owner or bona fide prospective purchaser is:

(1) A natural person, then that person shall sign;

(2) A partnership, then the partners of the partnership shall sign; or

(3) A corporation, then a principal officer of the corporation or any person specifically authorized by the corporation shall sign. [PL 2021, c. 658, §92 (AMD).]

[PL 2025, c. 21, §1 (AMD).]

3. False answer given intentionally. An applicant may not attempt to conceal or disguise ownership interest or indirect financial interest in the person for which a license or certificate of approval is sought. A person who intentionally gives an untruthful answer in an application for a license or certificate of approval under this Title violates Title 17-A, section 453. As used in this subsection, "indirect financial interest" has the same meaning as in subsection 2, paragraph A-1.
[PL 2023, c. 633, §3 (AMD).]

4. Rulemaking. The bureau may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to administer this section.
[PL 2023, c. 633, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §30 (AMD). PL 1997, c. 373, §§60,61 (AMD). PL 2021, c. 658, §92 (AMD). PL 2023, c. 633, §§1-4 (AMD). PL 2025, c. 21, §1 (AMD).

§652. Application procedure

1. License or certificate of approval fee. An applicant shall enclose the fee for the license or certificate of approval prescribed by this Title with the application for the license or certificate of approval.
[PL 2021, c. 658, §93 (AMD).]

2. Effective date and term of license or certificate of approval. All full-year licenses and certificates of approval are effective for one year from the date of issuance. All part-time licenses and certificates of approval are effective for the term of the license or certificate of approval from the date of issuance.
[PL 2021, c. 658, §93 (AMD).]

3. Renewal. Licenses and certificates of approval may be renewed upon application for renewal and payment of the annual fee, subject to bureau rules.
[PL 2021, c. 658, §93 (AMD).]

4. Multiple licenses. A licensee applying for a license to operate more than one premises shall pay the fee prescribed for the type of license to be exercised at each premises.
[PL 2021, c. 658, §93 (AMD).]

5. Filing fee. Except as provided in paragraph A, an applicant for an original or renewal license or certificate of approval shall pay a filing fee of $10 when filing the application.

A. In unincorporated places, the applicant shall pay the filing fee of $10 to the county treasurer of the county in which the unincorporated place is located. All applications for a license in unincorporated places must be accompanied by evidence of payment of the filing fee to the county treasurer. [PL 1987, c. 769, Pt. A, §114 (AMD).]
[PL 2021, c. 658, §93 (AMD).]

6. Public service license.
[PL 2021, c. 658, §93 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §31 (AMD). PL 1987, c. 769, §A114 (AMD). PL 1997, c. 373, §62 (AMD). PL 2017, c. 167, §11 (AMD). PL 2021, c. 658, §93 (AMD).

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses, applications for transfer of location of existing on-premises licenses and applications for common consumption area licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [PL 1993, c. 730, §27 (AMD).]

A-1. An applicant for a common consumption area license must certify that the applicant's premises are located within an entertainment district established in accordance with section 221. The municipal officers shall evaluate the merits of each applicant and separately issue or deny a license to each applicant. Applications for an unestablished common consumption area must be submitted jointly by all persons that seek to operate the common consumption area. A person may submit an individual application for a license to operate an established common consumption area. [PL 2019, c. 281, §6 (NEW).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's or applicants'

prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [PL 2019, c. 281, §6 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license, transfer of the location of an existing on-premises license or common consumption area license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [PL 2019, c. 281, §6 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [PL 1995, c. 140, §5 (NEW).]

[PL 2019, c. 281, §6 (AMD).]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [PL 1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [PL 1989, c. 592, §3 (AMD).]

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners; [PL 2017, c. 13, §1 (NEW).]

E. A violation of any provision of this Title; [PL 2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [PL 2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve liquor. [PL 2021, c. 658, §94 (AMD).]

[PL 2021, c. 658, §94 (AMD).]

2-A. Common consumption area license applications. In addition to the grounds for denial set forth in subsection 2, the municipal officers may deny a common consumption area license if:

A. The applicant fails to establish that the common consumption area can be operated without creating a safety risk to the properties within the entertainment district; [PL 2019, c. 281, §7 (NEW).]

B. The applicant fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the municipal officers and names the local licensing authority as an additional insured; or [PL 2019, c. 281, §7 (NEW).]

C. The use is not compatible with the reasonable requirements of or existing uses in the entertainment district. [PL 2019, c. 281, §7 (NEW).]

[PL 2019, c. 281, §7 (NEW).]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [PL 1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [PL 1993, c. 730, §27 (AMD).]

[PL 1995, c. 140, §6 (AMD).]

4. No license to person who moved to obtain a license.

[PL 1987, c. 342, §32 (RP).]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[PL 1995, c. 140, §7 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §32 (AMD). PL 1987, c. 623, §8 (AMD). PL 1989, c. 592, §§3,4 (AMD). PL 1993, c. 730, §27 (AMD). PL 1995, c. 10, §1 (AMD). PL 1995, c. 140, §§4-7 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 589, §1 (AMD). PL 2001, c. 500, §1 (AMD). PL 2003, c. 213, §1 (AMD). PL 2009, c. 81, §§1-3 (AMD). PL 2017, c. 13, §1 (AMD). PL 2019, c. 281, §§6, 7 (AMD). PL 2021, c. 658, §94 (AMD).

§654. Additional considerations for licensure

1. Character; location; operation of business. In issuing or renewing licenses, the bureau, the municipal officers or the county commissioners, as the case may be, shall give consideration to:

A. The character of any applicant; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The location of the place of business; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. The manner in which the business has been operated; and [PL 1997, c. 373, §63 (AMD).]

D. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1997, c. 373, §63 (AMD).]

2. Qualifications of corporations. The bureau, the municipal officers or the county commissioners, as the case may be, may refuse to issue licenses to corporations when any of its officers, directors or stockholders do not possess the qualifications required of unincorporated persons under this section.

[PL 1997, c. 373, §63 (AMD).]

3. Areas primarily for minors. Without limitation of its other powers, the bureau may not approve as a proper place for the exercise of the license privilege amusement areas primarily for minors, beaches or any other area designed primarily for use by minors.

[PL 1997, c. 373, §63 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §63 (AMD).

CHAPTER 29

LICENSE RESTRICTIONS

§701. Proximity to schools; exception

1. Location within 300 feet of churches and schools. Except as provided in paragraphs B and C, the bureau may not issue a new license for the sale of liquor to be consumed on the premises to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time the application for the new license is made.

A. [PL 1987, c. 342, §33 (RP).]

B. The bureau may after holding a public hearing near the proposed location issue licenses to premises that are either in or within 300 feet of a church, chapel, parish house or postsecondary school. [PL 1997, c. 373, §64 (AMD).]

C. The restriction in this subsection does not apply if a public or private school, school dormitory, church, chapel or parish house:

(1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established pursuant to a zoning ordinance as defined in Title 30-A, section 4301, subsection 15-A prior to the public or private school, school dormitory, church, chapel or parish house locating in the commercial zone; or

(2) Is located in a downtown as defined in Title 30-A, section 4301, subsection 5-A. [PL 2005, c. 269, §1 (NEW).]

[PL 2005, c. 269, §1 (AMD).]

2. Method of measurement. The distance must be measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §33 (AMD). PL 1997, c. 373, §64 (AMD). PL 2005, c. 269, §1 (AMD).

§702. Certain clubs ineligible

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §34 (RP).

§703. Employment of violators prohibited

A licensee may not employ as a manager or leave in charge of the licensed premises any person who, by reason of conviction of violation of any liquor laws within the last 5 years or because of a revocation of that person's license for sale of liquor within the last 5 years, is not eligible for a liquor license. [PL 1997, c. 373, §65 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §65 (AMD).

§703-A. Prohibition of employment of violators as retail employees

1. Employment prohibited. A retail licensee may not employ a person as a retail employee if that person, within 2 years of the date of that person's application for employment, has been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B. A retail licensee may not employ a person as a retail employee if that person, within 5 years of the date of that person's application for employment, has been convicted of a 2nd offense of violating section 2078 or section 2081, subsection 1, paragraph A or B.
[PL 1993, c. 254, §1 (AMD).]

2. Affidavit required. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 2 years of the date of the affidavit. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of a 2nd offense of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 years of the date of the affidavit. The affidavit must be executed at the time of application. The bureau shall develop the affidavit required by this section and make single copies of that affidavit available to retailers.
[PL 1997, c. 373, §66 (AMD).]

SECTION HISTORY

PL 1989, c. 526, §§3,28 (NEW). PL 1993, c. 254, §1 (AMD). PL 1997, c. 373, §66 (AMD).

§704. Employment of minors

1. Employees under 17 years of age. A licensee for the sale of liquor to be consumed on licensed premises may not employ a person under 17 years of age in the serving or selling of liquor on the premises where the liquor is sold. A licensee who violates this subsection is subject to the penalties in section 803.
[PL 2003, c. 452, Pt. P, §3 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. (REALLOCATED FROM T. 28-A, §704, sub-§2) Employees between 17 and 21 years of age. An employee who is at least 17 years of age but less than 21 years of age may serve or sell liquor only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.

A. A licensee whose employee violates this subsection is subject to the penalties in section 803. [RR 2003, c. 1, §26 (RAL); RR 2003, c. 1, §27 (AFF).]

B. An employee who violates this subsection is subject to the penalties in section 803. [RR 2003, c. 1, §26 (RAL); RR 2003, c. 1, §27 (AFF).]

[RR 2003, c. 1, §26 (RAL); RR 2003, c. 1, §27 (AFF).]

2. Penalty.

[PL 1993, c. 266, §8 (RP).]

2. (REALLOCATED TO T. 28-A, §704, sub-§1-A) Employees between 17 and 21 years of age.

[RR 2003, c. 1, §26 (RAL); RR 2003, c. 1, §27 (AFF); PL 2003, c. 452, Pt. P, §3 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §35 (AMD). PL 1993, c. 266, §§7,8 (AMD). PL 1997, c. 373, §67 (AMD). PL 2003, c. 452, §P3 (RPR). PL 2003, c. 452, §X2 (AFF). RR 2003, c. 1, §26 (COR). RR 2003, c. 1, §27 (AFF).

§704-A. Employment of law enforcement officers

(REPEALED)

SECTION HISTORY

PL 1993, c. 730, §28 (NEW). PL 1995, c. 16, §1 (RP).

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

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

A. [PL 2003, c. 349, §1 (RP).]

B. [PL 2003, c. 349, §1 (RP).]

C. [PL 2003, c. 349, §1 (RP).]

D. [PL 2003, c. 349, §1 (RP).]

[PL 2003, c. 349, §1 (RPR).]

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

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

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

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

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

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

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

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

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

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

C. By an on-premises licensee to the host of a private, prearranged function without a credit card. [PL 2003, c. 349, §2 (NEW).]
[PL 2021, c. 658, §96 (AMD).]

1-C. Right of action. A right of action does not exist to collect claims for credits extended contrary to this section.
[PL 2003, c. 349, §2 (NEW).]

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

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

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

A. [PL 1993, c. 266, §10 (RP).]

B. [PL 1987, c. 342, §37 (RP).]

C. [PL 1987, c. 342, §37 (RP).]

D. [PL 1993, c. 266, §10 (RP).]

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

[PL 1993, c. 266, §10 (AMD).]

2-A. Prohibited sales of liquor to be consumed off the premises. A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor or wine to be consumed off the premises to a person who is visibly intoxicated.

[PL 1993, c. 266, §11 (NEW).]

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

A. [PL 1993, c. 266, §12 (RP).]

B. [PL 1987, c. 342, §38 (RP).]

C. [PL 1987, c. 342, §38 (RP).]

D. [PL 1993, c. 266, §12 (RP).]

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

[PL 1993, c. 266, §12 (AMD).]

3-A. Prohibited sales of liquor to be consumed on the premises. A licensee or licensee's employee or agent may not sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises where sold to a person who is visibly intoxicated.

[PL 1993, c. 266, §13 (NEW).]

4. Permitting consumption or possession by a minor on the premises. No licensee, or agent or employee of a licensee, may permit a minor to consume or possess liquor or imitation liquor on the premises.

[PL 1993, c. 266, §14 (AMD).]

5. Sale of imitation liquor to minors.

[PL 1993, c. 730, §29 (RP).]

SECTION HISTORY

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

§706. Identification cards

1. Acceptable identification. A licensee may refuse to serve liquor to any person who fails to display upon request an identification card issued under Title 29-A, section 1410, including an official identification card issued by a federally recognized Indian tribe in the State as described in Title 29-A, section 1410, subsection 7, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11.

[PL 2017, c. 167, §12 (AMD).]

2. Age requirement for identification. A licensee or licensee's employee or agent may not sell, furnish, give or deliver liquor or imitation liquor to a person under 27 years of age unless the licensee or licensee's employee or agent verifies the person is not a minor by means of reliable photographic identification containing that person's date of birth.

[PL 2005, c. 38, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1995, c. 65, §A79 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 437, §3 (AMD). PL 2005, c. 38, §1 (AMD). PL 2017, c. 167, §12 (AMD).

§707. Licensee not to be indebted, obligated or involved

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Licensee not indebted. Except as provided in subsection 7, the bureau may not issue any license to or renew the license of a person who is indebted in any manner, directly or indirectly:

A. To any other person for liquor; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. To the State for any tax, other than property tax, assessed and considered final under Title 36 that the State Tax Assessor certifies, in accordance with Title 36, section 172, as remaining unpaid in an amount exceeding $1,000 for a period greater than 15 days after the applicant or licensee has received notice of the finality of that tax; or [PL 2019, c. 659, Pt. F, §1 (AMD).]

C. For any contributions assessed and considered final under Title 26, section 1225, when the Director of Unemployment Compensation certifies that the amount remains unpaid for a period greater than 60 days, after the applicant or licensee has received notice of the finality of that tax. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2019, c. 659, Pt. F, §1 (AMD); PL 2019, c. 665, §1 (AMD).]

2. (TEXT EFFECTIVE UNTIL 1/01/26) Licensee must not receive anything of value. No licensee or applicant for a license may receive, directly or indirectly, any money, credit, thing of value, indorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person within or without the State, if the person is:

A. Engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor; or [PL 1987, c. 342, §40 (AMD).]

B. Engaged in the manufacture, distribution, sale or transportation of any commodity, equipment, material or advertisement used in connection with the manufacture, distribution, wholesale sale, storage or transportation of liquor. [PL 1987, c. 342, §40 (AMD).]

Nothing in this subsection prevents an affiliate of a licensee from receiving money for sponsorship of a transportation system for transporting the public or for sponsorship of specific sporting events and cultural events as long as the licensee does not receive any payment or thing of value from the public transportation system or the sporting and cultural events and as long as such an affiliate does not derive any portions of its revenues from the licensee. All sponsorships must have prior written approval of the bureau. The bureau shall adopt rules implementing this paragraph.

[PL 1993, c. 730, §30 (AMD).]

2. (TEXT EFFECTIVE 1/01/26) Licensee may not receive or give things of value. A licensee or applicant for a license may not receive, directly or indirectly, from any person within or without the State, cash or gift cards, indorsement of commercial paper, guarantee of credit or financial assistance of any sort or things of value aggregating in an amount that exceeds $750 annually, if the person is:

A. Engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor; or [PL 1987, c. 342, §40 (AMD).]

B. Engaged in the manufacture, distribution, sale or transportation of any commodity, equipment, material or advertisement used in connection with the manufacture, distribution, wholesale sale, storage or transportation of liquor. [PL 1987, c. 342, §40 (AMD).]

The bureau may not impose a limit on the amount of things of value that are in use by or in the possession of a licensee at any one time, as long as the things of value were given to a licensee within the annual limits established by this subsection.

A licensee may not give things of value with the intent to induce a retailer to purchase liquor from the licensee to the exclusion, in whole or in part, of liquor offered for sale by other persons.

This subsection does not prevent an affiliate of a licensee from receiving money for sponsorship of a transportation system for transporting the public or for sponsorship of specific sporting events and cultural events as long as the licensee does not receive any payment or thing of value from the public transportation system or the sporting and cultural events and as long as such an affiliate does not derive any portions of its revenues from the licensee. All sponsorships must have prior written approval of the bureau.

[PL 2025, c. 230, Pt. C, §1 (AMD); PL 2025, c. 230, Pt. C, §6 (AFF).]

3. Retail licensee; interest in wholesaler or certificate of approval.

[PL 2019, c. 665, §2 (RP).]

3-A. Manufacturer or importer; prohibited financial interests. Except as authorized in subsection 7 and sections 707-A and 1355-A, a licensed in-state manufacturer, an out-of-state spirits supplier, an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or an out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval may not have any financial interest, direct or indirect, in any:

A. Wholesale licensee; or [PL 2019, c. 665, §3 (NEW).]

B. Retail licensee. [PL 2019, c. 665, §3 (NEW).]

[PL 2019, c. 665, §3 (NEW).]

4. Certificate of approval holder or Maine manufacturer; interest in wholesaler or retail license.

[PL 2019, c. 665, §4 (RP).]

4-A. Wholesale licensee; prohibited financial interests. Except as authorized in subsection 7, a wholesale licensee may not have any financial interest, direct or indirect, in any:

A. Licensed in-state manufacturer, out-of-state spirits supplier, out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval; or [PL 2019, c. 665, §5 (NEW).]

B. Retail licensee. [PL 2019, c. 665, §5 (NEW).]

[PL 2019, c. 665, §5 (NEW).]

5. Wholesale licensee; interest in certificate of approval holder, Maine manufacturer or retail license.

[PL 2019, c. 665, §6 (RP).]

5-A. Retail licensee; prohibited financial interests. Except as authorized in sections 707-A and 1355-A, a retail licensee may not have any financial interest, direct or indirect, in any:

A. Licensed in-state manufacturer, out-of-state spirits supplier, out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval; or [PL 2019, c. 665, §7 (NEW).]

B. Wholesale licensee. [PL 2019, c. 665, §7 (NEW).]

[PL 2019, c. 665, §7 (NEW).]

6. Directors, officers, members and securities. The financial interests prohibited in subsections 3-A, 4-A and 5-A include, but are not limited to, circumstances in which an officer, director, member or holder of the securities of a business entity is also a director, officer, member or holder of the securities of another business entity, except that a minor investment in not more than 1% of the

securities of a business entity does not constitute a financial interest prohibited by subsections 3-A, 4-A and 5-A.
[PL 2019, c. 665, §8 (AMD).]

7. Exceptions. This section does not prohibit:

A. A manufacturer or out-of-state wholesaler from extending the usual and customary credit to a wholesale licensee for the purchase of malt liquor or wine; [PL 2021, c. 8, §1 (AMD).]

B. A manufacturer or out-of-state wholesaler from furnishing materials and equipment for the use of a wholesale licensee or the wholesale licensee's employees, including:

(1) Painting the wholesale licensee's vehicles;

(2) Supplying legal advertising signs used by the wholesale licensee in the course of the wholesale licensee's business; and

(3) Supplying uniforms for the employees of the wholesale licensee; [PL 2025, c. 230, Pt. C, §2 (AMD).]

C. A manufacturer licensed under section 1355-A from selling and shipping its products to an individual in another state for personal use and not for resale, as long as the sale and shipment are authorized by and conducted in accordance with the requirements of the law of the state where the shipment is delivered; [PL 2025, c. 230, Pt. C, §2 (AMD).]

D. A manufacturer, distributor or out-of-state wholesaler from engaging in the bona fide sale of goods to a licensee or applicant for a license, if the amount paid for those goods by the licensee or applicant for a license is of fair market value; or [PL 2025, c. 230, Pt. C, §2 (NEW).]

E. A wholesale licensee or certificate of approval holder, including on behalf of a brand the wholesale licensee or certificate of approval holder supplies or manufactures, from entering into a written agreement under section 707-B with an eligible licensee for:

(1) The purchase of advertising space or time on or within the licensed premises, including, but not limited to, physical signage, digital media and naming rights to portions of the venue;

(2) The sponsorship of events, event series or designated areas within the venue, including lounges, beverage stations and hospitality zones; and

(3) The co-branding or cross-promotion of events in conjunction with the licensee, as long as co-branding or cross-promotion does not result in direct or indirect control over the operations of the licensee. [PL 2025, c. 230, Pt. C, §2 (NEW).]
[PL 2025, c. 230, Pt. C, §2 (AMD).]

8. Definitions. For purposes of this section, the following terms have the following meanings.

A. [PL 2021, c. 658, §97 (RP).]

B. "Out-of-state spirits supplier" means an out-of-state spirits manufacturer that has been issued a certificate of approval under section 1381 or a person that engages in the out-of-state purchase of spirits for resale to the bureau that has been issued a certificate of approval under section 1381. [PL 2021, c. 658, §98 (RPR).]
[PL 2021, c. 658, §§97, 98 (AMD).]

9. Rules. The bureau shall adopt rules implementing this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 230, Pt. C, §3 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§40-43 (AMD). PL 1993, c. 730, §30 (AMD). PL 1997, c. 373, §68 (AMD). PL 2005, c. 390, §§2,3 (AMD). PL 2011, c. 629, §§9, 10 (AMD).

PL 2019, c. 659, Pt. F, §1 (AMD). PL 2019, c. 665, §§1-10 (AMD). PL 2021, c. 8, §1 (AMD). PL 2021, c. 658, §§97, 98 (AMD). PL 2025, c. 230, Pt. C, §§1-3 (AMD). PL 2025, c. 230, Pt. C, §6 (AFF).

§707-A. Exceptions to indebtedness or operations limitations

1. Certain financial interests permitted. Notwithstanding section 707, if the requirements of subsection 2 are met, section 707 does not prohibit:

A. A person that owns or has a financial interest in a holder of a retail license issued in conjunction with and as part of the operations of a hotel from owning or having a financial interest in a certificate of approval holder; or [PL 1997, c. 659, §1 (NEW).]

B. A person that owns or has a financial interest in a certificate of approval holder from owning or having a financial interest in the holder of a retail license issued in conjunction with and as part of the operations of a hotel. [PL 1997, c. 659, §1 (NEW).]

[PL 1997, c. 659, §1 (NEW).]

2. Requirements. The exceptions to section 707 set out in subsection 1 apply only if each of the following requirements is met.

A. The hotel must have at least 100 adequate sleeping rooms and the relationship between the occupants of those rooms and the owner or operator of the establishment is that of hotel guest and innkeeper. [PL 2021, c. 658, §99 (AMD).]

B. The hotel may not purchase malt liquor or wine products sold by the certificate of approval holder to wholesale licensees, and the certificate of approval holder may not require any brand of liquor product to be purchased or sold by the hotel. [PL 2021, c. 658, §99 (AMD).]

C. The certificate of approval holder and the retail licensee may not directly or indirectly own or have any interest in a wholesale licensee. [PL 2021, c. 658, §99 (AMD).]

D. The certificate of approval holder and the retail licensees must be separate entities and may not have any common directors. [PL 2021, c. 658, §99 (AMD).]

[PL 2021, c. 658, §99 (AMD).]

3. Construction. The exceptions to section 707 set out in subsection 1 must be construed narrowly and be limited to the express terms contained in subsection 1. The exceptions contained in subsection 1 may not be construed to undermine the general prohibition against tied interests contained in section 707.

[PL 1997, c. 659, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 659, §1 (NEW). PL 2021, c. 658, §99 (AMD).

§707-B. Advertising and sponsorship agreements at licensed venues

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Brand" means a product name of malt liquor, wine or spirit authorized for sale in the State by a certificate of approval holder or wholesaler. [PL 2025, c. 230, Pt. C, §4 (NEW).]

B. "Venue" means the licensed premises of an auditorium, civic auditorium, outdoor stadium or performing arts center. [PL 2025, c. 230, Pt. C, §4 (NEW).]

[PL 2025, c. 230, Pt. C, §4 (NEW).]

2. Advertising permitted. Notwithstanding any provision of this Title to the contrary, a wholesale licensee or certificate of approval holder, including on behalf of a brand the wholesale licensee or certificate of approval holder supplies or manufactures, may engage in advertising or sponsorship

activities with a licensee described in subsection 3, subject to the conditions and limitations set forth in this section.
[PL 2025, c. 230, Pt. C, §4 (NEW).]

3. Eligible licensees. This section applies only to a venue licensee under section 1070.
[PL 2025, c. 230, Pt. C, §4 (NEW).]

4. Permitted activities. A wholesale licensee or certificate of approval holder, including on behalf of a brand the wholesale licensee or certificate of approval holder supplies or manufactures, may enter into a written agreement with an eligible licensee in accordance with subsection 5 for:

A. The purchase of advertising space or time on or within the licensed premises, including, but not limited to, physical signage, digital media and naming rights to portions of the venue; [PL 2025, c. 230, Pt. C, §4 (NEW).]

B. The sponsorship of events, event series or designated areas within the venue, including lounges, beverage stations and hospitality zones; and [PL 2025, c. 230, Pt. C, §4 (NEW).]

C. The co-branding or cross-promotion of events in conjunction with the licensee, as long as the co-branding or cross-promotion does not result in direct or indirect control over the operations of the licensee. [PL 2025, c. 230, Pt. C, §4 (NEW).]
[PL 2025, c. 230, Pt. C, §4 (NEW).]

5. Conditions of authorization. A written agreement under subsection 4 is permitted only if:

A. The agreement is in writing and retained by the licensee and made available to the bureau upon request; [PL 2025, c. 230, Pt. C, §4 (NEW).]

B. The written agreement is not conditioned upon the purchase, placement, promotion or exclusion of a particular brand or product by the licensee; [PL 2025, c. 230, Pt. C, §4 (NEW).]

C. The wholesale licensee or certificate of approval holder, including on behalf of a brand the wholesale licensee or certificate of approval holder supplies or manufactures, does not exert, or attempt to exert, control over the retail operations, purchasing decisions or beverage menu of the licensee; [PL 2025, c. 230, Pt. C, §4 (NEW).]

D. The written agreement complies with federal law; and [PL 2025, c. 230, Pt. C, §4 (NEW).]

E. The written agreement does not result in the exclusion, in whole or in part, of another person's product. [PL 2025, c. 230, Pt. C, §4 (NEW).]
[PL 2025, c. 230, Pt. C, §4 (NEW).]

6. Reporting. A licensee that enters into an agreement authorized by this section shall:

A. Submit to the bureau, upon request, a list of all agreements entered into pursuant to this section; [PL 2025, c. 230, Pt. C, §4 (NEW).]

B. Retain a copy of the written agreement for a period of not less than 3 years and make the agreement available to the bureau; [PL 2025, c. 230, Pt. C, §4 (NEW).]

C. Annually post a notice indicating that advertising and sponsorship opportunities are generally available to a wholesale licensee or certificate of approval holder and the brands the wholesale licensee or certificate of approval holder supplies or manufactures; and [PL 2025, c. 230, Pt. C, §4 (NEW).]

D. Provide to the bureau, upon license renewal, a list of the licensee's sponsors. [PL 2025, c. 230, Pt. C, §4 (NEW).]
[PL 2025, c. 230, Pt. C, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 230, Pt. C, §4 (NEW).

§708. Prohibited discounts and rebates

1. Certificate of approval holders.
[PL 2021, c. 658, §100 (RP).]

1-A. Manufacturers and wholesalers of malt liquor or wine. A licensed in-state manufacturer of malt liquor or wine and an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval may not:

A. Offer any special discounts, volume discounts or other reduced prices or discounts on malt liquor or wine to a wholesale licensee, except bona fide price reductions under section 1408 offered to all wholesale licensees; or [PL 2021, c. 658, §100 (NEW).]

B. Offer depletion allowances to wholesale licensees unless the depletion allowance is posted in accordance with section 1408. [PL 2021, c. 658, §100 (NEW).]
[PL 2021, c. 658, §100 (NEW).]

1-B. Certificate of approval holders. Except as provided in this section, a certificate of approval holder may not offer any free merchandise, rebate, refund or gift to a purchaser of spirits, wine or malt liquor.
[PL 2021, c. 658, §100 (NEW).]

2. Wholesale licensees. A wholesale licensee may not offer to retail licensees any special discounts, volume discounts, depletion allowances, other reduced prices or discounts, or refunds except bona fide price reductions under section 1408 offered to all retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund or gift to a purchaser of malt liquor or wine.
[PL 2021, c. 658, §100 (AMD).]

3. Retail licensees. A retail licensee may not offer any free merchandise, rebate, refund or gift to a purchaser of liquor.
[PL 2021, c. 658, §100 (AMD).]

4. Special package plans or price premiums.

[PL 1987, c. 342, §44 (RP).]

5. Combination packages. Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in the State.
[PL 2021, c. 658, §100 (AMD).]

6. Marketing and mail-in promotions. Upon approval by the commission, promotional materials designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer or manufacturer's designated broker.
[PL 2025, c. 230, Pt. A, §8 (AMD).]

7. Instant marketing promotions. The bureau or a spirits supplier may offer monetary rebates in the form of instant redeemable coupons as approved by the commission in accordance with

conditions established by the commission or rules established by the bureau. Agency liquor store licensees may redeem the coupons only upon proof of purchase and in accordance with the terms listed on the coupon. Instant redeemable coupons provided by the spirits supplier must be made available to all agency liquor store licensees electing to offer the coupon in an amount equal to the agency liquor store's inventory of spirits products that are subject to the coupon promotion. The bureau or the spirits supplier may offer instant redeemable coupons to consumers through the bureau's or the spirits supplier's publicly accessible website, other digital media platforms or print media. An instant redeemable coupon used in a manner provided in this subsection for a spirits product sold by an agency liquor store licensee to a consumer is for the benefit of the consumer who purchases the spirits product. [PL 2021, c. 658, §100 (AMD).]

This section does not prohibit a certificate of approval holder from including a certificate, instant redeemable coupon or merchandise in or on a package of malt liquor, wine or low-alcohol spirits product for sale by an off-premises retailer. The package containing the certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holder at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the original dated sales receipt for the product to which the rebate is applied, must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. [PL 2021, c. 658, §100 (AMD).]

This section does not prohibit the unconditional distribution of merchandise to the patrons of an on-premises establishment. [PL 2021, c. 658, §100 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §44 (RPR). PL 1993, c. 100, §1 (AMD). PL 1993, c. 615, §4 (AMD). PL 1993, c. 730, §31 (AMD). PL 1995, c. 582, §1 (AMD). PL 1997, c. 501, §1 (AMD). PL 2005, c. 503, §§1,2 (AMD). PL 2009, c. 145, §1 (AMD). PL 2009, c. 504, §1 (AMD). PL 2013, c. 514, §§1, 2 (AMD). PL 2013, c. 514, §3 (AFF). PL 2017, c. 153, §§1, 2 (AMD). PL 2019, c. 404, §12 (AMD). PL 2021, c. 658, §100 (AMD). PL 2025, c. 230, Pt. A, §8 (AMD).

§708-A. In-pack sweepstakes, contests and games

Notwithstanding any provision of law to the contrary, a certificate of approval holder, spirits supplier, wholesale licensee or retail licensee may offer sweepstakes, games and contests inside packages of liquor, if that offer is not contingent on the purchase of liquor. The certificate of approval holder, spirits supplier, wholesale licensee or retail licensee shall provide information about access to participate in a sweepstakes, game or contest by providing either a sign in the retail outlet or a notice on the primary or secondary packaging of the brand offering the sweepstakes, game or contest. [PL 2021, c. 658, §101 (AMD).]

SECTION HISTORY

PL 1995, c. 582, §2 (NEW). PL 2003, c. 192, §1 (AMD). PL 2021, c. 658, §101 (AMD).

§708-B. Donations to public broadcasting stations and incorporated civic organizations (REPEALED)

SECTION HISTORY

PL 1997, c. 483, §1 (NEW). PL 2011, c. 629, §11 (RPR). PL 2015, c. 214, §2 (RP).

§708-C. Donations to public broadcasting stations, municipal entities, incorporated civic organizations and national organizations

1. Donations for an auction or award. A certificate of approval holder, a spirits supplier or a wholesale licensee may donate a certificate to purchase its product or donate its product to a public broadcasting station, a municipal entity, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or award in conjunction with efforts to support the purposes of the incorporated civic organization, similarly purposed organization, municipal entity or public broadcasting station. Spirits donated in accordance with this subsection must be listed by the commission for sale in this State, clearly labeled as a donation and purchased from the wholesale spirits provider at the wholesale price. A person authorized to make a donation in accordance with this subsection shall maintain a record of each donation, including the value of the donation and the date on which it was made. A recipient of a donation under this subsection must be 21 years of age or older.
[PL 2021, c. 658, §102 (AMD).]

2. Donations for consumption at on-premises events. A certificate of approval holder, a spirits supplier or a wholesale licensee may donate its product or provide malt liquor, wine or spirits at a reduced price to a person licensed by the bureau to serve liquor for on-premises consumption at an event designed to benefit a municipal entity, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3). Spirits donated in accordance with this subsection must be listed by the commission for sale in this State, clearly labeled as a donation and purchased from the wholesale spirits provider at the wholesale price. A person authorized to make a donation or offer its product at a reduced price under this subsection shall maintain a record of the products donated or offered, including the value of each, the reduced price when applicable and the date on which the product was provided. All applicable excise taxes on donated malt liquor, wine or spirits must be remitted as required by this Title. A licensee that receives product in accordance with this subsection:

A. Shall maintain a record of each product received and the date on which it was received; [PL 2015, c. 214, §3 (NEW).]

B. Shall maintain a record of the name of the municipal entity, incorporated civic organization or similarly purposed national organization the event was designed to benefit and for which the product is provided; [PL 2019, c. 404, §13 (AMD).]

C. Shall ensure that the product provided is served only at the event designed to benefit the municipal entity, incorporated civic organization or similarly purposed national organization; [PL 2019, c. 404, §13 (AMD).]

D. Shall ensure that excess product that was donated for the event is returned to the donor within a reasonable period after the event; and [PL 2015, c. 214, §3 (NEW).]

E. Shall ensure that containers holding donated product are returned to the donor for recycling as appropriate and not presented for redemption under Title 38, chapter 33. [PL 2021, c. 658, §102 (AMD).]

[PL 2021, c. 658, §102 (AMD).]

For purposes of this section, "municipal entity" means a county, city, town or municipal agency or department. [PL 2019, c. 404, §13 (NEW).]

SECTION HISTORY

PL 2015, c. 214, §3 (NEW). PL 2017, c. 347, §2 (AMD). PL 2019, c. 404, §13 (AMD). PL 2021, c. 658, §102 (AMD).

§709. Prohibition of certain practices

1. Certain practices prohibited. The following practices are prohibited.

A. A licensee, employee of a licensee or agent of a licensee may not:

(1) Offer or deliver any free liquor to any person or group of persons;

(2) Deliver more than 4 1/2 ounces of spirits over 15% alcohol by volume, a carafe containing more than one liter or 33.8 ounces of wine or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor to one person at one time;

(3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;

(4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or

(5) Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess. [PL 2025, c. 230, Pt. C, §5 (AMD).]

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. This paragraph does not prohibit a licensee or employee or agent of a licensee from including the alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume. [PL 2013, c. 504, §1 (AMD).] [PL 2025, c. 230, Pt. C, §5 (AMD).]

2. Exceptions. Subsection 1 does not prohibit the following practices:

A. Licensees offering free food or entertainment either with or without the purchase of one drink; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Licensees increasing the prices for drinks when entertainment is provided; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Licensees including a drink as part of a meal package; [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. The sale or delivery of wine, malt liquor or mixed drinks by the bottle, carafe or pitcher when sold with meals or to more than one person; [PL 1987, c. 342, §45 (AMD).]

E. Those licensed under section 1052-D offering free samples or tastings; [PL 2013, c. 531, §1 (AMD).]

F. Licensed hotels or bed and breakfasts offering room service to hotel guests or bed and breakfast guests, respectively; [PL 2021, c. 658, §103 (AMD).]

G. Licensees offering reduced prices for prearranged private parties on the premises of the licensee; [PL 2005, c. 319, §1 (AMD).]

H. Licensees whose licensed premises include more than one room charging different prices for the same drink served in the different rooms; [PL 2011, c. 629, §13 (AMD).]

I. Conducting taste testing under section 460, 462, 1051, 1205, 1207, 1368 or 1402; [PL 2025, c. 230, Pt. A, §9 (AMD).]

J. Providing samples authorized under section 1055, 1355-A, 1402-A or 1504; [PL 2021, c. 658, §105 (AMD).]

K. Donations authorized under section 708-C; [PL 2023, c. 103, §1 (AMD).]

L. [PL 2021, c. 658, §107 (RP).]

M. Product supplied by licensees authorized under section 1052-D for the purposes of providing taste-testing samples under a taste-testing event license; or [PL 2023, c. 103, §2 (AMD).]

N. A restaurant, Class A restaurant or Class A restaurant/lounge giving, serving or permitting to be served a bottle of wine as authorized under section 1051, subsection 10. [PL 2023, c. 103, §3 (NEW).]

[PL 2025, c. 230, Pt. A, §9 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §45 (AMD). PL 1993, c. 266, §16 (AMD). PL 1997, c. 501, §2 (AMD). PL 1999, c. 275, §1 (AMD). PL 2005, c. 319, §§1,2 (AMD). PL 2011, c. 259, §1 (AMD). PL 2011, c. 629, §§12-15 (AMD). PL 2013, c. 504, §1 (AMD). PL 2013, c. 531, §1 (AMD). PL 2015, c. 142, §§1, 2 (AMD). PL 2015, c. 214, §§4, 5 (AMD). PL 2015, c. 494, Pt. A, §§32-34 (AMD). PL 2019, c. 404, §14 (AMD). PL 2021, c. 658, §§103-107 (AMD). PL 2023, c. 103, §§1-3 (AMD). PL 2025, c. 230, Pt. A, §9 (AMD). PL 2025, c. 230, Pt. C, §5 (AMD).

§710. Advertising signs

1. Advertising outside of licensed premises. A person, except wholesale licensees and certificate of approval holders, may not advertise or permit to be advertised, by more than 5 signs, on the outside of any licensed premises, or on any building, ground or premises under that person's control and contiguous or adjacent to the licensed premises:

A. The fact that the licensee has liquor or any brand of liquor for sale; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The price at which liquor is sold by the licensee; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Any other advertisement that indicates any reference to liquor other than the name of the licensed premises, an image accompanying the name of the licensed premises or a brand name or image appearing on a patio umbrella in an outside seating area of the licensed premises. [PL 2019, c. 404, §15 (AMD).]

[PL 2025, c. 230, Pt. D, §1 (AMD).]

2. Advertising inside of licensed premises.

[PL 2025, c. 230, Pt. D, §2 (RP).]

3. Exception. Subsection 1 does not prohibit the display of signs advertising sponsorship of specific sporting events and cultural events or sponsorship of a transportation system for transporting the public as long as the signs are not displayed on a licensed establishment as defined in section 2, subsection 15. Signs on a licensed establishment advertising sponsorship may be displayed with prior bureau approval.

The bureau shall adopt rules implementing this subsection.

[PL 1993, c. 730, §32 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §46 (AMD). PL 1993, c. 730, §32 (AMD). PL 1997, c. 373, §69 (AMD). PL 2013, c. 207, §1 (AMD). PL 2019, c. 404, §15 (AMD). PL 2025, c. 230, Pt. D, §§1, 2 (AMD).

§711. Advertising strength of malt liquor

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 730, §33 (AMD). PL 2013, c. 504, §2 (RP).

§712. Advertising or sale of liquor by trade name

1. Advertise or announce for sale by trade name. No licensee may advertise or offer for sale any malt liquor or wine by trade name or other designation which would indicate the manufacturer or place of manufacture of malt liquor or wine, unless the licensee actually has on hand and for sale a sufficient quantity of the particular malt liquor or wine advertised to meet requirements to be normally expected as the result of the advertisement or announcement.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Serve from faucet, spigot, dispensing apparatus by trade name. A licensee may not furnish or serve any liquor from any faucet, spigot or other dispensing apparatus, unless:

A. The trade name or brand of the liquor served appears in full sight of the customer in legible lettering upon the faucet, spigot or dispensing apparatus; or [PL 2017, c. 167, §13 (AMD).]

B. The licensee displays a list of all liquor currently available on tap that is clearly visible to patrons of the establishment in a manner that allows a patron to identify the trade name or brand of the liquor that is being dispensed from each faucet, spigot or dispensing apparatus. [PL 2017, c. 167, §13 (AMD).]

[PL 2017, c. 167, §13 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2013, c. 165, §1 (AMD). PL 2017, c. 167, §13 (AMD). PL 2021, c. 658, §108 (AMD).

§713. Selling malt liquor or wine from truck

1. Selling malt liquor or wine from truck prohibited. Except as provided in subsections 2 and 3, no wholesale or retail licensee may, either directly or indirectly, by any agent or employee, travel from town to town, or from place to place in the same town, selling, bartering or carrying for sale or exposing for sale any malt liquor or wine from any vehicle.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Delivery of orders received. The wholesale licensee may make sales of malt liquor or wine where transportation and delivery are required only upon orders actually received at the principal place of business or warehouse or distributing center, if licensed, of the wholesale licensee before shipment of the malt liquor or wine. The driver or any other employee of the wholesale licensee shall carry an invoice stating the names of the purchaser and the wholesale licensee and the kind and quantity of malt liquor or wine ordered by the sale, together with the date of the sale.

A. This subsection does not prohibit a wholesale licensee from collecting orders for malt liquor or wine by sales representatives calling upon retailers, then filing the orders at the principal place of business or warehouse or distributing center. [PL 1987, c. 342, §47 (NEW).]

[PL 1987, c. 342, §47 (AMD).]

3. Sale from truck by wholesale licensee. A wholesale licensee or an agent or employee of the wholesale licensee may travel from town to town or from place to place in the same town selling, or carrying for sale or exposing for sale, malt liquor or wine from a vehicle only if the wholesale licensee, agent or employee possesses on the vehicle a manifest bearing a detailed description of the total amount of malt liquor or wine on the vehicle and invoices, as required, as well as invoices drawn up at the time of delivery.
[PL 2021, c. 658, §109 (AMD).]

4. Sales or deliveries only to licensees. Sales or deliveries may be made only to licensees of the bureau.
[PL 1997, c. 373, §70 (AMD).]

5. Violation. Whoever violates this section commits a Class E crime.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §47 (AMD). PL 1997, c. 373, §70 (AMD). PL 2021, c. 658, §109 (AMD).

§714. Malt liquor sales in kegs

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

A. [PL 2019, c. 46, §3 (RP).]

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises. [PL 1991, c. 543 (NEW).]

[PL 2019, c. 46, §3 (AMD).]

2. Right of sale and purchase. The bureau may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

[PL 1993, c. 730, §34 (AMD).]

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises retail licensee, referred to in this subsection as "the seller," must be tagged in a manner approved by the commissioner identifying the keg and be labeled in accordance with the requirements of section 6-A. The tag must be supplied for each keg, without fee, by the wholesaler of the keg or the small brewery that produced the keg. [PL 2021, c. 658, §110 (AMD).]

B. The seller of the keg shall complete a form designed and approved by the commissioner and affix the tag to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler of the keg or the small brewery that produced the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31. [PL 2021, c. 658, §110 (AMD).]

C. The seller of the keg shall require positive identification of the purchaser. [PL 1991, c. 543 (NEW).]

D. The seller of the keg may require a deposit of up to $50 from the purchaser of the keg, regardless of the size of the keg. The seller shall refund the deposit to a person who returns a properly tagged keg purchased from that seller. [PL 1991, c. 543 (NEW).]

E. The seller shall inform the purchaser that if the tag is defaced or missing when the keg is returned the deposit is forfeited. [PL 2021, c. 658, §110 (AMD).]

F. The seller may retain a deposit forfeited and use the funds forfeited for local school-based alcohol education programs or for any other purpose. [PL 2021, c. 658, §110 (AMD).]

[PL 2021, c. 658, §110 (AMD).]

4. Civil violation; possession of unlabeled keg. In addition to any other penalties imposed by law, a person possessing an unlabeled keg purchased in this State after the effective date of this section commits a civil violation for which a forfeiture of $500 must be adjudged.

[PL 1991, c. 543 (NEW).]

5. Criminal penalty; removal or defacing of tag. A person commits defacing or removal of a malt liquor keg tag if that person defaces or removes from a keg a tag required by this section. Defacing

or removal of a malt liquor keg tag is a Class E crime. If a person who purchased a properly tagged keg returns the keg without a tag or with a defaced tag, that person is presumed to have removed or defaced the tag.
[PL 1991, c. 543 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 543 (RPR). PL 1993, c. 266, §17 (AMD). PL 1993, c. 730, §§34,35 (AMD). PL 2003, c. 451, §T11 (AMD). PL 2017, c. 167, §14 (AMD). PL 2019, c. 46, §§3, 4 (AMD). PL 2021, c. 658, §110 (AMD).

CHAPTER 31

RECORDS

§751. Retail licensee to keep records

1. Records to be kept. Every retail licensee shall keep for 2 years complete records showing:

A. The date of all purchases; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The actual prices paid; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. The fact that the licensee paid by cash or check for all liquor bought by the licensee at the time of or before delivery of the liquor as evidenced by invoices, which must be retained by the licensee; [RR 1993, c. 1, §71 (COR).]

D. The name and address of every person from whom the liquor was purchased; and [PL 1993, c. 266, §19 (AMD).]

E. In the case of an on-premises licensee, records of food purchases. [PL 2021, c. 658, §111 (AMD).]
[PL 2021, c. 658, §111 (AMD).]

2. Retail licensee to keep separate records. Except as provided in paragraph A, a retail licensee shall keep the records required by subsection 1 separate and apart from records relating to any other transactions in which the licensee engages.

A. Malt liquor, wine and soft drinks may be listed on the same wholesale licensee's invoice if each product is separately listed. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1997, c. 373, §71 (AMD).]

3. On-premises retail licensee to keep records of sales separate. An on-premises retail licensee shall separate liquor sales from food sales by the licensee in the licensee's records.
[PL 2021, c. 658, §112 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§48,49 (AMD). PL 1987, c. 623, §§9,10 (AMD). RR 1993, c. 1, §71 (COR). PL 1993, c. 266, §§18-20 (AMD). PL 1997, c. 373, §71 (AMD). PL 2021, c. 658, §§111, 112 (AMD).

§752. Wholesale licensee to keep records

1. Records to be kept. Every wholesale licensee shall keep records for 2 years:

A. Showing that all sales and purchases are in accordance with the law relating to cash or check sales; and [PL 1987, c. 342, §50 (AMD).]

B. Including detailed accounts of all its transactions with breweries, wineries, other wholesalers and retailers. [PL 2021, c. 658, §113 (AMD).]
[PL 2021, c. 658, §113 (AMD).]

2. Manner in which records to be kept. The wholesale licensee shall keep the records in its principal licensed establishment.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §50 (AMD). PL 2021, c. 658, §113 (AMD).

§753. Special warehouse facility licensee to keep records

1. Records to be kept. A licensee operating a special warehouse storage facility within the State shall keep complete records concerning all transactions conducted at the special warehouse storage facility. The records must show:

A. The date and amounts of all liquor received and from whom they were received; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The dates and amounts of all liquor shipped or withdrawn and the name of the person for whom the liquor was shipped or withdrawn. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 2021, c. 658, §114 (AMD).]

2. Manner in which records to be kept. A licensee shall maintain the records upon the premises.
[PL 2021, c. 658, §114 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §114 (AMD).

§754. Records open for inspection

1. Records open for inspection. All records required to be kept under this chapter are open for inspection to the bureau or its representatives at any time. The bureau or its representatives may make copies of records that may be used as evidence of violation of this chapter.
[PL 2013, c. 588, Pt. B, §4 (AMD).]

2. Refusal of access. A licensee may not refuse to allow the bureau or its representatives to audit the books and records of the licensee.
[PL 2013, c. 588, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §72 (AMD). PL 2013, c. 588, Pt. B, §4 (AMD).

§755. Records confidential

Except for on-premises spirits sales data required to be reported by reselling agents in accordance with section 453-C, subsection 4, all business and financial records of licensees are confidential. [PL 2015, c. 430, §6 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2015, c. 430, §6 (AMD).

CHAPTER 33

REVOCATION AND SUSPENSION

§801. Jurisdiction of District Court

1. Jurisdiction. The District Court, as designated in Title 5, chapter 375, shall conduct hearings on all matters concerning violations by licensees and their agents or employees of any federal or state law or regulation relating to liquor or violations of any rule adopted by the bureau. Notwithstanding Title 5, chapter 375, subchapter 6, the District Court has exclusive jurisdiction over all violations of this Title by licensees and their agents or employees when no criminal penalty is provided.
[PL 2021, c. 658, §115 (AMD).]

2. Powers. The District Court may suspend or revoke licenses and certificates of approval of licensees and levy fines or civil forfeitures against licensees and their agents or employees.
[PL 2021, c. 658, §115 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 526, §§5,28 (AMD). PL 1997, c. 373, §73 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2021, c. 658, §115 (AMD).

§802. Causes for revocation and suspension of licenses and certificates of approval

The District Court may revoke or suspend licenses and certificates of approval for the following causes: [PL 2021, c. 658, §116 (AMD).]

1. Violation of law or infraction of rule. Violation of a federal or state law, rule or regulation relating to liquor or substantial infraction of a rule adopted by the bureau.

A. This subsection does not require the District Court to hold licensees that sold liquor to minors who furnished fraudulent proof of age liable administratively; [PL 2021, c. 658, §116 (AMD).]
[PL 2021, c. 658, §116 (AMD).]

2. False material statement. Knowingly making a false material statement of fact in the application for the license or certificate of approval; and
[PL 2021, c. 658, §116 (AMD).]

3. Failure to maintain requirements. Failure to have and maintain throughout the entire license or certificate of approval period all of the requirements of definitions, laws and rules necessary to qualify for a license or certificate of approval.

A. For this offense the District Court may suspend licenses or certificates of approval for an indefinite period of time until the District Court is satisfied that the licensee has conformed to all applicable qualifications. [PL 2021, c. 658, §116 (AMD).]
[PL 2021, c. 658, §116 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §§74,75 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2021, c. 658, §116 (AMD).

§803. Revocation or suspension procedure

1. Violation of law or rule. Upon discovering a violation of federal or state law, rule or regulation relating to liquor or an infraction of a rule adopted by the bureau, the director of the bureau, or the director's designee, shall:

A. Report the violation to the District Court in a signed complaint; or [PL 2021, c. 658, §117 (AMD).]

B. Issue warnings to the licensees involved. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 2021, c. 658, §117 (AMD).]

2. Notice and hearing. Except as provided under subsection 6, upon receipt of a signed complaint prepared under subsection 1, paragraph A, notice must be provided and a hearing must be held according to the following procedures.

A. The director of the bureau or the director's designee shall notify the licensee or the licensee's agent or employee by serving on the licensee or the licensee's agent or employee a copy of the complaint and a notice stating the time and place of the hearing and that the licensee or the licensee's agent or employee may appear in person or by counsel at the hearing. Service of the complaint and hearing notice upon the licensee is sufficient when served in hand by the director's designee or when sent by registered or certified mail at least 7 days before the date of the hearing to the address given by the licensee at the time of the licensee's application for a license or certificate of approval. Service of the complaint and hearing notice upon a licensee's agent or employee is sufficient when served in hand by the director's designee or when sent by registered or certified mail at least 7 days before the date of the hearing to the address given by the agent or employee at the time the agent or employee was initially notified by the bureau of the violation. The director or the director's designee shall file proof of service with the District Court. [PL 2021, c. 658, §117 (AMD).]

B. The District Court shall conduct a hearing limited to the facts, the law and the rules of the bureau, as specified in the complaint. [PL 2021, c. 658, §117 (AMD).]

C. The District Court shall conduct the hearing in the following manner.

(1) The District Court may administer oaths to witnesses and issue subpoenas at the request of any party, including subpoenas to compel the attendance of parents and legal guardians of unemancipated minors.

(a) The bureau shall pay to the witnesses the legal fees for travel and attendance, except that, notwithstanding Title 16, section 253, the bureau is not required to pay the fees before the travel and attendance occur.

(2) Hearsay testimony is not admissible during the hearing. The licensees, agents or employees named in the complaint have the right to have all witnesses testify in person at the hearing.

(3) The District Court shall conduct hearings in one or more designated places that are the most convenient and economical for all parties concerned in the hearing. [PL 2009, c. 199, §7 (AMD).]

D. The District Court shall render a decision in each case, based upon the facts, the law and the rules of the bureau. The findings must specify the facts found and the law or rules found to be violated. [PL 2009, c. 199, §7 (AMD).]

[PL 2021, c. 658, §117 (AMD).]

2-A. Suspension or revocation decision.

[PL 2011, c. 559, Pt. A, §31 (RP).]

3. Suspension of penalty; place case on file. After hearing, the District Court may:

A. Suspend a penalty; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Place a case on file instead of imposing a penalty. [PL 2021, c. 658, §117 (AMD).]

[PL 2021, c. 658, §117 (AMD).]

4. Application of suspension or revocation. A suspension or revocation applies to premises and persons in the following manner.

A. If a licensee is directly or indirectly interested in more than one license or certificate of approval, suspensions apply only to the premises where the violation occurs. [PL 2021, c. 658, §117 (AMD).]

B. If a licensee is interested directly or indirectly in more than one license or certificate of approval, the District Court may order that a revocation apply to any of those premises. [PL 2021, c. 658, §117 (AMD).]

C. If the licensee is a corporation, the District Court shall treat the officers, directors and substantial stockholders as individuals. [PL 2021, c. 658, §117 (AMD).]

[PL 2021, c. 658, §117 (AMD).]

5. Term of suspension or revocation. Except as provided by section 802, subsection 3, suspensions must be for a definite period of time. If the District Court revokes a license or certificate of approval, the District Court shall specify that the bureau may not issue a license or certificate of approval to the person whose license or certificate of approval is revoked for a period of not less than one year nor more than 5 years from the date of revocation.

[PL 2021, c. 658, §117 (AMD).]

6. Warnings. Upon the written recommendation of the director of the bureau, or the director's designee, the District Court, instead of notifying a licensee against which a complaint is pending to appear for hearing, may send the licensee a warning. Warnings must be sent by registered or certified mail and contain a copy of the complaint. A licensee to which a warning is sent may demand a hearing by notifying the District Court by registered or certified mail within 10 days from the date the warning was mailed.

[PL 2021, c. 658, §117 (AMD).]

7. License or certificate of approval subsequent to violation. If a violation by a licensee remains undiscovered during the one-year period of the license or certificate of approval or continues after the licensee's license or certificate of approval has been renewed, the license or certificate of approval issued for a new year subsequent to the violation may be suspended or revoked by the District Court.

[PL 2021, c. 658, §117 (AMD).]

8. Fines. Notwithstanding any provision of this Title to the contrary, the District Court may impose a fine of a specific sum on a licensee or the licensee's agent or employee, of not less than $50 nor more than $1,500, for any one offense. Such a fine may be imposed instead of or in addition to any suspension or revocation of a license or certificate of approval by the court.

A. The District Court shall maintain a record of all fines received by the court and shall pay the fines into the General Fund by the 15th day of each month. [PL 2021, c. 658, §117 (AMD).]

[PL 2021, c. 658, §117 (AMD).]

9. Offer in compromise. Notwithstanding any provision of this Title to the contrary, the District Court may accept from a wholesale licensee or certificate of approval holder under this Title an offer in compromise in lieu of suspension of a wholesale license or certificate of approval suspended by the District Court.

A. A wholesale licensee or certificate of approval holder may petition the District Court to accept an offer in compromise within 10 days following receipt of notice of the suspension. [PL 2021, c. 658, §117 (AMD).]

B. The fine in lieu of suspension, when an offer in compromise is accepted by the District Court, must be 50% of the daily gross profit multiplied by the number of days of license suspension, except that the fine may not be less than $75 for each day of license suspension or more than $1,500 for any one offense. For purposes of this paragraph, "daily gross profit" means 1/30 of the total gross receipts from the sale of liquor during the 30 business days immediately before the date of receipt of the notice of the license suspension, less the invoice cost of the liquor sold by the wholesale licensee or certificate of approval holder during those 30 business days. [PL 2021, c. 658, §117 (AMD).]

C. The wholesale licensee or certificate of approval holder shall pay the fine to the District Court within 5 days from the date of the acceptance of the offer in compromise. The District Court shall then pay the fine into the General Fund. [PL 2021, c. 658, §117 (AMD).]

D. If a wholesale licensee or certificate of approval holder fails to pay the fine in full within the time period allowed in this subsection, the suspension of license or certificate of approval begins on the following day. [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. [PL 1987, c. 342, §55 (RP).]

[PL 2021, c. 658, §117 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§51-55 (AMD). PL 1997, c. 373, §§76-79 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 451, §§T12,13 (AMD). PL 2009, c. 199, §§7, 8 (AMD). PL 2011, c. 559, Pt. A, §31 (AMD). PL 2013, c. 476, Pt. A, §§22-24 (AMD). PL 2021, c. 658, §117 (AMD).

§804. Record of proceedings and transcript

The District Court shall keep a full and complete record of all proceedings on the revocation and suspension of a license or certificate of approval issued by the bureau. The District Court is not required to have a transcript of the testimony prepared unless required for rehearing or appeal. [PL 2021, c. 658, §118 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §80 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2021, c. 658, §118 (AMD).

§805. Appeal from decision of District Court or bureau

1. Aggrieved person may appeal within 30 days. A person aggrieved by the decision of the District Court in revoking or suspending any license or certificate of approval issued by the bureau or by refusal of the bureau to issue a license or certificate of approval may, within 30 days of the decision or refusal, appeal to the Superior Court by filing a complaint.

A. The 30-day period for appeal begins on:

(1) In the case of a suspension or revocation, the effective date of the suspension or revocation; or

(2) In the case of refusal by the bureau to issue a license or certificate of approval, on the day when the bureau sends by registered or certified mail notice to the applicant at the address of the applicant's business given in the applicant's application for a license or certificate of approval. [PL 2021, c. 658, §119 (AMD).]

B. Filing the complaint in the Superior Court stops the running of the limitation period. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2021, c. 658, §119 (AMD).]

2. Suspension or revocation suspended pending appeal. The operation of a suspension or revocation of a license or certificate of approval imposed by the District Court must be suspended, pending judgment of the Superior Court, if the licensee files an appeal in the Superior Court and notifies the District Court that the appeal has been filed, within 7 days of the mailing of the decision of the District Court by certified mail to the address given by the licensee at the time of the application for the license or certificate of approval.

[PL 2021, c. 658, §119 (AMD).]

3. Superior Court hearing.

[PL 2011, c. 559, Pt. A, §32 (RP).]

4. Superior Court decision. After the hearing, the Superior Court may affirm, modify or reverse the decision of the District Court.

[PL 2021, c. 658, §119 (AMD).]

5. Further appeal. An aggrieved person may appeal the Superior Court decision to the Supreme Judicial Court. Upon appeal, the Supreme Judicial Court may, after consideration, reverse or modify any decree made by the Superior Court based upon an erroneous ruling or finding of law.
[PL 2021, c. 658, §119 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §§81,82 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2011, c. 559, Pt. A, §32 (AMD). PL 2021, c. 658, §119 (AMD).

§806. Records

1. Limitation on maintenance of records. Except as provided in subsection 2, the bureau shall maintain a record of each violation, revocation or suspension for not more than 5 years.
[PL 1997, c. 373, §83 (AMD).]

2. Records of Class A, B and C convictions. The bureau shall maintain records of convictions for Class A, B and C crimes for at least 5 years, and may maintain them longer according to the policy of the bureau.
[PL 1997, c. 373, §83 (AMD).]

3. Notice of violators. The District Court clerk shall provide the bureau with the names and dates of final adjudication of all persons found in violation of this Title or the rules of the bureau.
[PL 1997, c. 373, §83 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 526, §§6,28 (AMD). PL 1997, c. 373, §83 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF).

SUBPART 2

RETAIL LICENSES

CHAPTER 41

FEES AND ELIGIBLE PREMISES

§1001. Class I licenses

1. Types of liquor which may be sold. A Class I licensee may sell spirits, wine and malt liquor to be consumed on the premises where sold.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The license fees for a Class I license are:

A. Full-time (one year).....$900. [PL 1993, c. 410, Pt. ZZ, §6 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §6 (RP).]

C. [PL 1987, c. 342, §56 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §6 (RP).]

[PL 1993, c. 410, Pt. ZZ, §6 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class I license:

A. Airline corporations; [PL 2021, c. 658, §120 (AMD).]

B. Auditoriums; [PL 1989, c. 158, §3 (REEN).]

B-1. Bowling centers; [PL 1989, c. 244, §2 (NEW).]

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

D. Class A restaurants; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Clubs with catering privileges; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E-1. Curling centers; [PL 2021, c. 658, §121 (NEW).]

F. [PL 2021, c. 658, §122 (RP).]

F-1. Disc golf courses; [PL 2017, c. 17, §2 (NEW).]

G. Golf courses; [PL 2017, c. 167, §15 (AMD).]

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

H-1. Indoor golf centers; [PL 2023, c. 44, §10 (NEW).]

I. Indoor ice skating centers; [PL 2021, c. 658, §123 (AMD).]

J. Indoor racquet centers; [PL 2021, c. 658, §124 (AMD).]

J-1. Outdoor stadiums; [PL 2021, c. 598, §2 (NEW).]

J-2. Outdoor golf centers; [PL 2023, c. 44, §11 (NEW).]

K. Performing arts centers; [PL 1987, c. 45, Pt. A, §4 (NEW).]

K-1. Pool halls; [PL 2021, c. 598, §3 (NEW).]

L. Qualified catering services; [PL 2021, c. 658, §125 (AMD).]

L-1. Railroad corporations; and [PL 2021, c. 658, §126 (NEW).]

M. Vessel corporations. [PL 2021, c. 658, §127 (AMD).]

[PL 2023, c. 44, §§10, 11 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§56,57 (AMD). PL 1989, c. 158, §3 (AMD). PL 1989, c. 244, §2 (AMD). PL 1989, c. 526, §§7,8,28 (AMD). PL 1991, c. 528, §§L1,2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§L1,2 (AMD). PL 1993, c. 410, §ZZ6 (AMD). PL 2017, c. 17, §2 (AMD). PL 2017, c. 167, §15 (AMD). PL 2021, c. 598, §§2, 3 (AMD). PL 2021, c. 658, §§120-127 (AMD). PL 2023, c. 44, §§10, 11 (AMD).

§1002. Class I-A licenses

1. Types of liquor which may be sold. A Class I-A licensee may sell spirits, wine and malt liquor to be consumed on the premises where sold.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class I-A license are as follows:

A. Full-time (one year).....$1,100. [PL 1993, c. 410, Pt. ZZ, §7 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §7 (RP).]

C. [PL 1987, c. 342, §58 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §7 (RP).]

[PL 1993, c. 410, Pt. ZZ, §7 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class I-A license:

A. Hotels which do not serve food. [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 1987, c. 342, §58 (AMD). PL 1989, c. 526, §§9,10,28 (AMD). PL 1993, c. 410, §ZZ7 (AMD).

§1003. Class II licenses

1. Types of liquor which may be sold. A Class II licensee may sell spirits to be consumed on the premises where sold.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class II license are as follows:

A. Full-time (one year).....$550. [PL 1993, c. 410, Pt. ZZ, §8 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §8 (RP).]

C. [PL 1987, c. 342, §59 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §8 (RP).]

[PL 1993, c. 410, Pt. ZZ, §8 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class II license:

A. Airline corporations; [PL 2021, c. 658, §128 (AMD).]

B. Auditoriums; [PL 1989, c. 158, §4 (REEN).]

B-1. Bowling centers; [PL 1989, c. 244, §3 (NEW).]

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

D. Class A restaurants; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Clubs with catering privileges; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E-1. Curling centers; [PL 2021, c. 658, §129 (NEW).]

F. [PL 2021, c. 658, §130 (RP).]

F-1. Disc golf courses; [PL 2017, c. 17, §3 (NEW).]

G. Golf courses; [PL 2017, c. 167, §16 (AMD).]

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

H-1. Indoor golf centers; [PL 2023, c. 44, §12 (NEW).]

I. Indoor ice skating centers; [PL 2021, c. 658, §131 (AMD).]

J. Indoor racquet centers; [PL 2021, c. 658, §132 (AMD).]

J-1. Outdoor stadiums; [PL 2021, c. 598, §4 (NEW).]

J-2. Outdoor golf centers; [PL 2023, c. 44, §13 (NEW).]

K. Performing arts centers; [PL 1987, c. 45, Pt. A, §4 (NEW).]

K-1. Pool halls; [PL 2021, c. 598, §5 (NEW).]

L. Qualified catering services; [PL 2021, c. 658, §133 (AMD).]

L-1. Railroad corporations; and [PL 2021, c. 658, §134 (NEW).]

M. Vessel corporations. [PL 2021, c. 658, §135 (AMD).]

[PL 2023, c. 44, §§12, 13 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§59,60 (AMD). PL 1989, c. 158, §4 (AMD). PL 1989, c. 244, §3 (AMD). PL 1989, c. 526, §§11,12,28 (AMD). PL 1993, c. 410, §ZZ8 (AMD). PL 2017, c. 17, §3 (AMD). PL 2017, c. 167, §16 (AMD). PL 2021, c. 598, §§4, 5 (AMD). PL 2021, c. 658, §§128-135 (AMD). PL 2023, c. 44, §§12, 13 (AMD).

§1004. Class III licenses

1. Types of liquor which may be sold. A Class III licensee may sell wine to be consumed on the premises where sold.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class III license are as follows:

A. Full-time (one year).....$220. [PL 1993, c. 410, Pt. ZZ, §9 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §9 (RP).]

C. [PL 1987, c. 342, §61 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §9 (RP).]
[PL 1993, c. 410, Pt. ZZ, §9 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class III license:

A. Airline corporations; [PL 2021, c. 658, §136 (AMD).]

B. Auditoriums; [PL 1989, c. 158, §5 (REEN).]

B-1. Bowling centers; [PL 1989, c. 244, §4 (NEW).]

B-2. Bed and breakfasts; [PL 1993, c. 730, §36 (NEW).]

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

D. Class A restaurants; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Clubs with catering privileges; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E-1. Curling centers; [PL 2021, c. 658, §137 (AMD).]

F. [PL 2021, c. 658, §138 (RP).]

F-1. Disc golf courses; [PL 2017, c. 17, §4 (NEW).]

G. Golf courses; [PL 2017, c. 167, §17 (AMD).]

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

H-1. Indoor golf centers; [PL 2023, c. 44, §14 (NEW).]

I. Indoor ice skating centers; [PL 2021, c. 658, §139 (AMD).]

J. Indoor racquet centers; [PL 2021, c. 658, §140 (AMD).]

J-1. Outdoor golf centers; [PL 2023, c. 44, §15 (NEW).]

K. Outdoor stadiums; [PL 1987, c. 45, Pt. A, §4 (NEW).]

L. Performing arts centers; [PL 1987, c. 45, Pt. A, §4 (NEW).]

L-1. Pool halls; [PL 1999, c. 760, §2 (NEW).]

M. Qualified catering services; [PL 1987, c. 45, Pt. A, §4 (NEW).]

M-1. Railroad corporations; [PL 2021, c. 658, §141 (NEW).]

N. Restaurants; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

O. Vessel corporations. [PL 2021, c. 658, §142 (AMD).]
[PL 2023, c. 44, §§14, 15 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§61,62 (AMD). PL 1989, c. 158, §5 (AMD). PL 1989, c. 244, §4 (AMD). PL 1989, c. 526, §§13,14,28 (AMD). PL 1993, c. 410, §ZZ9 (AMD). PL 1993, c. 730, §36 (AMD). PL 1995, c. 558, §3 (AMD). PL 1997, c. 85, §B14 (AMD). PL 1997, c. 85, §B38 (AFF). PL 1999, c. 760, §2 (AMD). PL 2017, c. 17, §4 (AMD). PL 2017, c. 167, §17 (AMD). PL 2021, c. 658, §§136-142 (AMD). PL 2023, c. 44, §§14, 15 (AMD).

§1005. Class IV licenses

1. Types of liquor which may be sold. A Class IV licensee may sell malt liquor to be consumed on the premises where sold.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class IV license are as follows:

A. Full-time (one year).....$220. [PL 1993, c. 410, Pt. ZZ, §10 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §10 (RP).]

C. [PL 1987, c. 342, §63 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §10 (RP).]
[PL 1993, c. 410, Pt. ZZ, §10 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class IV license:

A. Airline corporations; [PL 2021, c. 658, §143 (AMD).]

B. Auditoriums; [PL 1989, c. 158, §6 (REEN).]

B-1. Bowling centers; [PL 1989, c. 244, §5 (NEW).]

B-2. Bed and breakfasts; [PL 1993, c. 730, §37 (NEW).]

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

D. Class A restaurants; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E. Clubs with catering privileges; [PL 1987, c. 45, Pt. A, §4 (NEW).]

E-1. Curling centers; [PL 2021, c. 658, §144 (NEW).]

F. [PL 2021, c. 658, §145 (RP).]

F-1. Disc golf courses; [PL 2017, c. 17, §5 (NEW).]

G. Golf courses; [PL 2017, c. 167, §18 (AMD).]

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

H-1. Indoor golf centers; [PL 2023, c. 44, §16 (NEW).]

I. Indoor ice skating centers; [PL 2021, c. 658, §146 (AMD).]

J. Indoor racquet centers; [PL 2021, c. 658, §147 (AMD).]

J-1. Outdoor golf centers; [PL 2023, c. 44, §17 (NEW).]

K. Outdoor stadiums; [PL 1987, c. 45, Pt. A, §4 (NEW).]

L. Performing arts centers; [PL 1987, c. 45, Pt. A, §4 (NEW).]

L-1. Pool halls; [PL 1999, c. 760, §3 (NEW).]

M. Qualified catering services; [PL 1987, c. 45, Pt. A, §4 (NEW).]

M-1. Railroad corporations; [PL 2021, c. 658, §148 (NEW).]

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

O. Taverns; and [PL 1987, c. 342, §65 (AMD).]

P. [PL 1987, c. 342, §65 (RP).]

Q. Vessel corporations. [PL 2021, c. 658, §149 (AMD).]
[PL 2023, c. 44, §§16, 17 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§63-65 (AMD). PL 1989, c. 158, §6 (AMD). PL 1989, c. 244, §5 (AMD). PL 1989, c. 526, §§15,16,28 (AMD). PL 1993, c. 410, §ZZ10 (AMD). PL 1993, c. 730, §37 (AMD). PL 1999, c. 760, §3 (AMD). PL 2017, c. 17, §5 (AMD). PL 2017, c. 167, §18 (AMD). PL 2021, c. 658, §§143-149 (AMD). PL 2023, c. 44, §§16, 17 (AMD).

§1006. Class V licenses

1. Types of liquor which may be sold. A Class V licensee may sell spirits, wine and malt liquor to be consumed on the premises where sold.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class V license are as follows:

A. Full-time (one year).....$495. [PL 1993, c. 410, Pt. ZZ, §11 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §11 (RP).]

C. [PL 1987, c. 342, §66 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §11 (RP).]
[PL 1993, c. 410, Pt. ZZ, §11 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class V license:

A. Clubs without catering privileges; and [PL 1993, c. 730, §38 (AMD).]

B. Bed and breakfasts. [PL 1993, c. 730, §39 (NEW).]
[PL 1993, c. 730, §§38,39 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §66 (AMD). PL 1989, c. 526, §§17,18,28 (AMD). PL 1993, c. 410, §ZZ11 (AMD). PL 1993, c. 730, §§38,39 (AMD).

§1007. Class VI licenses

1. Types of liquor which may be sold. A Class VI licensee may sell malt liquor to be consumed off the premises where sold.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class VI license are as follows:

A. Full-time (one year).....$200. [PL 1993, c. 410, Pt. ZZ, §12 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §12 (RP).]

C. [PL 1987, c. 342, §67 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §12 (RP).]
[PL 1993, c. 410, Pt. ZZ, §12 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class VI license:

A. Off-premises retailers with a qualifying stock of groceries, compatible merchandise or combination of both, as described in section 1201, subsections 6 and 7. [PL 2021, c. 658, §150 (AMD).]

[PL 2021, c. 658, §150 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§67,68 (AMD). PL 1987, c. 623, §11 (AMD). PL 1989, c. 158, §7 (AMD). PL 1989, c. 526, §§19,20,28 (AMD). PL 1989, c. 878, §§D8,9 (AMD). PL 1991, c. 528, §§L3,4 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§L3,4 (AMD). PL 1993, c. 410, §ZZ12 (AMD). PL 2021, c. 658, §150 (AMD).

§1007-A. Surcharge on Class VI licenses

(REPEALED)

SECTION HISTORY

PL 1987, c. 632 (NEW). PL 1989, c. 158, §8 (RP).

§1007-B. Surcharge on part-time Class VI licenses

(REPEALED)

SECTION HISTORY

PL 1989, c. 502, §D20 (NEW). MRSA T. 28-A §§1007-B (RP).

§1008. Class VI-A licenses

1. Types of liquor which may be sold. A Class VI-A licensee may sell malt liquor to be consumed off the premises where sold.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class VI-A license are as follows:

A. Full-time (one year).....$200. [PL 1993, c. 410, Pt. ZZ, §13 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §13 (RP).]

C. [PL 1987, c. 342, §69 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §13 (RP).]

[PL 1993, c. 410, Pt. ZZ, §13 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class VI-A license:

A. Ship chandlers without a qualifying stock of groceries, compatible merchandise or combination of both. [PL 1987, c. 342, §70 (RPR).]

[PL 1987, c. 342, §70 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§69,70 (AMD). PL 1989, c. 526, §§21,28 (AMD). PL 1991, c. 528, §L5 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §L5 (AMD). PL 1993, c. 410, §ZZ13 (AMD).

§1009. Class VII licenses

1. Types of liquor which may be sold. A Class VII licensee may sell wine to be consumed off the premises where sold.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class VII license are as follows:

A. Full-time (one year).....$200. [PL 1993, c. 410, §14 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §14 (RP).]

C. [PL 1987, c. 342, §71 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §14 (RP).]

[PL 1993, c. 410, Pt. ZZ, §14 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class VII license:

A. Off-premises retailers with a qualifying stock of groceries, compatible merchandise or combination of both, as described in section 1201, subsections 6 and 7. [PL 2021, c. 658, §151 (AMD).]

B. [PL 1987, c. 342, §72 (RP).]

[PL 2021, c. 658, §151 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§71,72 (AMD). PL 1989, c. 526, §§22,28 (AMD). PL 1991, c. 528, §L6 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §L6 (AMD). PL 1993, c. 410, §ZZ14 (AMD). PL 2021, c. 658, §151 (AMD).

§1010. Class VII-A licenses

1. Types of liquor which may be sold. A Class VII-A licensee may sell wine to be consumed off the premises where sold.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Fees. The fees for a Class VII-A license are as follows:

A. Full-time (one year).....$200. [PL 1993, c. 410, Pt. ZZ, §15 (AMD).]

B. [PL 1993, c. 410, Pt. ZZ, §15 (RP).]

C. [PL 1987, c. 342, §73 (RP).]

D. [PL 1993, c. 410, Pt. ZZ, §15 (RP).]

[PL 1993, c. 410, Pt. ZZ, §15 (AMD).]

3. Eligible premises. The following premises are eligible to obtain a Class VII-A license:

A. Ship chandlers without a qualifying stock of groceries, compatible merchandise or combination of both. [PL 1987, c. 342, §74 (RPR).]

[PL 1987, c. 342, §74 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§73,74 (AMD). PL 1989, c. 526, §§23,28 (AMD). PL 1991, c. 528, §L7 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §L7 (AMD). PL 1993, c. 410, §ZZ15 (AMD).

§1010-A. Class VIII licenses

1. Types of liquor that may be sold. A Class VIII licensee may sell malt liquor, wine and spirits to be consumed off the premises where sold.

[PL 2011, c. 460, §2 (NEW).]

2. Fees. The fees for a Class VIII license are as follows:

A. The initial fee for a Class VIII license is $2,000; [PL 2021, c. 658, §152 (RPR).]

B. The annual renewal fee for a Class VIII license is $700; and [PL 2021, c. 658, §152 (RPR).]

C. The fee to transfer a Class VIII license to a new owner of an agency liquor store in accordance with section 457 is $2,000. [PL 2021, c. 658, §152 (NEW).]

[PL 2021, c. 658, §152 (RPR).]

3. Eligible premises. The following premises are eligible to obtain a Class VIII license:

A. Agency liquor store licensees with a qualifying stock of groceries, compatible merchandise or a combination of both, as described in section 1201, subsections 6 and 7. [PL 2021, c. 658, §153 (AMD).]

[PL 2021, c. 658, §153 (AMD).]

SECTION HISTORY

PL 2011, c. 460, §2 (NEW). PL 2011, c. 497, §1 (AMD). PL 2021, c. 658, §§152, 153 (AMD).

§1011. Class X licenses

1. Types of liquor which may be sold. A Class X licensee may sell spirits, wine and malt liquor to be consumed on the premises where sold.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

1-A. Exception. Notwithstanding subsection 1, when considering an application for a new Class X license or the renewal of a Class X license under section 653, a municipality may grant the application subject to a condition that limits the types of liquor that may be sold for consumption on the premises.
[PL 2019, c. 167, §1 (NEW).]

2. Fees. The fees for a Class X license are as follows:

A. Full-time (one year)..... $2,200. [PL 1993, c. 410, Pt. ZZ, §16 (AMD).]

[PL 1993, c. 410, Pt. ZZ, §16 (AMD).]

3. Eligible premises. The following premises are eligible for a Class X license:

A. Class A lounges. [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 1987, c. 342, §75 (AMD). PL 1989, c. 526, §§24,28 (AMD). PL 1993, c. 410, §ZZ16 (AMD). PL 2019, c. 167, §1 (AMD).

§1011-A. Class XI licenses

1. Types of liquor that may be sold. A Class XI licensee may sell spirits, wine and malt liquor for on-premises consumption.
[PL 2021, c. 658, §154 (AMD).]

2. Fees. The fee for a Class XI license is $1,500 (one year).
[PL 1993, c. 410, Pt. ZZ, §17 (NEW).]

3. Eligible premises. The following premises are eligible for a Class XI license:

A. Class A restaurant/lounge. [PL 2003, c. 493, §8 (AMD); PL 2003, c. 493, §14 (AFF).]

B. [PL 2003, c. 493, §8 (RP); PL 2003, c. 493, §14 (AFF).]

[PL 2003, c. 493, §8 (AMD); PL 2003, c. 493, §14 (AFF).]

SECTION HISTORY

PL 1993, c. 410, §ZZ17 (NEW). PL 1999, c. 421, §§4,5 (AMD). PL 2003, c. 493, §8 (AMD). PL 2003, c. 493, §14 (AFF). PL 2021, c. 658, §154 (AMD).

§1012. Other retail licenses

1. Incorporated civic organizations. An incorporated civic organization may obtain up to 5 licenses per year to sell spirits, wine and malt liquor for on-premises consumption as provided in section 1071. The fee for each license is $50.

A. [PL 2021, c. 658, §155 (RP).]

B. [PL 1987, c. 623, §12 (RP).]
[PL 2021, c. 658, §155 (AMD).]

2. Auxiliary license. The following licensed establishments may obtain an auxiliary license to sell spirits, wine or malt liquor for on-premises consumption at one additional premises as provided in section 1075:

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; and [PL 2021, c. 658, §156 (RPR).]

B. 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, §156 (NEW).]

The fee for an auxiliary license is $100.
[PL 2021, c. 658, §156 (RPR).]

3. Off-premises catering license. A club licensed to sell spirits, wine and malt liquor or a licensed Class A restaurant, licensed Class A restaurant/lounge, licensed restaurant, licensed Class A lounge, licensed hotel, licensed bed and breakfast, licensed golf course, licensed auditorium, licensed civic auditorium or licensed performing arts center may obtain a license to conduct off-premises catering of the same type or types of liquor that the establishment may sell pursuant to the establishment's underlying club, Class A restaurant, Class A restaurant/lounge, restaurant, Class A lounge, hotel, bed and breakfast, golf course, auditorium, civic auditorium or performing arts center license as provided in section 1052. The fee for an off-premises catering license is $10 per calendar day of the event or gathering.

A. [PL 2021, c. 658, §157 (RP).]
[PL 2025, c. 230, Pt. A, §10 (AMD).]

4. Golf course or disc golf course mobile service bar. A licensee that is the owner of a golf course or disc golf course and 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 may apply for a license to sell liquor from a mobile service bar as provided in section 1075-A. The license fee per calendar year is $100.
[PL 2021, c. 658, §158 (RPR).]

5. Small distillery off-premises license.

[PL 2011, c. 629, §16 (RP).]

6. Minibar license. The bureau may issue a license for the placement of a minibar to an operator of a hotel licensed under section 1061 or in accordance with the license required by Title 30-A, section 3811 subject to the following conditions and applicable rules established by the bureau:

A. The fee for a minibar license for a hotel holding an existing license under section 1061 is $100 annually plus $5 for each room in which a minibar is placed, not to exceed a maximum of $900 per hotel; [PL 2009, c. 458, §2 (NEW).]

B. The fee for a minibar license for a hotel holding an existing license under Title 30-A, section 3811 is $200 annually plus $10 for each room in which a minibar is placed; [PL 2009, c. 458, §2 (NEW).]

C. A minibar may be stocked with malt liquor, wine and spirits as well as other complementary merchandise; [PL 2021, c. 658, §159 (AMD).]

D. Supplies of malt liquor and wine for a hotel minibar must be purchased from a wholesale licensee; [PL 2021, c. 658, §160 (AMD).]

E. Supplies of spirits for a hotel minibar must be purchased from an agency liquor store licensed as a reselling agent under section 453-C; [PL 2019, c. 404, §17 (AMD).]

F. A hotel must maintain invoices for all liquor stocked in a minibar and must maintain records of all sales of liquor sold or dispensed from a minibar; [PL 2019, c. 404, §17 (AMD).]

G. A minibar must be equipped with a secure locking device that may be unlocked only by persons 21 years of age or older; [PL 2009, c. 458, §2 (NEW).]

H. A hotel room equipped with a minibar may be rented only to a person who is 21 years of age or older and who has demonstrated proof of age by presenting proper identification as described in section 2087 unless the minibar is secured in a manner that prevents access by a person under 21 years of age; [PL 2009, c. 458, §2 (NEW).]

I. The registered occupant of a hotel room equipped with a minibar is liable for any violation of liquor laws by anyone under 21 years of age who also occupies or enters the room; and [PL 2009, c. 458, §2 (NEW).]

J. A minibar may be stocked and serviced only by an employee who is 21 years of age or older. [PL 2009, c. 458, §2 (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, §§159, 160 (AMD).]

7. Common consumption area license. A licensed auditorium, hotel, restaurant, Class A restaurant or Class A restaurant/lounge or a manufacturer licensed under section 1355-A may apply for a common consumption area license to operate a common consumption area within an entertainment district established in accordance with section 221. The license fee is $100.
[PL 2019, c. 281, §8 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 151, §1 (AMD). PL 1987, c. 623, §§12,13 (AMD). PL 1995, c. 195, §1 (AMD). PL 1999, c. 236, §1 (AMD). PL 2003, c. 579, §1 (AMD). PL 2005, c. 108, §1 (AMD). PL 2005, c. 390, §4 (AMD). PL 2009, c. 458, §2 (AMD). PL 2011, c. 629, §16 (AMD). PL 2013, c. 368, Pt. V, §40 (AMD). PL 2013, c. 476, Pt. A, §25 (AMD). PL 2017, c. 17, §§6, 7 (AMD). PL 2017, c. 167, §19 (AMD). PL 2019, c. 281, §8 (AMD). PL 2019, c. 404, §§16, 17 (AMD). PL 2021, c. 76, §1 (AMD). PL 2021, c. 658, §§155-160 (AMD). PL 2023, c. 285, §1 (AMD). PL 2025, c. 230, Pt. A, §10 (AMD).

§1013. Underage drinking prevention

(REPEALED)

SECTION HISTORY

PL 2011, c. 460, §3 (NEW). PL 2011, c. 497, §2 (RP).

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).]

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

SECTION HISTORY

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

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

§1051-A. Vendor operation on premises of host licensee

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Host licensee" means an establishment licensed under this chapter to sell liquor for consumption on the premises and licensed by the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry to prepare, serve, sell or offer for sale food that uses the services of a licensed vendor or unlicensed vendor. [PL 2025, c. 189, §1 (NEW).]

B. "Licensed vendor" means a person that holds a license issued by the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry to prepare, serve, sell or offer for sale food. [PL 2025, c. 189, §1 (NEW).]

C. "Unlicensed vendor" means a person that does not hold a license issued by the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry to prepare, serve, sell or offer for sale food. [PL 2025, c. 189, §1 (NEW).]

D. "Vendor" means a licensed vendor or unlicensed vendor. [PL 2025, c. 189, §1 (NEW).] [PL 2025, c. 189, §1 (NEW).]

2. Conditions. A vendor may operate on the premises of a host licensee under the following conditions.

A. If an unlicensed vendor prepares, serves, sells or offers for sale any food on the premises of a host licensee, the host licensee is responsible for ensuring that the preparation, serving, selling or offering for sale of food complies with applicable food, health and safety rules. [PL 2025, c. 189, §1 (NEW).]

B. If a licensed vendor prepares, serves, sells or offers for sale food, the licensed vendor is responsible for ensuring that its operations comply with food, health and safety rules applicable to the license to prepare, serve, sell or offer for sale food as issued by the Department of Health and Human Services or the Department of Agriculture, Conservation and Forestry. [PL 2025, c. 189, §1 (NEW).]

C. A vendor may serve alcoholic beverages on the premises of the host licensee only if those beverages are supplied exclusively by the host licensee and the host licensee or an employee of the host licensee who is authorized to serve liquor is present. [PL 2025, c. 189, §1 (NEW).]

D. A vendor employee may serve alcohol only if the employee is authorized to serve liquor and the vendor employee has provided to the host licensee an affidavit stating that the vendor employee has not been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B within 2 years of the date of the affidavit nor convicted of a second offense of violating section 2078 or section 2081, subsection 1, paragraph A or B within 5 years of the date of the affidavit. The affidavit must be executed prior to the vendor operating on the premises of a host licensee. The bureau shall develop the affidavit form required by this paragraph and provide a copy of the affidavit to vendors. [PL 2025, c. 189, §1 (NEW).]

E. A vendor employee who serves alcohol on the premises of the host licensee is considered a server of the host licensee for purposes of the Maine Liquor Liability Act. [PL 2025, c. 189, §1 (NEW).]

F. The host licensee must maintain for a period of at least one year a written record of all operations involving vendors, including the name and contact information of the vendor, menus offered by the vendor and the dates and times of operation. [PL 2025, c. 189, §1 (NEW).]

G. The vendor is responsible for collecting and remitting all applicable state and federal sales taxes on food and beverage sales conducted during its operations on the premises of the host licensee. [PL 2025, c. 189, §1 (NEW).]

H. A host licensee is liable for any violation of the liquor laws or any rule adopted by the bureau committed by a vendor on the premises of the host licensee and is subject to any fine imposed for a violation. The license of the host licensee may be revoked or suspended and may be subject to the revocation or suspension of any other licenses that the host licensee holds. [PL 2025, c. 189, §1 (NEW).]

[PL 2025, c. 189, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 189, §1 (NEW).

§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 restaurant, licensed Class A lounge, licensed hotel, licensed bed and breakfast, licensed golf course, 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 2025, c. 230, Pt. A, §11 (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, restaurant, Class A lounge, hotel, bed and breakfast, golf course, auditorium, civic auditorium or performing arts center license.

[PL 2025, c. 230, Pt. A, §12 (AMD).]

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). PL 2023, c. 285, §§2, 3 (AMD). PL 2025, c. 230, Pt. A, §§11, 12 (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

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 meal as defined in section 2, subsection 11-E 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 2023, c. 34, §1 (AMD).]

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 2023, c. 34, §1 (AMD).]

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 in an approved container, 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 in an approved container or 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 2023, c. 34, §§2, 3 (AMD).]

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 2023, c. 34, §§2, 3 (AMD).]

3. Repeal.

[PL 2023, c. 34, §4 (RP).]

SECTION HISTORY

PL 2021, c. 3, §1 (NEW). PL 2021, c. 514, §1 (AMD). PL 2023, c. 34, §§1-4 (AMD).

§1057. Liquor judging competition event permit

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

A. "Homemade liquor" means malt liquor, wine or hard cider made by a person's own efforts in the person's home for personal use that is not offered for sale and that does not contain added spirits. [PL 2025, c. 315, §1 (NEW).]

B. "Liquor judging competition event" means an event where judges evaluate entries of malt liquor, wine, hard cider or spirits, except for homemade spirits, based on a set of criteria to determine a winner of the competition. [PL 2025, c. 315, §1 (NEW).]

[PL 2025, c. 315, §1 (NEW).]

2. Liquor judging competition event permit; eligibility. One or more certificate of approval holders that are manufacturers may apply for a permit to host a liquor judging competition event subject to the conditions prescribed by this section.

[PL 2025, c. 315, §1 (NEW).]

3. Liquor judging competition event participants. A certificate of approval holder or a person who produces homemade liquor that does not contain spirits may participate in the liquor judging competition event in the same manner and subject to the same conditions as a person permitted under this section.

[PL 2025, c. 315, §1 (NEW).]

4. Application. An applicant for a liquor judging competition event permit described in subsection 2 shall submit a written application to the bureau no later than 15 calendar days prior to the date of the liquor judging competition event. The application must include the following:

A. The name and address of each liquor judging competition event participant; [PL 2025, c. 315, §1 (NEW).]

B. The title and purpose of the liquor judging competition event; [PL 2025, c. 315, §1 (NEW).]

C. The date, time and duration of the liquor judging competition event; [PL 2025, c. 315, §1 (NEW).]

D. The address and location of the liquor judging competition event, including a description of the liquor judging competition event; and [PL 2025, c. 315, §1 (NEW).]

E. The address and the location of areas where liquor for the liquor judging competition event may be stored by the applicant for the liquor judging competition event permit. [PL 2025, c. 315, §1 (NEW).]

[PL 2025, c. 315, §1 (NEW).]

5. Fee. The permit fee for a liquor judging competition event permit under subsection 2 is $20.

[RR 2025, c. 1, Pt. A, §37 (COR).]

6. Ruling on application. Upon receipt of an application under subsection 4, the bureau shall immediately approve or deny the application. The bureau shall advise applicants that the permit for a liquor judging competition event under subsection 2 may be suspended or revoked pursuant to chapter 33.

[PL 2025, c. 315, §1 (NEW).]

7. Up to 10 permitted liquor judging competition events per year; one liquor judging competition event per permit. A person eligible for a permit under subsection 2 may obtain up to 10 permits under this section per calendar year.

[PL 2025, c. 315, §1 (NEW).]

8. Location and participation fee. A certificate of approval holder issued a permit under this section may charge a fee for participation in a liquor judging competition event. The liquor judging competition event is not required to occur on premises licensed by the bureau.

[PL 2025, c. 315, §1 (NEW).]

9. Conditions. The following conditions apply to a liquor judging competition event permitted under this section.

A. If the venue for the liquor judging competition event is currently licensed for on-premises consumption of liquor, the bureau shall temporarily suspend the authority of the on-premises retail licensee to sell liquor for on-premises consumption in an area designated for the liquor judging competition event. The on-premises retail licensee may sell liquor for on-premises consumption outside the area designated for the liquor judging competition event. [PL 2025, c. 315, §1 (NEW).]

B. The liquor judging competition event may not be open to the general public. [PL 2025, c. 315, §1 (NEW).]

C. Only judges and stewards may taste liquor entered in a liquor judging competition event. For purposes of this paragraph, "steward" means liquor judging competition event staff that work with judges in conducting the liquor judging competition event. [PL 2025, c. 315, §1 (NEW).]

D. Points of entry to the liquor judging competition event must be clearly marked and monitored to ensure consumption of liquor entered in the liquor judging competition event takes place only within the designated area of the liquor judging competition event. [PL 2025, c. 315, §1 (NEW).]

E. A minor may not attend the liquor judging competition event. [PL 2025, c. 315, §1 (NEW).]

F. A person who is visibly intoxicated may not be served. [PL 2025, c. 315, §1 (NEW).]

G. Homemade spirits may not be entered into a liquor judging competition event. [PL 2025, c. 315, §1 (NEW).]

H. Liquor may not be sold or offered for sale at a liquor judging competition event except as provided in paragraph A. [PL 2025, c. 315, §1 (NEW).]

[PL 2025, c. 315, §1 (NEW).]

10. Rulemaking. The bureau may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to administer this section.

[PL 2025, c. 315, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 315, §1 (NEW). RR 2025, c. 1, Pt. A, §37 (COR).

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 long as the hotel has a minimum of 4 guest rooms and is licensed by the Department of Health and Human Services, as required by rule. [PL 2025, c. 230, Pt. A, §13 (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.

[PL 2025, c. 230, Pt. A, §14 (RP).]

5. Consumer transport of liquor within hotel. A licensed hotel may permit consumers to transport spirits, wine or malt liquor purchased in areas designated for the consumption of spirits, wine or malt liquor to individual guest rooms.

[PL 2025, c. 230, Pt. A, §15 (NEW).]

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). PL 2025, c. 230, Pt. A, §§13-15 (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.

[PL 2023, c. 44, §18 (RP).]

2-A. Income from sale of food requirement. At least 10% of the gross annual income must be from the sale of food for each Class A restaurant or Class A restaurant/lounge.
[PL 2023, c. 44, §19 (NEW).]

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 requirement of subsection 2-A.
[PL 2023, c. 44, §20 (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 requirement of subsection 2-A. If the bureau determines that the licensee has not satisfied the requirement of subsection 2-A, the bureau may

renew the license for only one year, during which the licensee must meet the requirement of subsection 2-A to be eligible for further license renewal.
[PL 2023, c. 44, §21 (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). PL 2023, c. 44, §§18-21 (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.
[PL 2023, c. 44, §22 (RP).]

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). PL 2023, c. 44, §22 (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 15, paragraph T-1.

[PL 2023, c. 405, Pt. A, §102 (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). PL 2023, c. 405, Pt. A, §102 (AMD).

§1067. Class A taverns

(REPEALED)

SECTION HISTORY

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

§1068. Performing arts centers

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §92 (AMD). PL 2025, c. 230, Pt. A, §16 (RP).

§1069. Auditoriums

(REPEALED)

SECTION HISTORY

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

§1069-A. Auditoriums

(REPEALED)

SECTION HISTORY

PL 1989, c. 158, §9 (NEW). PL 1995, c. 229, §1 (AMD). PL 1997, c. 373, §93 (AMD). PL 2025, c. 230, Pt. A, §17 (RP).

§1070. Auditoriums; civic auditoriums; outdoor stadiums; and performing arts centers

1. Issuance of licenses. The bureau may issue licenses to auditoriums, civic auditoriums, outdoor stadiums and performing arts centers under this section for the sale of spirits, wine and malt liquor. The license may be issued to the owner or the operator of the auditorium, civic auditorium, outdoor stadium or performing arts center or to the entity providing spirits, wine and malt liquor to the public in the auditorium, civic auditorium, outdoor stadium or performing arts center.
[PL 2025, c. 230, Pt. A, §18 (AMD).]

2. Events on licensed premises only.
[PL 2025, c. 230, Pt. A, §18 (RP).]

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 licensee under this section may sell spirits in original containers for service in a club suite under the following conditions:

A. Spirits to be consumed in the club suite must be provided exclusively by the licensee; [PL 2025, c. 230, Pt. A, §18 (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; and [PL 2025, c. 230, Pt. A, §18 (AMD).]

C. [PL 2025, c. 230, Pt. A, §18 (RP).]

D. The registered tenant of the club suite or individual specifically granted access to the club suite by the licensee must sign a contract with the auditorium, civic auditorium, outdoor stadium or performing arts center agreeing that any person who has not attained 21 years of age will not be provided or served liquor in the club suite. [PL 2025, c. 230, Pt. A, §18 (AMD).]

For the purposes of this subsection, "venue" means the licensed premises of an auditorium, civic auditorium, outdoor stadium or performing arts center. For purposes of this subsection, "club suite" means a designated area within a venue to provide premium viewing of an event in the venue and to

which access is limited to registered tenants, invited guests and those who have been specifically granted access by the operator of the venue and is not accessible to the public or venue patrons with tickets that provide for general admission to that event at the venue. 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 venue to ensure that persons present in the suite are limited to invited guests and employees providing services to the club suite.
[PL 2025, c. 230, Pt. A, §18 (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). PL 2025, c. 230, Pt. A, §18 (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; bowling centers; indoor golf centers; outdoor golf 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 bowling centers, curling centers, disc golf courses, golf courses, indoor golf centers, indoor ice skating centers, indoor racquet centers and outdoor golf centers as defined in section 2, subsection 15, paragraphs B-1, D-1, F-1, G, I-1, J, K and L-2, respectively.

[PL 2023, c. 44, §24 (AMD).]

2. Food availability.

[PL 2023, c. 44, §25 (RP).]

3. Separate area for sale of liquor. A licensee under this section shall set aside a separate area for the sale and consumption of liquor in accordance with the rules of the bureau.

[PL 2023, c. 44, §26 (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). PL 2023, c. 44, §§23-26 (AMD).

§1073-A. Bowling centers

(REPEALED)

SECTION HISTORY

PL 2021, c. 658, §193 (NEW). PL 2023, c. 44, §27 (RP).

§1074. Outdoor stadiums

(REPEALED)

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). PL 2023, c. 405, Pt. A, §103 (RPR). PL 2025, c. 230, Pt. A, §19 (RP).

§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 consistent with the sale of food requirement for the primary licensed premises, although the food need not be prepared at the additional premises; and [PL 2023, c. 44, §28 (AMD).]

C. The additional premises must be properly equipped, including with tables, chairs and restrooms. [PL 2021, c. 658, §195 (NEW).]
[PL 2023, c. 44, §28 (AMD).]

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). PL 2023, c. 44, §28 (AMD).

§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.

[PL 2023, c. 44, §29 (RP).]

3-A. 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 qualified catering services. For purposes of this section, "year-round" means operated for more than 6 months in a year.
[PL 2023, c. 44, §30 (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 qualified catering service unless it determines that the applicant would probably meet the requirement of subsection 3-A.
[PL 2023, c. 44, §31 (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 requirement of subsection 3-A. If the bureau determines that the licensee has not satisfied the requirement of subsection 3-A, it may renew the license for only one year, during which the licensee must meet the requirement of subsection 3-A to be eligible for further license renewal.
[PL 2023, c. 44, §32 (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).]

11. Provision of liquor at wineries, small wineries, breweries, small breweries, distilleries or small distilleries. A qualified catering service may provide the service of liquor at a function or event on the premises of a winery, small winery, brewery, small brewery, distillery or small distillery licensed under section 1355-A as long as the qualified catering service complies with the provisions in subsection 7. A winery, small winery, brewery, small brewery, distillery or small distillery licensed under section 1355-A may host on the premises a function or event under this section up to 4 times in a 7-day period.
[PL 2023, c. 269, §1 (NEW).]

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). PL 2023, c. 44, §§29-32 (AMD). PL 2023, c. 269, §1 (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).

CHAPTER 45

LICENSES FOR THE SALE OF LIQUOR TO BE CONSUMED OFF THE LICENSED PREMISES

§1201. Issuance of licenses; stock of merchandise

1. Licenses for sale of malt liquor and wine. The bureau may issue licenses under this section for the sale and distribution of malt liquor or wine to off-premises retail licensees, as defined in section 2, subsection 27, paragraph A.
[PL 2021, c. 658, §208 (AMD).]

2. Ineligible as licensee. The bureau may not issue a license for the sale of malt liquor or wine to any person who is not engaged in a bona fide retail business other than the sale of malt liquor or wine at retail.
[PL 1997, c. 373, §105 (AMD).]

3. Cannot sell liquor to be consumed on the premises. Except as provided in section 1207, a person licensed under this section may not sell malt liquor or wine to be consumed on the premises.
[PL 2009, c. 438, §3 (AMD).]

3-A. Sale or transfer of malt liquor or wine for off-premises consumption to retailer prohibited. A person licensed under this section, or an agent or employee of the person, may not knowingly sell or transfer malt liquor or wine to another retailer for resale except as provided in section 606 or 1201-B.

[PL 2021, c. 546, §1 (AMD).]

3-B. Weekend sale of malt liquor to on-premises retailers. Notwithstanding any other provision of this Title to the contrary, a retailer licensed under this section for off-premises consumption may sell and deliver malt liquor to a retailer licensed under section 1051 for on-premises consumption on the weekend during the authorized hours for the wholesale sale and delivery of liquor set forth in section 4, subsection 1, paragraph D under the following conditions:

A. The retailer licensed for on-premises consumption shall provide immediate notification in a form prescribed by the bureau by the 2nd business day after making a purchase under this subsection; [PL 2019, c. 122, §1 (NEW).]

B. The retailer licensed for on-premises consumption shall provide immediate notification to the wholesaler licensed under section 1401 that supplies malt liquor to that retailer that the retailer purchased malt liquor from an off-premises licensee in the wholesaler's assigned territory; [PL 2019, c. 122, §1 (NEW).]

C. The retailer licensed for on-premises consumption may not purchase more than 10 gallons of malt liquor on a single weekend and shall purchase the malt liquor from a retailer licensed for off-premises consumption that is located in the same sales territory as the wholesaler licensed under section 1401 that supplies malt liquor to the retailer licensed for on-premises consumption; [PL 2019, c. 122, §1 (NEW).]

D. The requirements of section 705, subsection 1 apply to purchases of malt liquor under this subsection; and [PL 2019, c. 122, §1 (NEW).]

E. The retailer licensed for on-premises consumption may not purchase malt liquor under this subsection on more than 2 weekends in a single calendar year. [PL 2019, c. 122, §1 (NEW).]

For the purposes of this subsection, "weekend" means the time period between 4:00 p.m. Friday and midnight Sunday.
[PL 2019, c. 122, §1 (NEW).]

4. Licenses in unincorporated places where no local option vote is taken. Licenses in an unincorporated place, where no local option vote is taken under chapter 5, must be approved by the county commissioners of the county.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Qualifications. The bureau may not issue any licenses for new premises unless:

A. The premises have been in operation for a period of at least 3 months immediately before the date of the application; or [PL 1997, c. 373, §107 (AMD).]

B. The applicant proves to the satisfaction of the bureau that all proper standards and requirements of laws and rules of the bureau have been met and that the applicant is a resident of the State. [PL 1997, c. 373, §107 (AMD).]
[PL 1997, c. 373, §107 (AMD).]

6. Stock of groceries or compatible merchandise required. All off-premises retail licensees must have and maintain:

A. An adequate stock of groceries fit for human consumption of at least $1,000 wholesale value; [PL 1987, c. 342, §103 (RPR).]

B. A stock of merchandise reasonably compatible with a stock of malt liquor or wine of at least $1,000 wholesale value; or [PL 1987, c. 342, §103 (RPR).]

C. A combination of both groceries fit for human consumption and compatible merchandise of at least $1,000 wholesale value. [PL 1987, c. 342, §103 (RPR).]
[PL 2021, c. 658, §209 (AMD).]

7. Compatible merchandise. Each licensee shall display the groceries or compatible merchandise, or both, in the general sales area of the licensed premises, except that foodstuffs and other consumable products used in the preparation of food and cut flowers and potted flowers are not required to be displayed if they are stored elsewhere on the premises. Compatible merchandise:

A. Includes:

(1) Tobacco products;

(2) Newspapers;

(3) Greeting cards;

(4) Paper products;

(5) Cut flowers and potted flowers;

(5-A) Glasses, stemware, china and devices designed to open containers of wine and malt liquor;

(6) A stock of foodstuffs and other consumable products used on the premises in the preparation of food for on-premises or off-premises consumption; and

(7) Other items equally compatible with a stock of malt liquor or wine; and [PL 2021, c. 658, §210 (AMD).]

B. Does not include:

(1) Gasoline and oil;

(2) Used or new cars, parts or accessories; or

(3) Other items of stock that may be equally incompatible in nature. [PL 1987, c. 342, §104 (RPR).]

[PL 2021, c. 658, §210 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§102-104 (AMD). PL 1993, c. 266, §21 (AMD). PL 1997, c. 373, §§105-107 (AMD). PL 2005, c. 193, §1 (AMD). PL 2009, c. 438, §3 (AMD). PL 2013, c. 368, Pt. V, §41 (AMD). PL 2013, c. 476, Pt. A, §26 (AMD). PL 2019, c. 122, §1 (AMD). PL 2021, c. 546, §1 (AMD). PL 2021, c. 658, §§208-210 (AMD).

§1201-A. Transfer of spirits among certain licensees

Notwithstanding section 606, subsection 1 and section 1201, subsection 3-A, if a business or corporation has multiple locations in the State licensed to sell spirits for consumption off the premises, spirits may be transferred from one of those licensed locations to another to facilitate the sale of those spirits. A licensee that transfers spirits from one location to another in accordance with this section must notify the bureau of all transfers in advance on a form determined by the bureau. The licensee shall maintain a record of all transfers made in accordance with this section. [PL 2003, c. 208, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 208, §1 (NEW).

§1201-B. Transfer of wine between retail locations

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

A. "Approved retailer" means a retailer licensed to sell wine for off-premises consumption that has received approval to sell or transfer wine to a commonly owned retail licensee under subsection 3. [PL 2021, c. 546, §2 (NEW).]

B. "Commonly owned retail licensee" means, with respect to a retailer licensed to sell wine for off-premises consumption, another retailer licensed to sell wine for off-premises consumption if the same person or persons hold a majority ownership interest in both retailers. [PL 2021, c. 546, §2 (NEW).]

[PL 2021, c. 546, §2 (NEW).]

2. Authority to transfer wine between retail locations. Notwithstanding section 1201, subsection 3-A and any other provision of this Title to the contrary, an approved retailer may sell or transfer wine by the case or by the bottle to a commonly owned retail licensee under the following conditions:

A. The approved retailer licensed and any commonly owned retail licensee to which wine is transferred or sold must be located within the territory that has been allocated under section 1401, subsection 8 to a single wholesale licensee for the purposes of making wholesale sales of the specific wine product being sold or transferred; [PL 2021, c. 546, §2 (NEW).]

B. The approved retailer and any commonly owned retail licensee to which wine is transferred or sold must share an electronic inventory tracking system capable of identifying which retailer has possession of the case or bottle of wine at all times; and [PL 2021, c. 546, §2 (NEW).]

C. The approved retailer shall if necessary designate an area of the licensed premises to which customers do not have access of no more than 750 square feet for the storage of wine and may not store wine in any other area or facility. [PL 2021, c. 546, §2 (NEW).]

[PL 2021, c. 546, §2 (NEW).]

3. Application; approval. A retailer licensed to sell wine for off-premises consumption shall seek approval from the bureau, on a form designated by the bureau, in advance of making an initial sale or transfer of wine to a commonly owned retail licensee under subsection 2. The bureau may not approve an application under this subsection unless the retailer provides sufficient information for the bureau to determine:

A. That each sale or transfer of wine from the retailer to a commonly owned licensee will satisfy the requirements of subsection 2, paragraph A; [PL 2021, c. 546, §2 (NEW).]

B. That the retailer's electronic inventory tracking system satisfies the requirements of subsection 2, paragraph B; [PL 2021, c. 546, §2 (NEW).]

C. That the retailer's storage of wine satisfies the requirements of subsection 2, paragraph C; and [PL 2021, c. 546, §2 (NEW).]

D. That the retailer has a safe and secure method for transferring wine to a commonly owned retail licensee. [PL 2021, c. 546, §2 (NEW).]

The bureau may not approve an application under this subsection from a retailer licensed to sell wine for off-premises consumption if the bureau has already approved an application under this subsection from one of the retailer's commonly owned retail licensees.

[PL 2021, c. 546, §2 (NEW).]

4. Modification. An approved retailer shall submit a modified application, on a form designated by the bureau, and must receive approval from the bureau prior to:

A. Making an initial sale or transfer of wine products not included in the initial application submitted under subsection 3 or a previously approved modified application under this subsection; or [PL 2021, c. 546, §2 (NEW).]

B. Making an initial sale or transfer of wine to a commonly owned licensee not identified in the initial application submitted under subsection 3 or a previously approved modified application under this subsection. [PL 2021, c. 546, §2 (NEW).]

The bureau may not approve an application under this subsection unless the bureau determines that the approved retailer will continue to meet the requirements of subsection 3 if the modification is approved. [PL 2021, c. 546, §2 (NEW).]

5. Penalty. In addition to any penalty that may be imposed under chapter 33, the bureau may prohibit a retailer licensed to sell wine for off-premises consumption that violates any provision of this section or of any rule adopted by the bureau to implement this section from engaging in the activities authorized by subsection 2.
[PL 2021, c. 546, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 546, §2 (NEW).

§1202. Employment of minors

1. Employees under 17. An employee under 17 years of age may not accept payment for the sale of malt liquor or wine at the check-out counter of an off-premises retail licensee's establishment.
[PL 2021, c. 658, §211 (AMD).]

2. Employees who are 17. An employee who is at least 17 years of age but less than 21 years of age may accept payment only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.
[PL 1997, c. 373, §108 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 266, §22 (AMD). PL 1997, c. 373, §108 (AMD). PL 2021, c. 658, §211 (AMD).

§1203. License for florists and florist shops

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §105 (RP).

§1204. Ship chandlers

1. Issuance of licenses. The bureau may issue licenses under this section for the sale of malt liquor and wine for off-premises consumption to ship chandlers, as defined in section 2, subsection 15, paragraph S.
[PL 2021, c. 658, §212 (AMD).]

2. Conditions on sales. Ship chandlers may sell malt liquor and wine only to ships which are:

A. Not licensed as retail licensees; and [PL 1987, c. 342, §106 (NEW).]

B. Registered in another state or another country. [PL 1987, c. 342, §106 (NEW).]
[PL 1987, c. 342, §106 (NEW).]

3. Exception to off-premises retail licensee requirements. Notwithstanding section 1201, a licensed ship chandler is not required to have or maintain a stock of groceries, compatible merchandise or combination of both.
[PL 2021, c. 658, §213 (AMD).]

SECTION HISTORY

PL 1987, c. 342, §106 (NEW). PL 1997, c. 373, §109 (AMD). PL 2021, c. 658, §§212, 213 (AMD).

§1205. Taste testing of wine

1. Taste testing on off-premises retail licensee's premises. Subject to the conditions in subsections 2 and 2-A, the bureau may authorize an off-premises retail licensee stocking at least 100 different wine labels to conduct taste testing of wine on that licensee's premises. Except as provided in section 1206, an off-premises retail licensee may not allow any other consumption of liquor on the off-premises retail licensee's premises.
[PL 2021, c. 658, §214 (AMD).]

2. Conditions for conducting taste-testing events. The following conditions apply to taste-testing events under this section:

A. Wine may not be served to persons who have not yet attained the age of 21 years; [PL 2009, c. 459, §2 (AMD).]

B. A person may not be served more than a total of 5 ounces of wine having an alcohol content of 14% or less; and, 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 2019, c. 79, §2 (AMD).]

C. A person may not be charged a fee for any wine served as part of a taste-testing event; [PL 2019, c. 79, §2 (AMD).]

D. A person may not be served who is visibly intoxicated; [PL 2009, c. 459, §2 (AMD).]

E. A taste-testing event must be limited to a designated area; [PL 2019, c. 79, §2 (AMD).]

F. A taste-testing event must be conducted within the hours of retail sale established in this Title; [PL 2019, c. 79, §2 (AMD).]

G. [PL 2019, c. 79, §2 (RP).]

H. The retail licensee may conduct an unlimited number of taste-testing events per month. If the retail licensee complies with the applicable requirements of sections 460 and 1207, the retail licensee may offer spirits and malt liquor for tasting at the same time as wine; [PL 2021, c. 131, §2 (AMD).]

I. 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 2019, c. 79, §2 (AMD).]

J. [PL 2019, c. 79, §2 (RP).]

K. [PL 2023, c. 349, §3 (RP).]

K-1. Wine served at a taste-testing event must be:

(1) Purchased by the retail licensee from a wholesale licensee;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or

(3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises; [PL 2023, c. 349, §4 (NEW).]

L. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event; [PL 2021, c. 658, §215 (AMD).]

M. An off-premises retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the off-premises retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L; and [PL 2021, c. 658, §216 (AMD).]

N. Wine may be poured for the taste-testing event only by the owner or an employee of the off-premises retail licensee, by a sales representative licensed under section 1502 or, if the manufacturer of the wine being poured is licensed under section 1355-A, by the manufacturer or an employee of the manufacturer. [PL 2021, c. 658, §217 (NEW).]

[PL 2023, c. 349, §§3, 4 (AMD).]

2-A. Written permission from the bureau. An off-premises retail licensee must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.

A. The retail licensee shall request authority to conduct a taste-testing event using forms prescribed by the bureau. [PL 2019, c. 79, §2 (NEW).]

B. The retail licensee may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the retail licensee requests authority to conduct in a calendar month under this section, section 460 and section 1207. [PL 2019, c. 79, §2 (NEW).]

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event. [PL 2019, c. 79, §2 (NEW).]

D. [PL 2021, c. 658, §218 (RP).]

[PL 2021, c. 658, §218 (AMD).]

3. Rules. The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 476, Pt. A, §27 (AMD).]

SECTION HISTORY

PL 1989, c. 488 (NEW). PL 1995, c. 30, §§4-6 (AMD). PL 1997, c. 373, §§110,111 (AMD). PL 1997, c. 414, §§1-3 (AMD). PL 1997, c. 683, §A16 (AMD). PL 2005, c. 32, §1 (AMD). RR 2009, c. 2, §§79, 80 (COR). PL 2009, c. 459, §2 (AMD). PL 2009, c. 510, §§4-6 (AMD). PL 2011, c. 69, §§1, 2 (AMD). PL 2011, c. 103, §2 (AMD). PL 2013, c. 368, Pt. V, §§42, 43 (AMD). PL 2013, c. 476, Pt. A, §27 (AMD). PL 2015, c. 129, §§4, 5 (AMD). PL 2019, c. 79, §2 (AMD). PL 2021, c. 131, §2 (AMD). PL 2021, c. 658, §§214-218 (AMD). PL 2023, c. 349, §§3, 4 (AMD).

§1206. Consumption prohibited on off-premises retail licensee's premises

Except as provided in sections 460, 1205, 1207, 1208, 1402-A and 1504, an off-premises retail licensee may not permit a person to consume liquor on the off-premises retail licensee's premises. [PL 2021, c. 658, §219 (AMD).]

SECTION HISTORY

PL 1993, c. 266, §23 (NEW). PL 2009, c. 438, §4 (AMD). PL 2009, c. 459, §3 (AMD). PL 2009, c. 652, Pt. A, §42 (RPR). PL 2011, c. 629, §20 (AMD). PL 2021, c. 658, §219 (AMD).

§1207. Taste testing of malt liquor

1. Taste testing on off-premises retail licensee's premises. Subject to the conditions in subsections 2 and 2-A, the bureau may authorize an off-premises retail licensee stocking at least 100 different labels of malt liquor to conduct taste testing of malt liquor on that licensee's premises. Except as provided in section 1206, an off-premises retail licensee may not allow any other consumption of liquor on the off-premises retail licensee's premises.

[PL 2021, c. 658, §220 (AMD).]

2. Conditions for conducting taste-testing events. The conditions under this subsection apply to taste-testing events under this section.

A. Malt liquor may not be served to persons who have not yet attained 21 years of age. [PL 2009, c. 459, §4 (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; and, 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 2019, c. 79, §3 (AMD).]

C. A person may not be charged a fee for any malt liquor served as part of a taste-testing event. [PL 2019, c. 79, §3 (AMD).]

D. A person may not be served who is visibly intoxicated. [PL 2009, c. 459, §4 (NEW).]

E. A taste-testing event must be limited to a designated area. [PL 2019, c. 79, §3 (AMD).]

F. A taste-testing event must be conducted within the hours of retail sale established in this Title. [PL 2019, c. 79, §3 (AMD).]

G. [PL 2019, c. 79, §3 (RP).]

H. The retail licensee may conduct an unlimited number of taste-testing events per month. If the retail licensee complies with the applicable requirements of sections 460 and 1205, the retail licensee may offer spirits and wine for tasting at the same time as malt liquor. [PL 2021, c. 131, §3 (AMD).]

I. 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 2019, c. 79, §3 (AMD).]

J. [PL 2019, c. 79, §3 (RP).]

K. [PL 2023, c. 349, §5 (RP).]

K-1. Malt liquor served at a taste-testing event must be:

(1) Purchased by the retail licensee from a wholesale licensee;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or

(3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises. [PL 2023, c. 349, §6 (NEW).]

L. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event. [PL 2013, c. 368, Pt. V, §44 (AMD).]

M. An off-premises retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the off-premises retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L. [PL 2019, c. 79, §3 (AMD).]

N. Malt liquor may be poured for the taste-testing event only by the owner or an employee of the off-premises retail licensee, by a sales representative licensed under section 1502 or, if the

manufacturer of the malt liquor being poured is licensed under section 1355-A, by the manufacturer or an employee of the manufacturer. [PL 2021, c. 658, §221 (NEW).]

[PL 2023, c. 349, §§5, 6 (AMD).]

2-A. Written permission from the bureau. An off-premises retail licensee must obtain the written permission of the bureau before conducting a taste-testing event using the following procedure.

A. The retail licensee shall request authority to conduct a taste-testing event using forms prescribed by the bureau. [PL 2019, c. 79, §3 (NEW).]

B. The retail licensee may submit a separate form for each taste-testing event or a single form listing some or all of the taste-testing events the retail licensee requests authority to conduct in a calendar month under this section, section 460 and section 1205. [PL 2019, c. 79, §3 (NEW).]

C. The request must indicate the date and time for each taste-testing event and the liquor product or products that will be offered at each event. [PL 2019, c. 79, §3 (NEW).]

D. [PL 2021, c. 658, §222 (RP).]

[PL 2021, c. 658, §222 (AMD).]

3. Rules. The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 476, Pt. A, §28 (AMD).]

REVISOR'S NOTE: §1207. Dual liquor license (As enacted by PL 2009, c. 438, §5 is REALLOCATED TO TITLE 28-A, SECTION 1208)

SECTION HISTORY

PL 2009, c. 438, §5 (NEW). PL 2009, c. 459, §4 (NEW). PL 2009, c. 510, §7 (RAL). PL 2009, c. 510, §§8-11 (AMD). PL 2011, c. 103, §3 (AMD). PL 2013, c. 368, Pt. V, §§44, 45 (AMD). PL 2013, c. 476, Pt. A, §28 (AMD). PL 2015, c. 129, §§6, 7 (AMD). PL 2019, c. 79, §3 (AMD). PL 2021, c. 131, §3 (AMD). PL 2021, c. 658, §§220-222 (AMD). PL 2023, c. 349, §§5, 6 (AMD).

§1208. Dual liquor license

(REALLOCATED FROM TITLE 28-A, SECTION 1207)

Notwithstanding any other provision of law, the bureau may issue a dual liquor license to a retail establishment to serve wine to be consumed on the premises in accordance with subsection 2 if that establishment is licensed to sell wine to be consumed off the premises and meets the criteria listed in subsection 1. [PL 2009, c. 510, §7 (RAL).]

1. Minimum criteria. In order for the bureau to issue a dual liquor license in accordance with this section the following criteria must be met:

A. The licensee has submitted an application as prescribed by the bureau and the fee under subsection 3 to the bureau; [PL 2009, c. 510, §7 (RAL).]

B. The licensee's establishment includes a full kitchen that prepares hot and cold meals to be consumed on the premises; [PL 2009, c. 510, §7 (RAL).]

C. The licensee's establishment includes at least 2 restrooms available for use by patrons; [PL 2009, c. 510, §7 (RAL).]

D. The licensee has dedicated an area of the establishment with table seating for a minimum of 16 people to sit and eat a meal prepared by the licensee; [PL 2009, c. 510, §7 (RAL).]

E. The licensee carries a stock of at least $35,000 of wine; [PL 2009, c. 510, §7 (RAL).]

F. The licensee has not committed a violation of this chapter during the past 2 years; and [PL 2009, c. 510, §7 (RAL).]

G. The licensee has received approval from the appropriate municipal officers prior to submitting an application to the bureau. [PL 2009, c. 510, §7 (RAL).]

[PL 2009, c. 510, §7 (RAL).]

2. License requirements. The holder of a dual liquor license is governed by the following when serving wine to be consumed on the premises:

A. Each serving of wine must be dispensed by the licensee or an employee of the licensee who is at least 21 years of age from a stock of wine that is separated from the wine that is for sale for consumption off the premises; [PL 2009, c. 510, §7 (RAL).]

B. The licensee shall ensure that at least one employee at least 21 years of age is present at all times when wine is being consumed on the premises; [PL 2019, c. 559, §1 (AMD).]

C. Wine may be served only if a full meal is available for purchase and consumption on the premises; and [PL 2021, c. 658, §223 (AMD).]

D. A licensee under this section may not permit a patron of the establishment to consume any liquor on the premises other than wine served in accordance with the requirements of this section. [PL 2021, c. 658, §224 (AMD).]

E. [PL 2019, c. 559, §4 (RP).]

[PL 2021, c. 658, §§223, 224 (AMD).]

3. License fee. The license fee for a dual liquor license is $600 annually in addition to the license to sell malt liquor or wine for consumption off the premises.

[PL 2009, c. 510, §7 (RAL).]

4. Rules. The bureau shall adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 510, §7 (RAL).]

SECTION HISTORY

PL 2009, c. 510, §7 (RAL). PL 2019, c. 559, §§1-4 (AMD). PL 2021, c. 658, §§223, 224 (AMD).

§1209. Sale of privately held wine by auction

Notwithstanding any provision to the contrary in section 1201, chapter 55 or chapter 57, this section governs wine auctions. [PL 2015, c. 366, §1 (NEW).]

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

A. "Auction permittee" means a person licensed under Title 32, section 285 who is issued a permit pursuant to this section. [PL 2015, c. 366, §1 (NEW).]

B. "Fine and rare wine" means a wine that is not available for purchase in this State through a licensed retailer or wholesaler. [PL 2015, c. 366, §1 (NEW).]

C. "Privately held wine" means fine and rare wine owned for consumption or investment purposes by a person who is not licensed as a liquor manufacturer, retailer, distributor or wholesaler in any state or by the Federal Government. [PL 2015, c. 366, §1 (NEW).]

D. "Wine auction" means an event at which an auction permittee auctions privately held wine owned by or consigned to the auction permittee. [PL 2015, c. 366, §1 (NEW).]

[PL 2015, c. 366, §1 (NEW).]

2. Wine auctions. A wine auction may be held by an auction permittee only in accordance with this section. A person legally owning privately held wine may sell or commission for sale the privately held wine to an auction permittee by means of an auction pursuant to this section. Privately held wine may not be auctioned under this section to a person who holds a license under this subpart or subpart 3.
[PL 2015, c. 366, §1 (NEW).]

3. Permit; fee. Subject to the conditions in subsection 4, the bureau may issue a permit to conduct a wine auction to a person licensed under Title 32, section 285 who applies for a wine auction permit. A permit issued pursuant to this subsection is valid for the length of the auction, which may not exceed 2 days. The permit fee for a wine auction is $250.
[PL 2015, c. 366, §1 (NEW).]

4. Conditions. The following conditions apply to a wine auction and a wine auction permit under this section.

A. The auction permittee shall submit to the bureau an inventory of the privately held wine to be sold at the auction on a form determined by the bureau. The inventory form must include the owner of the privately held wine and identifying information as to where the privately held wine was purchased by the owner. For the purposes of subsection 1, paragraph B, wine is considered fine and rare wine if it is not available for purchase in this State through a licensed retailer or wholesaler at the time the inventory is submitted to the bureau. [PL 2015, c. 366, §1 (NEW).]

B. The auction permittee shall notify the bureau at least 30 days prior to the auction of the address, date and time scheduled for the wine auction. [PL 2015, c. 366, §1 (NEW).]

C. The auction permittee shall obtain written verification of the identity of each successful bidder who purchases privately held wine at the wine auction. The information must include, at a minimum, the name and address of the person. [PL 2015, c. 366, §1 (NEW).]

D. Privately held wine sold at the wine auction may not be opened or consumed on the premises of the wine auction. [PL 2015, c. 366, §1 (NEW).]

E. The auction permittee shall notify the bureau of each sale of privately held wine at the wine auction. [PL 2015, c. 366, §1 (NEW).]

F. The privately held wine to be sold at auction may not be stored on the premises where the wine auction is conducted except while the wine auction is being conducted. [PL 2015, c. 366, §1 (NEW).]

G. The auction permittee shall ensure that each recipient of privately held wine sold at the wine auction is 21 years of age or older. [PL 2015, c. 366, §1 (NEW).]

H. The auction permittee shall ensure that each bottle of privately held wine sold at the wine auction has a permanently affixed label stating that the wine is privately held wine. [PL 2015, c. 366, §1 (NEW).]
[PL 2015, c. 366, §1 (NEW).]

5. Excise tax; sales tax. An auction permittee shall comply with the provisions of chapter 65 and Title 36, Part 3 including all requirements relating to the collection, reporting and remittance of the excise and sales and use taxes of the State on sales of privately held wine sold at a wine auction. The bureau may refuse to issue a wine auction permit to an auction permittee who has violated this subsection.
[PL 2015, c. 366, §1 (NEW).]

6. Beverage container deposit. A container of privately held wine auctioned under this section must comply with the provisions of Title 38, chapter 33.
[PL 2021, c. 658, §225 (AMD).]

7. Rules. The bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 366, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 366, §1 (NEW). PL 2021, c. 658, §225 (AMD).

SUBPART 3

NON-RETAIL SALES

CHAPTER 51

CERTIFICATE OF APPROVAL HOLDERS

SUBCHAPTER 1

GENERAL PROVISIONS

§1351. Certificate of approval

1. Certificate of approval required. All out-of-state manufacturers of malt liquor or wine, out-of-state wholesalers of malt liquor or wine and out-of-state spirits suppliers must obtain a certificate of approval from the bureau.
[PL 2019, c. 615, §2 (AMD); PL 2019, c. 615, §7 (AFF).]

2. Definition. For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.
[PL 2019, c. 615, §2 (NEW); PL 2019, c. 615, §7 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §112 (AMD). PL 2019, c. 615, §2 (AMD). PL 2019, c. 615, §7 (AFF).

SUBCHAPTER 2

MANUFACTURERS

§1355. Manufacturer licenses

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 248 (AMD). PL 1987, c. 342, §107 (RPR). PL 1987, c. 623, §15 (RPR). PL 1993, c. 60, §1 (AMD). PL 1993, c. 542, §§1,2 (AMD). PL 1993, c. 730, §46 (AMD). PL 1997, c. 373, §113 (AMD). PL 1999, c. 275, §2 (AMD). PL 1999, c. 535, §6 (AMD). PL 1999, c. 790, §A34 (AMD). PL 2001, c. 236, §§1,2 (AMD). PL 2001, c. 501, §§1,2 (AMD). PL 2005, c. 377, §1 (AMD). PL 2009, c. 167, §1 (AMD). PL 2011, c. 48, §1 (AMD). PL 2011, c. 62, §§1, 2 (AMD). PL 2011, c. 280, §2 (AMD). PL 2011, c. 629, §21 (RP).

§1355-A. Manufacturer licenses

1. Issuance of licenses. The bureau may issue licenses under this section to breweries, small breweries, tenant breweries, wineries, small wineries, tenant wineries, distilleries, small distilleries, bottlers and rectifiers in the State that operate under federal law and federal supervision.
[PL 2025, c. 87, §1 (AMD).]

1-A. Definition. For purposes of this section, "manufacturing facility" means the premises of a brewery, small brewery, tenant brewery, winery, small winery, tenant winery, distillery or small distillery licensed under this section where liquor products are produced.
[PL 2025, c. 87, §2 (AMD).]

1-B. Bottlers and rectifiers. A bottler or rectifier licensed under this section may permit sampling of a liquor product bottled or rectified by that licensee on the premises where it is bottled or rectified:

A. By employees for the purpose of quality control of the product; and [PL 2021, c. 658, §226 (NEW).]

B. By wholesalers for the purpose of determining whether to carry the product as a wholesale product if the licensee pays the excise tax on the product sampled according to section 1652. [PL 2021, c. 658, §226 (NEW).]
[PL 2021, c. 658, §226 (NEW).]

2. Manufacturers other than bottlers and rectifiers. The following provisions apply to brewery, small brewery, tenant brewery, winery, small winery, tenant winery, distillery and small distillery licensees.

A. A licensee governed by this subsection may permit sampling of a liquor product produced by that licensee on the premises where the liquor product is produced:

(1) By employees for the purpose of quality control of the product; and

(2) By wholesalers for the purpose of determining whether to carry the product as a wholesale product if the licensee pays the excise tax on the product sampled according to section 1652. [PL 2021, c. 658, §226 (AMD).]

B. A licensee governed by this subsection may serve to the public samples of liquor produced by the licensee at the manufacturing facility where that liquor is produced by the licensee under the conditions specified in this paragraph.

(1) The licensee may sell samples to the public or offer samples to the public at no cost.

(2) The licensee shall pay the excise tax, if any, according to section 1652 on all samples served to the public under this paragraph. If a sample is sold by the licensee, it is also subject to the sales tax on liquor under Title 36, section 1811.

(3) The licensee shall maintain a record of all samples the licensee sells under this paragraph and shall maintain those records for a period of 2 years.

(4) The licensee may serve samples to the public under this paragraph only during the hours of legal sale set forth in section 4.

(5) The area of the licensed premises where the licensee serves samples to the public under this paragraph is not required to be separate from and may be accessed by the same entrance as the area licensed for on-premises consumption of liquor under chapter 43 in accordance with paragraph I.

(6) Spirits samples served to the public under this paragraph by a distillery must first be sold to the State, subject to the listing, pricing and distribution provisions of this Title. Spirits samples served to the public under this paragraph by a small distillery are subject to the requirements of subsection 5, paragraph H.

(7) The licensee may not serve samples to minors or visibly intoxicated persons. [PL 2021, c. 658, §226 (AMD).]

C. [PL 2021, c. 658, §226 (RP).]

D. A licensee governed by this subsection may sell for off-premises consumption liquor produced by the licensee from the manufacturing facility where liquor is produced by the licensee under the conditions specified in this paragraph.

(1) Sales made in accordance with this paragraph do not require the licensee to obtain an additional retail license under chapter 45.

(2) Liquor sold in accordance with this paragraph may not be consumed anywhere on the licensed premises.

(3) The area of the licensed premises where the licensee opts to transact sales for off-premises consumption is not required to be separate from and may be accessed by the same entrance as the area licensed for on-premises consumption of liquor under chapter 43 in accordance with paragraph I.

(4) Sales under this paragraph may be made only during the hours of legal sale as provided in section 4.

(5) Spirits sold by a distillery must first be sold to the State, subject to the listing, pricing and distribution provisions of this Title. Spirits sold by a small distillery are subject to the requirements of subsection 5, paragraph G.

(6) Except as provided in subsection 3, paragraphs C and C-1, sales may be made only by the bottle, by the case or in bulk. [PL 2021, c. 658, §226 (AMD).]

E. [PL 2021, c. 658, §226 (RP).]

F. [PL 2021, c. 658, §226 (RP).]

G. [PL 2021, c. 658, §226 (RP).]

H. [PL 2021, c. 658, §226 (RP).]

I. A licensee governed by this subsection may be issued one or more on-premises retail licenses under chapter 43 per licensed manufacturing facility under the conditions specified in this paragraph. An on-premises retail license issued under chapter 43 may be for retail activities located at the manufacturing facility or for retail activities at another location if the same person or persons hold a majority ownership interest in both the manufacturing licensee and the on-premises retail licensee licensed under chapter 43.

(1-A) If a person or persons hold a majority ownership interest in one manufacturing licensee, the person or persons may hold no less than a majority ownership interest in up to 3 retail licensees licensed under chapter 43. If a person or persons hold a majority ownership interest in at least 2 manufacturing licensees that, collectively, manufacture at least 1,000 barrels of liquor per year, the person or persons may hold no less than a majority ownership interest in up to 6 on-premises retail licensees licensed under chapter 43. A person or persons with a majority ownership interest in one or more manufacturing licensees may not hold an ownership interest in more than 6 on-premises retail licensees licensed under chapter 43.

(2) A retail license issued under chapter 43 authorizes the sale for on-premises consumption of products produced at the manufacturing facility as well as other liquor permitted to be sold under the applicable class of the retail license.

(2-A) Liquor sold under a retail license issued under chapter 43 on the premises of the manufacturing facility may not be consumed on any part of the premises where patrons are not generally permitted.

(3) All records related to activities under the authority of the manufacturing facility's license issued under this section must be kept separate from records related to activities under the authority of a retail license issued under chapter 43. Income from the sale of liquor under subparagraph (4-A) or under paragraph B or D by a manufacturing facility that is located on the same premises as a retail license issued under chapter 43 is not included in calculating whether that retail licensee satisfies any applicable income from the sale of food requirement set forth in chapter 43.

(4) Spirits sold under the authority of a retail license issued under chapter 43 to the holder of a distillery license must first be sold to the State, subject to the listing, pricing and distribution provisions of this Title. Spirits sold under the authority of a retail license issued under chapter 43 to the holder of a small distillery license are subject to the requirements of subsection 5, paragraph H.

(4-A) A person issued a retail license under chapter 43 for premises other than the licensed manufacturing facility may sell liquor for off-premises consumption under the conditions stated in paragraph D.

(5) The licensee shall ensure that products purchased for off-premises consumption under paragraph D are not consumed on the premises of the manufacturing facility or a retail license issued under chapter 43, if that retail license authorizes retail activities at another location. [PL 2025, c. 87, §3 (AMD).]

J. A licensee governed by this subsection may display up to 25 bottles of liquor produced by the licensee in a window of a location where the licensee is authorized by this section to sell its products for on-premises consumption or for off-premises consumption. [PL 2021, c. 658, §226 (AMD).]

K. A licensee governed by this subsection may transport liquor produced at the licensed manufacturing facility in bulk or packaged in kegs, bottles or cans, including by the case, to:

(1) Another manufacturing facility licensed under this section if the same person or persons hold a majority ownership interest in both of the licensed manufacturing facilities; and

(2) An establishment licensed for retail sales operated by the licensee under paragraph I; subsection 4, paragraph B, subparagraph (2); or subsection 5, paragraph B, subparagraph (3) as long as the same person or persons hold a majority ownership interest in both the licensed manufacturing facility and the licensed retail establishment. [PL 2021, c. 658, §226 (AMD).]

[PL 2025, c. 87, §3 (AMD).]

2-A. Majority interest requirement.
[PL 2017, c. 347, §5 (RP).]

2-B. Grandfathering of certain licenses issued prior to January 1, 2018. The bureau may not suspend, revoke or refuse to renew a license issued under this section or chapter 43 or 45 that was initially issued prior to January 1, 2018 solely on the basis that:

A. The establishment licensed under chapter 43 or 45 was determined by the bureau after the license was issued to not be exclusively held or exclusively owned by a person licensed to manufacture liquor under this section; or [PL 2017, c. 341, §1 (NEW).]

B. The licensee is in violation of section 707, subsection 2, 3-A or 5-A, if the violation existed in the same manner at the time the license was initially issued or at the time the license was renewed. [PL 2019, c. 665, §11 (AMD).]

The prohibition described in this subsection does not apply if the reason for suspension, revocation or refusal to renew is due to the licensee's substantial misrepresentation of or failure to disclose material facts required for the issuance or renewal of the license.
[PL 2019, c. 665, §11 (AMD).]

3. Breweries; small breweries. Except as otherwise provided in this section, the following provisions apply to breweries and small breweries.

A. A holder of a brewery license may produce and bottle more than 30,000 barrels of malt liquor per year. [PL 2021, c. 658, §226 (AMD).]

B. A holder of a small brewery license may produce and bottle up to 30,000 barrels of malt liquor per year.

(1) Upon application by a holder of a small brewery license that has produced malt liquor in an amount that exceeds 30,000 barrels in one year, the bureau may renew that holder's small brewery license for only one additional year.

(2) A holder of a small brewery license may sell or deliver its products to licensed retailers or wholesalers. The licensee may sell, on the premises for off-premises consumption, malt liquor produced at the licensed premises by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the holder of a small brewery license may sell its products directly to a retail licensee under this paragraph without selling to a wholesale licensee. A small brewery licensee shall keep and maintain complete records on all sales to a retail licensee. [PL 2021, c. 658, §226 (AMD).]

B-1. To be eligible for a brewery or small brewery license, a person must hold a brewer's notice issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. [PL 2021, c. 658, §226 (NEW).]

C. Notwithstanding any provision of this Title to the contrary, an on-premises retail license issued under chapter 43 pursuant to subsection 2, paragraph I to the holder of a brewery or small brewery license authorizes the sale of malt liquor in prefilled, refillable bottles for off-premises consumption under the conditions specified in this paragraph.

(1) Only malt liquor brewed at the brewery or small brewery associated with the on-premises retail license issued under chapter 43 may be sold under this paragraph.

(2) Malt liquor must be dispensed in bottles provided by and with labels unique to the brewery or small brewery of 32 to 64 ounces in volume.

(3) No more than 6 bottles may be prefilled at any one time.

(4) A deposit may be charged per bottle. Bottles sold under this paragraph are not subject to Title 38, chapter 33.

(5) The bottle in which the malt liquor is dispensed must be sealed by the licensee with a seal that is tamper-evident.

(6) Malt liquor dispensed in accordance with this paragraph must be consumed off the premises.

(7) All sales of malt liquor under this paragraph must be accompanied by a sales receipt with a time stamp that indicates time of purchase.

(8) Malt liquor may not be sold pursuant to this paragraph after 10:00 p.m.

The bureau may adopt rules to enforce this paragraph. Rules adopted in accordance with this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 658, §226 (AMD).]

C-1. A holder of a brewery or small brewery license may sell for off-premises consumption kegs of malt liquor produced by the licensee under the conditions specified in this paragraph.

(1) Only malt liquor brewed at the brewery or small brewery may be sold by the keg, which may not exceed 15.5 gallons in volume and which must comply with the tagging and labeling requirements set forth in section 714.

(2) Sales under this paragraph may be made only during the hours of legal sale as provided in section 4.

(3) The brewery or small brewery shall submit a monthly report to its wholesale licensee detailing sales made under this paragraph. The wholesale licensee shall calculate the fees for any bottle deposit and submit an invoice to the licensee for expenses associated with the requirements prescribed in Title 38, chapter 33 including the retailer handling fee, state container deposit and a mutually agreed-upon pickup fee. [PL 2021, c. 658, §226 (NEW).]

D. [PL 2021, c. 658, §226 (RP).]

E. A holder of a brewery or small brewery license may produce low-alcohol spirits products containing malt liquor produced by the brewery or small brewery and may import spirits solely for this purpose.

(1) If a small brewery license holder produces low-alcohol spirits products pursuant to this paragraph, the combined total of malt liquor and low-alcohol spirits products produced at the small brewery may not exceed 30,000 barrels per year. [PL 2021, c. 658, §226 (NEW).]

[PL 2021, c. 658, §226 (AMD).]

4. Wineries; small wineries. Except as otherwise provided in this section, the following provisions apply to wineries and small wineries.

A. A holder of a winery license may produce and bottle more than 50,000 gallons per year of wine that is not hard cider and may produce and bottle more than 3,000 barrels per year of wine that is hard cider. [PL 2021, c. 658, §226 (AMD).]

B. A holder of a small winery license may produce and bottle up to 50,000 gallons per year of wine that is not hard cider and may produce and bottle up to 3,000 barrels per year of wine that is hard cider.

(1) A holder of a small winery license may sell or deliver its products to licensed retailers or wholesalers. The licensee may sell, on the premises for off-premises consumption any wine produced at the licensed premises by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the licensee may sell its products directly to a retail licensee under this paragraph without selling to a wholesale licensee. A small winery licensee shall keep and maintain complete records on all sales to a retail licensee.

(2) A holder of a small winery license, upon application to and approval of the bureau and payment of a $50 license fee per location, may obtain licenses for off-premises consumption for up to 2 additional locations other than the location of the in-state manufacturer licensed under this section. The holder of the licenses is not required to conduct any bottling or production at the additional licensed locations but may conduct all activities permitted by this section at the additional licensed locations. [PL 2021, c. 658, §226 (AMD).]

B-1. To be eligible for a winery or small winery license, a person must hold a basic permit for producing wine from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. [PL 2021, c. 658, §226 (NEW).]

C. A holder of a winery or small winery license may fortify wine produced by the winery license holder and import spirits solely for this purpose.

(1) If a small winery license holder produces fortified wine pursuant to this paragraph, the combined total of all wine, other than hard cider, produced at the small winery may not exceed 50,000 gallons per year. [PL 2021, c. 658, §226 (AMD).]

D. [PL 2021, c. 658, §226 (RP).]

For purposes of this subsection, "fortified wine" means wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume.
[PL 2021, c. 658, §226 (AMD).]

5. Distilleries; small distilleries. Except as otherwise provided in this section, the following provisions apply to distilleries and small distilleries.

A. A holder of a distillery license may distill, rectify, blend and bottle more than 50,000 gallons of spirits per year. [PL 2011, c. 629, §22 (NEW).]

B. A holder of a small distillery license may distill, rectify, blend and bottle not more than 50,000 gallons of spirits per year.

(2) Upon application by a holder of a small distillery license whose distillery has produced spirits in an amount that exceeds 50,000 gallons in one year, the bureau may renew that holder's small distillery license for only one additional year.

(3) A holder of a small distillery license, upon application to and approval of the bureau and payment of a $100 license fee per location, may obtain licenses for off-premises consumption for up to 2 additional locations other than the location of the in-state manufacturer licensed under this section. The holder of the licenses is not required to conduct any bottling or production at the additional licensed locations but may conduct all activities permitted by this section at the additional licensed locations. [PL 2021, c. 658, §226 (AMD).]

C. To be eligible for a distillery or small distillery license, a person must hold a basic permit for distilling, rectifying, blending and bottling spirits from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. [PL 2011, c. 629, §22 (NEW).]

D. Except as otherwise provided in this section, spirits produced by a holder of a distillery or small distillery license must be sold to the State and are subject to the listing, pricing and distribution provisions of this Title. [PL 2021, c. 658, §226 (AMD).]

E. [PL 2021, c. 658, §226 (RP).]

F. [PL 2021, c. 658, §226 (RP).]

F-1. A distillery or small distillery may sell to the public for on-premises consumption cocktails containing samples of spirits produced by the distillery or small distillery under the conditions specified in this paragraph.

(1) A cocktail may be sold only at the manufacturing facility where the spirits are produced or at an additional location licensed under paragraph B, subparagraph (3).

(2) The distillery or small distillery may include wine or spirits not manufactured by the distillery or small distillery as an ingredient in the cocktail only if the distillery or small distillery purchased the wine or spirits from an agency liquor store licensed as a reselling agent.

(3) A cocktail may not contain more than 4 1/2 ounces of spirits. [PL 2023, c. 34, §5 (AMD).]

G. Notwithstanding paragraph D, a holder of a small distillery license that sells its products directly to consumers for off-premises consumption under paragraph B, subparagraph (3), subsection 2, paragraph D or subsection 2, paragraph I, subparagraph (4-A) may pay the bureau the difference between the distillery's price charged to the bureau and the discounted retail price charged by the bureau under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for off-premises consumption as described in this paragraph to a warehouse operated by the bureau or by a wholesale spirits provider. A holder of a small distillery license shall record the quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau. [PL 2021, c. 658, §226 (AMD).]

H. Notwithstanding paragraph D, a holder of a small distillery license that sells its products or offers complimentary samples of its products directly to consumers for on-premises consumption under paragraph F-1 or under subsection 2, paragraph B or I may pay the bureau the difference between the distillery's price charged to the bureau and the discounted retail price charged by the bureau under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for on-premises consumption as described in this paragraph to a warehouse operated by the bureau or by the wholesale spirits provider. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau. [PL 2021, c. 658, §226 (AMD).]

I. [PL 2021, c. 658, §226 (RP).]

J. A holder of a distillery or small distillery license may produce low-alcohol spirits products.

(1) If a small distillery license holder produces low-alcohol spirits products pursuant to this paragraph, the combined total of spirits and low-alcohol spirits products produced at the small distillery may not exceed 50,000 gallons per year. [PL 2021, c. 658, §226 (NEW).]

REVISOR'S NOTE: (Paragraph J as enacted by PL 2021, c. 742, §1 is REALLOCATED TO TITLE 28-A, SECTION 1355-A, SUBSECTION 5, PARAGRAPH K)

K. **(REALLOCATED FROM T. 28-A, §1355-A, sub-§5, ¶J)** A rectifier and a holder of a distillery or small distillery license shall comply with all applicable requirements of Title 38, section 1615. [PL 2023, c. 405, Pt. A, §104 (AMD).]

[PL 2023, c. 34, §5 (AMD); PL 2023, c. 405, Pt. A, §104 (AMD).]

6. Tenant brewery. Except as otherwise provided, the following provisions apply to a tenant brewery license under which the holder of a tenant brewery license may produce and bottle malt liquor at the manufacturing facility of another brewery, referred to in this subsection as "a host brewery," licensed by the bureau under subsection 3.

A. To be eligible for a tenant brewery license, a person must submit an application to the bureau in a manner prescribed by the bureau and hold a brewer’s notice issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau that authorizes a tenant brewery to use the facilities and equipment of a host brewery. If the tenant brewery meets the requirements of subsection 3, paragraph B, the application must be accompanied by the license fee set forth in section 1551 for a small brewery. If the tenant brewery does not meet the requirements of subsection 3, paragraph B, the application must be accompanied by the license fee set forth in section 1551 for a brewery. [PL 2021, c. 658, §226 (AMD).]

B. A tenant brewery is subject to the same requirements regarding production of malt liquor and low-alcohol spirits products containing malt liquor as if the tenant brewery conducted its manufacturing on its own premises independently. [PL 2021, c. 658, §226 (AMD).]

C. [PL 2025, c. 87, §4 (RP).]

D. A tenant brewery is governed by the provisions of subsection 3. [PL 2025, c. 87, §5 (AMD).]

E. A tenant brewery may not brew or produce malt liquor or low-alcohol spirits products containing malt liquor for another brewery or certificate of approval holder. [PL 2021, c. 658, §226 (AMD).]

F. A tenant brewery shall ensure that the tenant brewery maintains control of the raw ingredients used to manufacture the tenant brewery's product. [PL 2021, c. 658, §226 (AMD).]

G. [PL 2015, c. 15, §1 (RP).]

G-1. Licenses issued under subsection 3 may allow for up to 9 tenant breweries at a time at the manufacturing facility of a host brewery. [PL 2021, c. 658, §226 (AMD).]

H. The bureau may require a tenant brewery to maintain a record or log indicating which equipment is being used at any time by the tenant brewery in the production of malt liquor or low-alcohol spirits products containing malt liquor and which employees are working on production of the tenant brewery's product. [PL 2021, c. 658, §226 (AMD).]

I. The bureau shall require that reports from a tenant brewery be submitted in a manner similar to the manner in which a brewery licensed under subsection 3 submits reports. The bureau shall also require a tenant brewery to submit copies of reports required of holders of an approved brewer's notice issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the tenant brewery to engage in an alternating proprietorship. [PL 2021, c. 658, §226 (AMD).]

[PL 2025, c. 87, §§4, 5 (AMD).]

7. Tenant winery. Except as otherwise provided, the following provisions apply to a tenant winery license under which the holder of a tenant winery license may produce and bottle wine at the manufacturing facility of another winery, referred to in this subsection as "a host winery," licensed by the bureau under subsection 4. This subsection applies to hard cider produced by a manufacturer licensed as a winery or small winery under subsection 4.

A. To be eligible for a tenant winery license, a person must submit an application to the bureau in a manner prescribed by the bureau and hold an approved application for an alternating proprietorship issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau that authorizes a tenant winery to use the facilities and equipment of a host winery. If the tenant winery meets the requirements of subsection 4, paragraph B, the application must be accompanied by the license fee set forth in section 1551 for a small winery. If the tenant winery does not meet the requirements of subsection 4, paragraph B, the application must be accompanied by the license fee set forth in section 1551 for a winery. [PL 2021, c. 658, §226 (AMD).]

B. A tenant winery is subject to the same requirements regarding manufacture of its product as if the tenant winery conducted its manufacturing on its own premises independently. [PL 2015, c. 185, §3 (NEW).]

C. [PL 2025, c. 87, §6 (RP).]

D. A tenant winery may not produce wine or hard cider for another winery or certificate of approval holder. [PL 2015, c. 185, §3 (NEW).]

E. A tenant winery shall ensure that the tenant winery maintains control of the raw ingredients used to manufacture the tenant winery's wine or hard cider. [PL 2021, c. 658, §226 (AMD).]

F. A license issued under subsection 4 may allow for up to 9 tenant wineries at a time at the manufacturing facility of a host winery. [PL 2015, c. 185, §3 (NEW).]

G. The bureau may require a tenant winery to maintain a record or log indicating which equipment is being used at any time by the tenant winery in the production of wine or hard cider and which employees are working on production of the tenant winery's product. [PL 2015, c. 185, §3 (NEW).]

H. The bureau shall require that reports from a tenant winery be submitted in a manner similar to the manner in which a winery licensed under subsection 4 submits reports. The bureau shall also require a tenant winery to submit copies of reports required of holders of an approved application issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the tenant winery to engage in an alternating proprietorship. [PL 2015, c. 185, §3 (NEW).]

[PL 2025, c. 87, §6 (AMD).]

SECTION HISTORY

PL 2011, c. 629, §22 (NEW). PL 2013, c. 345, §4 (AMD). PL 2013, c. 359, §1 (AMD). PL 2015, c. 15, §§1, 2 (AMD). PL 2015, c. 74, §6 (AMD). PL 2015, c. 166, §§3, 4 (AMD). PL 2015, c. 185, §3 (AMD). PL 2015, c. 440, §§1, 2 (AMD). RR 2017, c. 1, §18 (COR). PL 2017, c. 34, §1 (AMD). PL 2017, c. 123, §1 (AMD). PL 2017, c. 280, §§1-3 (AMD). PL 2017, c. 341, §1 (AMD). PL 2017, c. 347, §§3-5 (AMD). PL 2019, c. 168, §§2-4 (AMD). PL 2019, c. 360, §§1-3 (AMD). PL 2019, c. 404, §§26, 27 (AMD). PL 2019, c. 529, §§4-6 (AMD). PL 2019, c. 665, §11 (AMD). PL 2021, c. 91, §§1, 2 (AMD). PL 2021, c. 514, §2 (AMD). PL 2021, c. 658, §226 (AMD). PL 2021, c. 742, §1 (AMD). RR 2021, c. 2, Pt. A, §100 (COR). PL 2023, c. 34, §5 (AMD). PL 2023, c. 405, Pt. A, §104 (AMD). PL 2025, c. 87, §§1-6 (AMD).

§1355-B. Research manufacturer license

The bureau may issue a research manufacturer license to distill, rectify or brew spirits, wine or malt liquor to a state-supported postsecondary educational institution operating under federal law and federal supervision to manufacture malt liquor, wine or spirits. A license issued under this section authorizes the licensee to manufacture spirits, wine or malt liquor for research, educational and business development purposes as described by this section. The bureau may issue a research manufacturer license for the manufacture of malt liquor, wine and spirits or for the manufacture of one or 2 of these 3 types of liquor as specified on the license. [PL 2015, c. 149, §1 (NEW).]

1. Eligible licensees. The bureau may issue a research manufacturer license to a state-supported postsecondary educational institution, or its agent, that submits an application to the bureau in a manner prescribed by the bureau. The bureau may require appropriate approval documentation from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau that authorizes the educational institution, or its agent, to manufacture liquor. The Bureau of Alcoholic Beverages and Lottery Operations may issue a license under this section only to an educational institution, or its agent, that:

A. Offers a course or courses for a degree program related to food sciences or agricultural sciences; and [PL 2015, c. 149, §1 (NEW).]

B. Offers, as an outreach component of the institution, education and consulting through the application of the institution's research regarding food science and food processing to assist businesses in the State, including, but not limited to, manufacturers licensed under section 1355-A. [PL 2015, c. 149, §1 (NEW).]

[PL 2015, c. 149, §1 (NEW).]

2. Location. A research manufacturer licensee may manufacture liquor only at a facility, subject to approval by the bureau, on the campus of the educational institution where courses for the programs described in subsection 1, paragraphs A and B are offered.
[PL 2015, c. 149, §1 (NEW).]

3. Manufacture of liquor limited to certain purposes. A licensee under this section may not manufacture liquor for sale, distribution or any other commercial purpose other than to collect fees for educational, testing or consulting services provided by the licensee. A licensee may manufacture liquor for the following purposes:

A. Business development consultation, including, but not limited to, recipe development and food health and safety practices; [PL 2015, c. 149, §1 (NEW).]

B. General education about the manufacture of liquor for manufacturers licensed under section 1355-A, persons considering licensure and others who seek to manufacture liquor for their own personal use; or [PL 2015, c. 149, §1 (NEW).]

C. Educational course work as part of the educational institution's curriculum for a degree program in food sciences or agricultural sciences. [PL 2015, c. 149, §1 (NEW).]

Nothing in this section prohibits a research manufacturer licensee from charging a fee for the production of liquor or the use of equipment for the purposes described in this section.
[PL 2015, c. 149, §1 (NEW).]

4. Consumption of liquor on premises; transport of liquor from premises. A research manufacturer licensee is governed by the provisions of this subsection regarding the consumption of liquor on the research manufacturer's facility premises and the transport of liquor from the facility premises.

A. A licensee may permit sampling of the liquor produced on the facility premises by a person at least 21 years of age who is:

(1) A member of the faculty or staff of the institution who teaches or assists with course work and programs related to the liquor manufacturing, a student enrolled in a course in which manufacturing is included in the curriculum or a client of the outreach component described in subsection 1, paragraph B for the purpose of quality control of the product; or

(2) A manufacturer licensed under section 1355-A who is receiving the consulting and educational services provided by the institution licensed under this section. [PL 2015, c. 149, §1 (NEW).]

B. Liquor manufactured at the facility premises may be transported from the facility premises:

(1) By a person licensed under section 1355-A for whom the research manufacturer licensee manufactured the liquor in a quantity not to exceed 50 gallons; and

(2) By a client at least 21 years of age who is registered with the outreach component described under subsection 1, paragraph B in a quantity not to exceed 32 ounces of malt liquor, 16 ounces of wine or 8 ounces of spirits per client for the duration of the course offered by the extension program. [PL 2015, c. 149, §1 (NEW).]

C. Liquor transported from the facility in accordance with paragraph B, subparagraph (2) must be clearly labeled with the research manufacturer's name and license number, the product contained in the bottle and the alcohol content of the product. This paragraph does not apply to liquor that is properly labeled and will be listed for distribution or sale by a person licensed under section 1355-A. [PL 2015, c. 149, §1 (NEW).]
[PL 2015, c. 149, §1 (NEW).]

5. Liquor manufactured for another licensee; amount limitation. The following limits apply to the amount of liquor a research manufacturer licensee may produce for a manufacturer licensed under section 1355-A:

A. Fifty gallons of malt liquor per manufacturer per year; [PL 2015, c. 149, §1 (NEW).]

B. Fifteen gallons of wine per manufacturer per year; and [PL 2015, c. 149, §1 (NEW).]

C. Ten gallons of spirits per manufacturer per year. [PL 2015, c. 149, §1 (NEW).]
[PL 2015, c. 149, §1 (NEW).]

6. Reporting. A research manufacturer licensee shall submit reports in a manner prescribed by the bureau. A research manufacturer licensee shall also submit to the bureau copies of reports the licensee is required to file with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.
[PL 2015, c. 149, §1 (NEW).]

7. License fee. The annual fee for a research manufacturer license is $100.
[PL 2015, c. 149, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 149, §1 (NEW).

§1356. Illegal manufacture

1. Illegal manufacture; penalty. Any person not licensed by the bureau who manufactures for sale any liquor, and any person who sells any liquor manufactured by that person without a license in the State, commits a Class E crime.
[PL 1997, c. 373, §114 (AMD).]

2. Seizure and libeling of equipment and materials.

[PL 1987, c. 342, §108 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §108 (AMD). PL 1997, c. 373, §114 (AMD).

§1357. Sales to persons in another state

Notwithstanding any provision of this Title to the contrary, a manufacturer licensed under section 1355-A may sell and ship its products to a person located in another state, as long as the sale and shipment are authorized by and conducted in accordance with the requirements of the law of the state where the shipment is delivered. [PL 2021, c. 8, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 8, §2 (NEW).

§1358. Home distillery establishments

1. Definitions. For purposes of this section, the following terms have the following meanings.

A. "Home distillery" means a distillery located in a dwelling or on property connected with a dwelling, including, but not limited to, a shed, yard or enclosure. For purposes of this paragraph, "dwelling" means a residential structure, including, but not limited to, a house, individual condominium unit, mobile home or trailer, if it is used as a residence. [PL 2025, c. 313, §1 (NEW).]

B. "Mash capacity" means the volume of a mash tun, which is the vessel used to mix crushed grains and water to begin the brewing process. [PL 2025, c. 313, §1 (NEW).]

C. "Proof gallon" means one liquid gallon of spirits that is 50% alcohol at 60 degrees Fahrenheit. [PL 2025, c. 313, §1 (NEW).]

[PL 2025, c. 313, §1 (NEW).]

2. Personal use allowed. Notwithstanding chapter 83, the owner of a home distillery may produce distilled spirits solely for personal use, including, but not limited to, personal consumption or serving the product to the owner's family members and guests to be consumed on the premises where the home distillery is located.

[PL 2025, c. 313, §1 (NEW).]

3. Prohibitions. The owner of a home distillery may not:

A. Have on the premises of the home distillery stills or distilling apparatuses that have a mash capacity of more than 15.5 gallons; [PL 2025, c. 313, §1 (NEW).]

B. Produce more than 24 proof gallons of distilled spirits per person 21 years of age or older residing on the premises where the home distillery is located in a calendar year; [PL 2025, c. 313, §1 (NEW).]

C. Produce more than 48 proof gallons in a calendar year; or [PL 2025, c. 313, §1 (NEW).]

D. Sell or offer for sale any spirits produced in the home distillery. [PL 2025, c. 313, §1 (NEW).]

[PL 2025, c. 313, §1 (NEW).]

4. Violation. Violation of this section is a Class E crime.

[PL 2025, c. 313, §1 (NEW).]

REVISOR'S NOTE: §1358. Unlicensed manufacture (As enacted by PL 2025, c. 315, §2 is REALLOCATED TO TITLE 28-A, SECTION 1359)

SECTION HISTORY

PL 2025, c. 313, §1 (NEW).

§1359. Unlicensed manufacture

(REALLOCATED FROM TITLE 28-A, SECTION 1358)

A license for the manufacture of homemade liquor is not required under this Title if the conditions prescribed in this section are met. For purposes of this section, "homemade liquor" has the same meaning as in section 1057, subsection 1, paragraph A. [PL 2025, c. 315, §2 (NEW); RR 2025, c. 1, Pt. A, §38 (RAL).]

1. Permitted liquor judging competition events. Homemade liquor may be removed from the premises where the homemade liquor was made if the homemade liquor is entered into a permitted liquor judging competition event as provided in section 1057.

[PL 2025, c. 315, §2 (NEW); RR 2025, c. 1, Pt. A, §38 (RAL).]

2. Prohibition on added spirits. Homemade liquor may not contain added spirits.

[PL 2025, c. 315, §2 (NEW); RR 2025, c. 1, Pt. A, §38 (RAL).]

3. Prohibition on sale. Homemade liquor may not be sold or offered for sale.

[PL 2025, c. 315, §2 (NEW); RR 2025, c. 1, Pt. A, §38 (RAL).]

4. Violation. A violation of this section is a Class E crime.

[PL 2025, c. 315, §2 (NEW); RR 2025, c. 1, Pt. A, §38 (RAL).]

SECTION HISTORY

PL 2025, c. 315, §2 (NEW). RR 2025, c. 1, Pt. A, §38 (RAL).

SUBCHAPTER 3

MALT LIQUOR AND WINE

§1361. Certificate of approval; malt liquor or wine

1. Certificate of approval required. An out-of-state manufacturer or out-of-state wholesaler of malt liquor or wine may not engage in the following activities unless the manufacturer or wholesaler has obtained a certificate of approval from the bureau in accordance with this section:

A. Offer malt liquor or wine for sale in the State or sell malt liquor or wine in the State; or [PL 2021, c. 658, §227 (NEW).]

B. Transport into or cause to be transported into the State malt liquor or wine for sale or resale in the State. [PL 2021, c. 658, §227 (NEW).]

[PL 2021, c. 658, §227 (AMD).]

2. Fee for certificate of approval. The fee for a certificate of approval under this section is $1,000 per year for malt liquor only and $1,000 per year for wine only, except that the fee for an out-of-state manufacturer or out-of-state wholesaler of wine or malt liquor that ships 120 gallons of wine or malt liquor or less per year is $100. Payment of the fee must accompany the application for the certificate of approval.

[PL 2021, c. 658, §227 (AMD).]

3. Conditions on certificate of approval. A certificate of approval under this section is subject to the laws of the State and the rules of the bureau.

A. [PL 2021, c. 658, §227 (RP).]

[PL 2021, c. 658, §227 (AMD).]

4. No sales of malt liquor or wine to person without wholesale license. Except as otherwise authorized in sections 2073-C, 2073-D and 2073-E, a certificate of approval holder may not sell malt liquor or wine to a person that is not a wholesale licensee or cause malt liquor or wine to be transported into the State for sale to any person that is not a wholesale licensee.

Malt liquor or wine must be delivered to the place of business of the wholesale licensee as shown in the wholesale licensee's license, must be unloaded and inventoried at the wholesale licensee's premises upon the wholesale licensee's receipt of the shipment and must come to rest before delivery is made to any retailer to enable the bureau to inspect and inventory the wholesale licensee's warehouses for the purpose of verifying taxes that are required to be paid on imported malt liquor and wine.

This subsection does not apply to a licensed small brewery or small winery authorized under section 1355-A to sell its own products directly to retailers.

[PL 2021, c. 658, §227 (AMD).]

5. No exclusivity agreement. A certificate of approval holder may not make it a condition in selling malt liquor or wine to any wholesale licensee that the wholesale licensee may not sell malt liquor or wine manufactured or sold by other manufacturers or out-of-state wholesalers.

[PL 2021, c. 658, §227 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 507, §1 (AMD). PL 1997, c. 373, §§115,116 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 20, §1 (AMD). PL 2005, c. 683, §A46 (AMD). PL 2007, c. 539, Pt. QQQ, §1 (AMD). PL 2011, c. 629, §23 (AMD). PL 2013, c. 531, §5 (AMD). PL 2019, c. 529, §7 (AMD). PL 2021, c. 658, §227 (AMD).

§1362. Disposal of fees

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §117 (AMD). PL 2021, c. 658, §228 (RP).

§1363. Manufacture of malt liquor or table wine; credit; furnishing materials and equipment (REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §118 (AMD). PL 2019, c. 665, §12 (RP).

§1364. Invoices and reports

1. Furnish invoices. All certificate of approval holders shall promptly file with the bureau a copy of every invoice sent to wholesale licensees and the original copy of the Maine purchase order. The invoice must include the licensee's name and the purchase number.
[PL 1997, c. 373, §119 (AMD).]

2. File monthly reports. All certificate of approval holders shall furnish a monthly report on or before the 15th day of each calendar month in the form prescribed by the bureau.
[PL 2011, c. 147, §1 (AMD).]

3. Certification that excise tax paid. A certificate of approval holder may not ship or cause to be transported into the State any malt liquor or wine until the bureau has certified that:

A. The excise tax has been paid; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The wholesale licensee, to whom shipment is to be made, has filed a bond to guarantee payment of the excise tax as provided in section 1405. [PL 2021, c. 658, §229 (AMD).]
[PL 2021, c. 658, §229 (AMD).]

4. Reports of low-alcohol spirits products.
[PL 2021, c. 658, §230 (RP).]

5. Limitation on definition of "certificate of approval holder." Notwithstanding section 2, subsection 8, as used in this section, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.
[PL 2019, c. 615, §3 (NEW); PL 2019, c. 615, §7 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §VV5 (AMD). PL 1991, c. 591, §VV5 (AMD). PL 1997, c. 373, §119 (AMD). PL 2011, c. 147, §1 (AMD). PL 2019, c. 615, §3 (AMD). PL 2019, c. 615, §7 (AFF). PL 2021, c. 658, §§229, 230 (AMD).

§1365. Low-alcohol spirits product tax

In addition to any tax paid under section 1652, each certificate of approval holder that manufactures low-alcohol spirits products shall pay a tax of 30¢ on each gallon of low-alcohol spirits product sold to a wholesale licensee. In addition to the forms filed pursuant to section 1364, on or before the 15th day of each calendar month, a certificate of approval holder that manufactures low-alcohol spirits products shall file with the bureau a monthly report on the number of gallons of low-alcohol spirits product sold to wholesale licensees with a copy of each invoice relating to each such sale. The certificate of approval holder must enclose payment for the tax due under this section on the reported sales. [PL 2021, c. 658, §231 (AMD).]

SECTION HISTORY

PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §VV6 (NEW). PL 1991, c. 591, §VV6 (NEW). PL 1997, c. 373, §120 (AMD). PL 2013, c. 368, Pt. XXXX, §2 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2021, c. 658, §231 (AMD).

§1366. Retail sales at farmers' market

(REPEALED)

SECTION HISTORY

PL 2011, c. 280, §3 (NEW). PL 2011, c. 629, §24 (AMD). RR 2017, c. 1, §19 (COR). PL 2017, c. 168, §§1-3 (AMD). PL 2019, c. 360, §4 (RP).

§1367. Tastings at farmers' markets

(REPEALED)

SECTION HISTORY

RR 2017, c. 1, §20 (COR). PL 2017, c. 168, §4 (NEW). PL 2019, c. 360, §5 (RP).

§1368. Retail sales and taste testing at farmers' markets

1. Farmers' market defined. For purposes of this section, "farmers' market" has the same meaning as in Title 7, section 415, subsection 1, paragraph A.
[PL 2019, c. 360, §6 (NEW).]

2. Retail sales and taste-testing events at farmers' markets. Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a small brewery, small winery or small distillery licensed under section 1355-A or an employee of the licensee who is at least 21 years of age may sell or offer for taste testing at a farmers' market any wine, spirits or malt liquor manufactured in the State by the licensee.
[PL 2019, c. 360, §6 (NEW).]

3. Conditions. The following conditions apply to retail sales and taste-testing events permitted under this section:

A. The licensee shall apply for authorization to conduct retail sales or taste-testing events at farmers' markets using a form prescribed by the bureau and by paying an annual fee of $75. The licensee shall submit the application at least 30 days prior to the first date when the licensee will conduct retail sales or conduct a taste-testing event at a farmers' market; [PL 2019, c. 360, §6 (NEW).]

B. Prior to each month during which the licensee wishes to conduct retail sales or taste-testing events at farmers' markets, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to conduct retail sales or taste-testing events and must receive approval from the bureau for that month. The bureau may request a diagram of the layout of each farmers' market at which the licensee intends to conduct retail sales or taste-testing events; [PL 2019, c. 360, §6 (NEW).]

C. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's conduct of retail sales or taste-testing events at farmers' markets under this section; [PL 2019, c. 360, §6 (NEW).]

D. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including liquor, and must be authorized by the bureau under subsection 4; [PL 2019, c. 360, §6 (NEW).]

E. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter; [PL 2019, c. 360, §6 (NEW).]

F. All wine, spirits and malt liquor for retail sale must be prepackaged and sold by the bottle or case. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G; [PL 2019, c. 360, §6 (NEW).]

G. The licensee may not charge a fee for samples at a taste-testing event under this section and may not serve spirits, wine or malt liquor to a minor or an individual who is visibly intoxicated. The licensee may not serve a taste-testing sample of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits and may not serve an individual more than 6 samples per day; and [PL 2019, c. 360, §6 (NEW).]

H. All activities authorized under this section must be conducted within the hours of retail sales established in this Title and may not be conducted in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5. [PL 2019, c. 360, §6 (NEW).]

[PL 2019, c. 360, §6 (NEW).]

4. Farmers' market authorization. At least 30 days prior to the sale or taste testing of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell or conduct taste testing of wine, spirits and malt liquor under this section. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale or taste testing of wine, spirits or malt liquor in accordance with this section.
[PL 2019, c. 360, §6 (NEW).]

5. Rules. The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 360, §6 (NEW).]

SECTION HISTORY

PL 2019, c. 360, §6 (NEW).

SUBCHAPTER 4

SPECIAL WAREHOUSES

§1371. Special warehouse storage facilities

1. Licensing of special warehouse storage facilities. Notwithstanding the importation restrictions of section 1361, subsection 4 and sections 2073-A and 2073-C, the bureau may issue a license authorizing the direct importation of malt liquor, wine or spirits by a manufacturer, wholesaler or spirits supplier located in a foreign country or another state into special warehouse storage facilities located within the State that are under the direct supervision and control of the licensee under this section or into a public warehouse with the approval of the bureau.
[PL 2021, c. 658, §232 (AMD).]

2. Fee. The fee for a license under this section is $600 a year for malt liquor only, $600 a year for wine only and $600 a year for spirits only.
[PL 2021, c. 658, §232 (AMD).]

3. Stored liquor not subject to state spirits tax or excise tax until withdrawn. Liquor stored in special warehouse storage facilities licensed under this section is not subject to the state spirits tax under section 1651 or to the excise tax under section 1652 until it is withdrawn from the special warehouse storage facilities.

A. Malt liquor and wine withdrawn from the special warehouse storage facilities by wholesale licensees immediately become subject to the same tax as malt liquor and wine imported into the State from out-of-state certificate of approval holders. The wholesale licensee shall withdraw the malt liquor and wine to be distributed in the State by the procedure established in sections 1404 and 1405. [PL 2021, c. 658, §232 (AMD).]

B. The bureau may withdraw spirits from special warehouse storage facilities. [PL 1997, c. 373, §122 (AMD); PL 2013, c. 368, Pt. V, §61 (REV).]

C. Out-of-state purchasers authorized by the bureau may withdraw spirits, wine and malt liquor from special warehouse storage facilities. The authorization allows the out-of-state purchasers to directly transport the spirits, wine and malt liquor to the state border for delivery outside of the State. Products withdrawn by authorized out-of-state purchasers for delivery outside of the State are not subject to the state spirits tax under section 1651 or the state excise tax under section 1652. [PL 2021, c. 658, §232 (AMD).]

[PL 2021, c. 658, §232 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 183 (AMD). PL 1997, c. 373, §§121,122 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 368, Pt. XXXX, §3 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2021, c. 658, §232 (AMD).

SUBCHAPTER 5

SPIRITS

§1381. Certificate of approval; spirits

1. Definition. For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

[PL 2019, c. 615, §4 (NEW); PL 2019, c. 615, §7 (AFF).]

2. Certificate of approval required. An out-of-state spirits supplier may not transport spirits into the State or cause spirits to be transported into the State unless the out-of-state spirits supplier has obtained a certificate of approval from the bureau in accordance with this section.

[PL 2019, c. 615, §4 (NEW); PL 2019, c. 615, §7 (AFF).]

3. Fee for certificate of approval. The fee for a certificate of approval under this section is $1,000 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is $100. Payment of the fee must accompany the application for the certificate of approval.

[PL 2019, c. 615, §4 (NEW); PL 2019, c. 615, §7 (AFF).]

4. Conditions on certificate of approval. A certificate of approval under this section is subject to the laws of the State, including, but not limited to, all applicable requirements of Title 38, section 1615, and the rules of the bureau.

[RR 2021, c. 2, Pt. A, §101 (COR).]

5. Shipment restrictions. Except as provided in sections 2073-A and 2073-E, a person that has been issued a certificate of approval under this section may transport spirits into the State or cause spirits to be transported into the State only if the spirits are delivered to a warehouse designated by the commission under section 81.

[PL 2021, c. 658, §233 (AMD).]

6. Phased-in fee.

[PL 2019, c. 615, §4 (NEW); PL 2019, c. 615, §7 (AFF); MRSA T. 28-A §1381, sub-§6 (RP).]

SECTION HISTORY

PL 2019, c. 615, §4 (NEW). PL 2019, c. 615, §7 (AFF). PL 2021, c. 658, §233 (AMD). PL 2021, c. 742, §2 (AMD). RR 2021, c. 2, Pt. A, §101 (COR).

CHAPTER 55

MALT LIQUOR AND WINE WHOLESALE LICENSEES

§1401. Wholesale licenses

1. Issuance of licenses. The bureau may issue licenses under this section for the in-state sale and distribution of malt liquor and wine at wholesale.
[PL 2021, c. 658, §234 (AMD).]

2. Fees. Except as provided in subsection 4, the fee for a wholesale license is:

A. Six hundred dollars for the principal place of business; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Six hundred dollars for each additional warehouse maintained by the wholesale licensee, but not located at the principal place of business. [PL 1987, c. 342, §109 (AMD).]
[PL 1987, c. 342, §109 (AMD).]

3. Term of wholesale license. Except as provided in subsection 4, a wholesale license is effective for one year from the date of issuance.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Temporary permits. The bureau may issue special permits, upon application in writing, for the temporary storage of malt liquor or wine under terms and upon conditions prescribed by the bureau.
[PL 1997, c. 373, §123 (AMD).]

5. Qualifications. The bureau may not issue a wholesale license to an applicant unless:

A. If the applicant is a person, the applicant has been a resident of the State for at least 6 months; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. If the applicant is a corporation, the applicant has conducted business in this State for at least 6 months. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1997, c. 373, §123 (AMD).]

6. License transferrable to other premises. A wholesale license may be transferred from the premises in the town originally specified to premises in another town.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

7. Warehouses and sales representatives. A wholesale licensee shall maintain a warehouse or warehouses within the State and employ one or more sales representatives, licensed under chapter 59, for the purpose of soliciting orders. For the purposes of this subsection, "sales representative" means an employee of a wholesale licensee whose primary duty is soliciting orders from or making sales to retail licensees.
[PL 2015, c. 387, §1 (AMD).]

8. Franchise or agreement with certificate of approval holder. A wholesale licensee shall operate under a franchise or agreement for the resale of malt liquor or wine within an allocated territory by a certificate of approval holder.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

9. Sales to licensees only. A licensee under this section may sell or distribute malt liquor and wine only to persons licensed for the retail sale of malt liquor and wine for on-premises or off-premises consumption in accordance with this Title.
[PL 2021, c. 658, §235 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §109 (AMD). PL 1997, c. 373, §123 (AMD). PL 2013, c. 476, Pt. A, §§29, 30 (AMD). PL 2015, c. 387, §1 (AMD). PL 2021, c. 658, §§234, 235 (AMD).

§1401-A. Limitation on definition of "certificate of approval holder"

Notwithstanding section 2, subsection 8, as used in this chapter, unless the context otherwise indicates, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361. [PL 2019, c. 615, §5 (NEW); PL 2019, c. 615, §7 (AFF).]

SECTION HISTORY

PL 2019, c. 615, §5 (NEW). PL 2019, c. 615, §7 (AFF).

§1402. Taste testing of wine and malt liquor products

1. Taste testing on wholesale licensee's premises. With the bureau's written permission, a wholesale licensee may designate a special area or room on the wholesale licensee's premises for the specific purpose of taste testing wine or malt liquor products.
[PL 1997, c. 373, §124 (AMD).]

2. Taste testing on retail licensee's premises or other venue. With the bureau's written permission, a wholesale licensee may rent or lease an area or room from an on-premises retail licensee or from any unlicensed venue for the purpose of inviting retail licensees to taste test wine or malt liquor products.
[PL 2025, c. 8, §1 (AMD).]

3. Conditions on taste-testing events. The following conditions apply to all taste-testing events under this section.

A. The wholesale licensee or a certificate of approval holder may provide the products for taste-testing events only if all taxes required by this Title have been paid. [PL 2021, c. 658, §237 (AMD).]

B. Taste-testing events must be conducted only within the special designated area or room. [PL 2021, c. 658, §237 (AMD).]

C. Taste-testing events must be open only to invited retail licensees or their authorized agents and not to their family members, guests or the public. [PL 2021, c. 658, §237 (AMD).]

D. After the taste-testing event is concluded, the wholesale licensee shall remove all products supplied for the taste-testing event from the premises of the retail licensee or unlicensed venue. [PL 2025, c. 8, §2 (AMD).]

E. Malt liquor or wine products may not be served to a person who is a minor or who is visibly intoxicated. [PL 2021, c. 658, §237 (NEW).]

[PL 2025, c. 8, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §110 (AMD). PL 1997, c. 373, §124 (AMD). PL 2013, c. 368, Pt. XXXX, §4 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2021, c. 658, §§236, 237 (AMD). PL 2025, c. 8, §§1, 2 (AMD).

§1402-A. Samples of products

A person licensed as a manufacturer of malt liquor or wine under section 1355-A or licensed as a wholesaler may give a retail licensee samples of products under the following conditions: [PL 2015, c. 386, §1 (AMD).]

1. Invoice required. The products must be accompanied by an invoice;
[PL 1997, c. 228, §1 (NEW).]

2. Product registered. The product must be registered with the bureau and clearly labeled as a sample;
[PL 1997, c. 228, §1 (NEW).]

3. Taxes paid. Taxes must be paid on each item;
[PL 1997, c. 228, §1 (NEW).]

3-A. Partial-bottle wine samples. Bottles of wine designated for partial-bottle sampling must be properly sealed between samplings. Partial-bottle wine samples may be provided only on the premises of a retailer licensed to sell wine for on-premises or off-premises consumption to the owner or a supervisory or managerial employee of the retailer;
[PL 2021, c. 658, §238 (AMD).]

4. Full-bottle samples. The maximum amount of unopened full-bottle samples given to a retail licensee may not exceed 18 gallons of malt liquor and 18 liters of wine annually. A full-bottle sample is an unopened bottle of wine or malt liquor given to a retail licensee, which may be consumed by a retail licensee on or off the premises;
[PL 2021, c. 658, §239 (AMD).]

4-A. Prohibited recipients. Malt liquor or wine samples authorized under this section may not be provided to a person who is a minor or who is visibly intoxicated; and
[PL 2021, c. 658, §240 (NEW).]

5. Samples removed.
[PL 2011, c. 629, §28 (RP).]

6. Records maintained. Records must be maintained for a 2-year period by the licensee giving or receiving samples.
[PL 1997, c. 228, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 228, §1 (NEW). PL 2003, c. 69, §§1,2 (AMD). PL 2011, c. 629, §§25-28 (AMD). PL 2015, c. 386, §1 (AMD). PL 2017, c. 35, §1 (AMD). PL 2021, c. 658, §§238-240 (AMD).

§1403. Purchase and sale of malt liquor or wine by wholesale licensee

1. Purchase of malt liquor or wine by wholesale licensee. A wholesale licensee may not purchase malt liquor or wine from a person other than a certificate of approval holder or special warehouse storage facility licensed under section 1371. A wholesale licensee may not cause to be transported into the State malt liquor or wine from a person other than a person to whom the bureau has issued a certificate of approval under section 1361.
[PL 2021, c. 658, §241 (AMD).]

1-A. Wholesale licensee may purchase from wholesale licensee. The bureau may give written permission to a wholesale licensee to purchase malt liquor or wine from another wholesale licensee.
[PL 1997, c. 373, §126 (AMD).]

2. Sale of malt liquor or wine by wholesale licensee. A wholesale licensee may not sell malt liquor or wine that has not been purchased from a certificate of approval holder or a special warehouse storage facility licensed under section 1371.
[PL 2021, c. 658, §241 (AMD).]

3. License revoked if it requires wholesale license to not sell other brands. The District Court shall revoke the license of a wholesale licensee, that requires as a condition of selling malt liquor or wine to another wholesale licensee, that the purchasing wholesale licensee may not sell other brand names of malt liquor or wine.
[PL 2021, c. 658, §241 (AMD).]

4. Monthly report. By the 10th day of each calendar month, each wholesale licensee shall furnish to the bureau, in the form prescribed by the bureau, a monthly report of all malt liquor or wine purchased and sold during the preceding month.
[PL 1997, c. 373, §127 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §111 (AMD). PL 1997, c. 373, §§125-127 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2021, c. 658, §241 (AMD).

§1403-A. Direct shipment of wine

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

A. "Direct shipper" means a winery that has obtained a wine direct shipper license under subsection 2. [PL 2009, c. 373, §1 (NEW).]

B. "Outside the State" means any state other than Maine and any territory or possession of the United States, but does not include a foreign country. [PL 2009, c. 373, §1 (NEW).]

C. "Common carrier" means a company that transports goods upon reasonable request, on regular routes and at set rates. [PL 2023, c. 604, §1 (NEW).]

D. "Fulfillment provider" means a bonded logistics agent of a direct shipper that provides fulfillment services, including warehousing, packaging, distributing and order processing for the shipment of wine to a consumer and arranges for transport of wine to a consumer by a common carrier and that has obtained a fulfillment provider registration under subsection 5-A. [PL 2023, c. 604, §2 (NEW).]
[PL 2023, c. 604, §§1, 2 (AMD).]

2. Direct shipment of wine. A small winery or other winery holding a federal basic wine manufacturing permit located within or outside the State may obtain a wine direct shipper license by filing with the bureau an application in a form determined by the bureau accompanied by an application fee of not more than $200, a copy of the applicant's current federal basic wine manufacturing permit and a list of wine labels to be shipped in accordance with this section.
[PL 2013, c. 368, Pt. V, §46 (AMD).]

3. Direct shipper application. Before sending a shipment to a resident of this State, a direct shipper must file an application for a wine direct shipper license under subsection 2 with the bureau on a form issued by the bureau along with a true copy of its current winery license issued in this State or another state and a $100 registration fee.
[PL 2021, c. 658, §242 (AMD).]

4. Direct shipment requirements. A direct shipper or a direct shipper's fulfillment provider may only ship wine that was produced by or for the direct shipper, owned by the direct shipper or sold under the winery name of the direct shipper in accordance with the direct shipper's federal basic wine manufacturing permit to a recipient who is at least 21 years of age and that is intended for personal use and not for resale. A direct shipper or a direct shipper's fulfillment provider may not ship wine products commonly known as "wine coolers." A direct shipper or a direct shipper's fulfillment provider shall label each package to be shipped in accordance with this section so that it conspicuously reads

"CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."
[PL 2023, c. 604, §3 (AMD).]

5. Common carrier. Shipments made in accordance with this chapter must be made by a common carrier and must be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and residence address of the recipient. The common carrier shall obtain the signature of a person 21 years of age or older at the address listed on the shipping label prior to delivery of the shipment. The common carrier shall request photographic identification from the person signing for the shipment and verify that the person is 21 years of age or older.
[PL 2023, c. 604, §4 (AMD).]

5-A. Fulfillment provider registration. A direct shipper may use a fulfillment provider that is registered under this section.

A. A fulfillment provider that is not a common carrier, does not hold a direct shipper, manufacturer, wholesale or retail license issued by the bureau and is not a certificate of approval holder and that is not owned or controlled by a common carrier, direct shipper, manufacturer, wholesale or retail licensee or certificate of approval holder may register with the bureau in a manner prescribed by the bureau. A registration must include the information required in paragraph B and a registration fee of not more than $50 per physical premises. A fulfillment provider registering pursuant to this subsection shall register with the bureau for each physical premises from which the fulfillment provider will ship wine under this section. A fulfillment provider may only ship wine to a recipient in the State if the fulfillment provider maintains a current registration, as applicable, under this subsection and only if the wine shipped is provided by a direct shipper licensed under this section. [PL 2023, c. 604, §5 (NEW).]

B. A fulfillment provider registration must include the following:

(1) The address of each physical premises from which the fulfillment provider will ship wine to recipients in the State;

(2) The name, address and license number of each direct shipper on whose behalf the fulfillment provider will ship wine to recipients in the State; and

(3) Any other information as determined by the bureau. [PL 2023, c. 604, §5 (NEW).]

C. A fulfillment provider registration must be renewed every 2 years. If there is a material change in the information provided to the bureau related to the initial registration or renewal, the fulfillment provider shall provide updated information to the bureau not later than 14 days after the change. [PL 2023, c. 604, §5 (NEW).]

D. A fulfillment provider shall make all commercially reasonable efforts to verify the validity of each direct shipper license prior to making any shipments under this section. Continuous failure to verify the validity of licenses may result in the suspension of the fulfilment provider's registration and imposition of a fine. [PL 2023, c. 604, §5 (NEW).]
[PL 2023, c. 604, §5 (NEW).]

6. Bottle size and case limit.
[PL 2023, c. 274, §1 (RP).]

6-A. Shipment limit. A direct shipper may not ship a container of wine of less than 250 milliliters and may ship no more than 9,000 milliliters per shipment no more than 12 times to any one recipient address in a calendar year.
[PL 2023, c. 274, §2 (NEW).]

7. Prohibited shipping areas. A direct shipper may not ship to any address in an area identified by the bureau as a prohibited shipping area or a local option area.

[PL 2009, c. 373, §1 (NEW).]

8. License renewal. A direct shipper may annually renew its wine direct shipper license with the bureau by paying a $50 renewal fee and providing the bureau with a true copy of its current winery license issued in this State or another state.
[PL 2021, c. 658, §243 (AMD).]

9. Sales tax registration and payment required. As a condition of receiving a license, a shipper located outside the State shall comply with the provisions of Title 36, Part 3, including all requirements relating to registration as a seller and the collection, reporting and remittance of the sales and use taxes of the State, and shall agree to be subject to the jurisdiction of the State for purposes of the enforcement of those obligations. The requirements of this subsection apply notwithstanding any provision of law of the State to the contrary.
[PL 2021, c. 658, §244 (AMD).]

10. Payment of excise taxes. A direct shipper located outside the State shall annually pay to the bureau all excise taxes due on sales to residents of the State in the preceding year, the amount of such taxes to be calculated as if the sales were in the State.
[PL 2013, c. 368, Pt. XXXX, §5 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

11. Reporting. Reports to the bureau regarding direct shipments of wine are governed by this subsection.

A. A direct shipper shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

(1) The total number of cases of wine shipped to recipients in the State and, for a direct shipper located in the State, shipments made outside the State;

(2) The name and residence address of shipment recipients in the State;

(3) The name and registration of the designated fulfillment providers, if applicable;

(4) The common carrier used to deliver each shipment; and

(5) The date, quantity and purchase price of each shipment. [PL 2023, c. 604, §6 (NEW).]

B. A fulfillment provider shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

(1) The name as it appears on the direct shipper license, physical address and license number of the direct shipper on whose behalf the fulfillment provider shipped wine under this section;

(2) The date of each shipment;

(3) The name and business address of the common carrier that transported the shipment and the unique tracking number for each shipment;

(4) The weight of each package shipped; and

(5) The name and residence address of each recipient. [PL 2023, c. 604, §6 (NEW).]

C. A common carrier shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

(1) The name of the common carrier;

(2) The name and address of the direct shipper and, if applicable, the fulfillment provider that used the common carrier for a shipment of wine;

(3) The name and address of each recipient;

(4) The weight of each package delivered to each recipient;

(5) The unique tracking number for each shipment; and

(6) The date of each delivery.

A failure by a common carrier to comply with the reporting requirements of this paragraph that continues for more than 30 days after receiving from the bureau a notice of that failure may result in the suspension of the common carrier's license to operate in the State or the imposition of any other penalty the relevant licensing authority in the State is authorized to impose. [PL 2023, c. 604, §6 (NEW).]

D. If no wine was shipped to a recipient in this State and, for a direct shipper located in the State, no wine was shipped to a recipient outside the State during the reporting period, a report containing that information must be submitted to the bureau. [PL 2023, c. 604, §6 (NEW).]

[PL 2023, c. 604, §6 (RPR).]

12. Audit and records retention. The bureau may perform an audit of a direct shipper's, fulfillment provider's or common carrier's records relevant to compliance with this section. A direct shipper, fulfillment provider or common carrier shall provide copies of any records requested by the bureau within 20 business days of that request.

A. A direct shipper shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph A or D for 2 years after the reporting date, unless otherwise directed by the bureau. [PL 2023, c. 604, §7 (NEW).]

B. A fulfillment provider shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph B or D for 2 years after the reporting date, unless otherwise directed by the bureau. [PL 2023, c. 604, §7 (NEW).]

C. A common carrier shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph C or D, including an electronic or paper copy of each recipient's signature, for 2 years after the reporting date, unless otherwise directed by the bureau. [PL 2023, c. 604, §7 (NEW).]

[PL 2023, c. 604, §7 (AMD).]

13. Violation. A person, including a common carrier or fulfillment provider, who knowingly causes a direct shipment in violation of this section is subject to a fine up to $500 for a first offense and up to $1,000 for any subsequent violation of this section. A direct shipper, fulfillment provider or common carrier who knowingly delivers wine to a person under 21 years of age is subject to a fine up to $5,000. The bureau may suspend or revoke a wine direct shipper license for failure to comply with the shipping limits and reporting requirements required by this section. The bureau may accept payment of an offer in compromise in lieu of suspension; such payments must be determined by rules adopted by the bureau.

[PL 2023, c. 604, §8 (AMD).]

14. Jurisdiction. A direct shipper, as a condition of licensure, is subject to the jurisdiction and enforcement authority of the State for the purposes of enforcement of this section.

[PL 2009, c. 373, §1 (NEW).]

15. Not subject to beverage container law.

[PL 2023, c. 252, §1 (RP); PL 2023, c. 252, §3 (AFF).]

15-A. Compliance with beverage container laws. Wine shipped pursuant to this section must comply with Title 38, chapter 33.

[PL 2023, c. 252, §2 (NEW); PL 2023, c. 252, §3 (AFF).]

16. Rules. The bureau shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 373, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 373, §1 (NEW). PL 2011, c. 629, §§29, 30 (AMD). PL 2013, c. 368, Pt. V, §46 (AMD). PL 2013, c. 368, Pt. XXXX, §5 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2013, c. 476, Pt. A, §31 (AMD). PL 2015, c. 166, §5 (AMD). PL 2021, c. 658, §§242-244 (AMD). PL 2023, c. 252, §§1, 2 (AMD). PL 2023, c. 252, §3 (AFF). PL 2023, c. 274, §§1, 2 (AMD). PL 2023, c. 604, §§1-8 (AMD).

§1404. Unbonded wholesale licensees

1. Procedure for unbonded wholesale licensees. Unbonded wholesale licensees shall order and purchase malt liquor and wine under the following procedures.

A. The bureau shall furnish all purchase order forms. [PL 1997, c. 373, §128 (AMD).]

B. [PL 2021, c. 622, §4 (RP).]

C. The unbonded wholesale licensee ordering malt liquor or wine shall submit to the bureau, in a manner specified by the bureau, a copy of the completed purchase order form with payment for the amount of excise taxes required to cover the amount of the order. [PL 2021, c. 622, §4 (AMD).]

D. [PL 2023, c. 405, Pt. A, §105 (RP).]

E. On receipt of the copy of the completed purchase order form and payment for excise taxes submitted under paragraph C, the bureau shall promptly process the payment and submit copies of the completed purchase order form indicating that excise taxes have been paid to the unbonded wholesale licensee and to the certificate of approval holder with which the unbonded wholesale licensee wishes to place the order. [PL 2023, c. 405, Pt. A, §106 (RPR).]

F. A certificate of approval holder may not ship or release malt liquor or wine for delivery in the State until notified by the bureau that the excise tax has been paid in accordance with this section. [PL 2021, c. 622, §4 (AMD); PL 2021, c. 658, §247 (AMD).]

[PL 2023, c. 405, Pt. A, §§105, 106 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §128 (AMD). PL 2021, c. 622, §4 (AMD). PL 2021, c. 658, §§245-247 (AMD). PL 2023, c. 405, Pt. A, §§105, 106 (AMD).

§1405. Bonded wholesale licensees

1. Procedures for bonded wholesale licensees. Bonded wholesale licensees shall order and purchase malt liquor and wine under the following procedures.

A. The bureau shall furnish all purchase order forms. [PL 1997, c. 373, §129 (AMD).]

B. [PL 2021, c. 622, §5 (RP).]

C. The bonded wholesale licensee shall submit a copy of the completed purchase order form to the certificate of approval holder with which the bonded wholesale licensee wishes to place the order. [PL 2023, c. 405, Pt. A, §107 (RPR).]

D. The bonded wholesale licensee shall submit to the bureau, in a manner specified by the bureau, a copy of the completed purchase order form and retain a copy for the licensee's files. [PL 2021, c. 622, §5 (AMD).]

[PL 2023, c. 405, Pt. A, §107 (AMD).]

2. Corporate security bond. To secure payment of the excise tax, each wholesale licensee shall file with the bureau a corporate surety bond guaranteeing payment of the proper excise tax due the State.

A. The bureau shall fix the amount and terms of the bond, subject to the following restrictions.

(1) The bond must be equal to the highest monthly excise tax paid by the wholesale licensee during the period of the prior year license, plus 10% of the highest month.

(2) New licensees desiring to furnish bond under this section shall furnish a corporate surety bond in an amount to be determined by the bureau.

(3) All bonds must be provided and effective only for each licensed year. [PL 2013, c. 368, Pt. XXXX, §6 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

B. Failure to pay the excise tax when due is grounds for suspension of the license of the wholesale licensee. [PL 2013, c. 368, Pt. XXXX, §6 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]
[PL 2013, c. 368, Pt. XXXX, §6 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

3. Payment of excise tax. By filing the bond required in subsection 2, a wholesale licensee may pay monthly the excise tax imposed by section 1652 on all malt liquor or wine shipped into the State as shown by invoice of the shipment by the holder of a certificate of approval issued under section 1361.

A. The wholesale licensee shall pay the excise tax by the 15th day of the calendar month following the month in which shipment occurs. [PL 2013, c. 368, Pt. XXXX, §7 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

B. At the time of payment of the excise tax, each wholesale licensee shall file with the bureau in the form prescribed by the bureau:

(1) A verified monthly report of all malt liquor or wine purchased or imported based on the date of shipment invoice during the preceding calendar month; and

(2) Any additional information the bureau requires to compute and ensure the accuracy of the excise tax payment accompanying the report. [PL 2021, c. 658, §249 (AMD).]
[PL 2021, c. 658, §249 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §§129-131 (AMD). PL 2011, c. 147, §2 (AMD). PL 2013, c. 368, Pt. XXXX, §§6, 7 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2021, c. 622, §5 (AMD). PL 2021, c. 658, §§248, 249 (AMD). PL 2023, c. 405, Pt. A, §107 (AMD).

§1406. Report of changes in wholesale licensees and certificate of approval holders to bureau

1. Certificate of approval holders must list wholesale licensees with bureau; changes. Each certificate of approval holder shall:

A. File with the bureau a list of the wholesale licensees who distribute their products in the State; and [PL 1997, c. 373, §132 (AMD).]

B. Give written notice to the bureau and the wholesale licensee affected at least 90 days before any change in:

(1) Its wholesale licensees; or

(2) The territory of its wholesale licensees. [PL 2021, c. 658, §250 (AMD).]
[PL 2021, c. 658, §250 (AMD).]

2. Wholesale licensees must list certificate of approval holders with bureau; changes. Each wholesale licensee shall:

A. File with the bureau:

(1) A list of the certificate of approval holders for whom it distributes malt liquor or wine in the State; and

(2) A statement of the boundaries of its territories; and [PL 1997, c. 373, §132 (AMD).]

B. Give written notice to the bureau and the certificate of approval holder affected at least 90 days before any change in:

(1) Its territory; or

(2) The distribution of its products. [PL 1997, c. 373, §132 (AMD).]
[PL 1997, c. 373, §132 (AMD).]

3. Shortened waiting period before change. The bureau may shorten the waiting period before a change is made in the following situations.

A. A certificate of approval holder or a wholesale licensee may request a hearing before the bureau to shorten the waiting period before a change is made. The bureau may, for cause, shorten the waiting period before approving a change in either the wholesale licensee or the wholesale licensee's territory. [PL 1997, c. 373, §132 (AMD).]

B. If both the certificate of approval holder and the wholesale licensee affected waive the 90-day waiting period by giving the bureau written notice, then the bureau may immediately approve a change in either the wholesale licensee or the wholesale licensee's territory. [PL 1997, c. 373, §132 (AMD).]
[PL 1997, c. 373, §132 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §132 (AMD). PL 2021, c. 658, §250 (AMD).

§1407. Exclusive distributors of certificate of approval holders' products

1. Exclusive distributors. Except as provided in section 1454, the wholesale licensee appointed by the certificate of approval holder to be the exclusive distributor for specific brands of malt liquor and wine cannot be terminated as exclusive distributor of those specific brands upon the voluntary or involuntary termination or transfer of the same brands of malt liquor and wine by the certificate of approval holder that registered the specific labels and established prices with the bureau. The certificate of approval holder acquiring these brands shall take the place of the certificate of approval holder that appointed the distributors and shall comply with section 1406.
[PL 2021, c. 658, §251 (AMD).]

2. Unfair trade practice. A violation of this section shall be considered a violation of the Maine Unfair Trade Practices Act and all remedies provided by that Act are available for a violation of this section.
[RR 1993, c. 1, §72 (COR).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §112 (AMD). RR 1993, c. 1, §72 (COR). PL 2021, c. 658, §251 (AMD).

§1408. Posting of prices

1. Posting by certificate of approval holders and bottlers. Certificate of approval holders and all licensed bottlers must post with the bureau the F.O.B. shipping point prices for which they are selling malt liquor or wine to wholesale licensees.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Posting by wholesale licensees. Wholesale licensees must post with the bureau the delivered prices for which they are selling malt liquor or wine to licensees and all other entities or instrumentalities.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Posted prices must include deposits. All prices posted must include deposits required on returnable items, including kegs.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Price changes. Except as provided in paragraph A, certificate of approval holders shall give written notice of price changes to the bureau and their respective wholesale licensees at least 30 days before the effective date. Wholesale licensees shall give written notice of their price changes to the bureau at least 15 days before the effective date. All price changes are effective on the first day of the month.

A. The bureau may give written permission to certificate of approval holders or wholesale licensees to reduce the notice period for price changes in specific instances. [PL 2021, c. 658, §252 (AMD).]
[PL 2021, c. 658, §252 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §113 (AMD). PL 1997, c. 373, §133 (AMD). PL 2021, c. 658, §252 (AMD).

CHAPTER 57

CERTIFICATE OF APPROVAL HOLDER AND MAINE WHOLESALE LICENSEE AGREEMENT ACT

§1451. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Agreement. "Agreement" means a commercial relationship, not required to be evidenced in writing, of definite or indefinite duration, between a certificate of approval holder and a wholesale licensee, under which the wholesale licensee is authorized to distribute one or more of the certificate of approval holder's brands of malt liquor, wine or beverages. The performance or accomplishment of any of the following acts shall constitute prima facie evidence of an "agreement" within the meaning of this definition:

A. The shipment, preparation for shipment or acceptance of any order by any certificate of approval holder or its agents for any malt liquor, wine or beverages to a wholesale licensee within the State; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The payment by a wholesale licensee and the acceptance of payment by any certificate of approval holder or its agent or the shipment of an order for malt liquor or beverages intended for sale in Maine. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

1-A. Certificate of approval holder. Notwithstanding section 2, subsection 8, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.
[PL 2019, c. 615, §6 (NEW); PL 2019, c. 615, §7 (AFF).]

2. Person. Notwithstanding section 2, subsection 23, "person" means a natural person, corporation, partnership, trust, agency or other entity as well as the individual officer, directors or persons in active control of the activities of that entity. "Person" also includes heirs, assigns, personal representatives and guardians.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Primary source of supply. "Primary source of supply" means the distillery, the bottler, the brewery, the winery, the brand owner or the designated agent of any distillery, brewery, winery or brand owner.
[PL 2021, c. 658, §253 (AMD).]

4. Territory or sale territory. "Territory" or "sale territory" means the area of primary sales responsibility expressly or implicitly designated by any agreement between a wholesale licensee and a certificate of approval holder for the brand or label of a certificate of approval holder.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Wholesale licensee. Notwithstanding section 2, subsection 34, "wholesale licensee" means a person holding a wholesale license under section 1401, offering malt liquor or wine for sale or resale to retailers, without regard to whether the business of the person is conducted under the terms of an agreement with a certificate of approval holder.
[PL 2021, c. 658, §254 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2019, c. 615, §6 (AMD). PL 2019, c. 615, §7 (AFF). PL 2021, c. 658, §§253, 254 (AMD).

§1452. No inducement or coercion

1. Certificate of approval holder. No certificate of approval holder may:

A. Induce or coerce, or attempt to induce or coerce, any wholesale licensee to accept delivery of any liquor or any other commodity which has not been ordered by the wholesale licensee; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Induce or coerce, or attempt to induce or coerce, any wholesale licensee to do any illegal act or thing by threatening to amend, cancel, terminate or refuse to renew any agreement existing between a certificate of approval holder and a wholesale licensee; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Require a wholesale licensee to assent to any condition, stipulation or provision limiting the wholesale licensee's right to sell the product of any other certificate of approval holder anywhere in the State if the acquisition of the product of another certificate of approval holder does not materially impair the quality of service or quantity of sales of the existing brand or brands of the certificate of approval holder seeking to impose the condition, stipulation or provision. [PL 2021, c. 658, §255 (AMD).]
[PL 2021, c. 658, §255 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §255 (AMD).

§1453. Dual distributorship prohibited

1. Dual distributorship prohibited. A certificate of approval holder that designates a sales territory for which a wholesale licensee is primarily responsible may not enter into any agreement with any other wholesale licensee for the purpose of establishing an additional agreement for its brand or label in the same territory.
[PL 2021, c. 658, §256 (AMD).]

2. Certificate of approval holder to file list. Each certificate of approval holder shall file with its application for a certificate of approval or in-state manufacturer license a list giving the name and address of each bottler and wholesale licensee authorized to distribute products of that certificate of approval holder and designating the exclusive territory assigned to each wholesale licensee within the

State. Unless authorized by the bureau, wholesale licensees may not sell those products to licensees outside of the exclusive territory allocated and designated.

A. Sales of wine to retail licensees at the wholesale licensee's warehouse must be considered a sale within the wholesale licensee's exclusive territory. [PL 2021, c. 658, §256 (AMD).]

[PL 2021, c. 658, §256 (AMD).]

3. Primary source of supply. A wholesale licensee may not purchase liquor from anyone other than the primary source of supply within the United States.

[PL 2021, c. 658, §256 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §256 (AMD).

§1454. Cancellation

1. Good cause. Notwithstanding the terms, provisions or conditions of any agreement, no certificate of approval holder may amend, cancel, terminate or refuse to continue or renew any agreement, or cause a wholesale licensee to resign from an agreement, unless good cause can be established or proven for amendment, termination, cancellation, nonrenewal, noncontinuation or causing a resignation. "Good cause" does not include the sale or purchase of a certificate of approval holder. "Good cause" includes, but is not limited to, the following:

A. Revocation of the wholesale licensee's license to do business in the State; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Bankruptcy or insolvency of the wholesale licensee; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Assignment for the benefit of creditors or similar disposition of the assets of the wholesale licensee; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. Failure by the wholesale licensee to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon the wholesale licensee by the certificate of approval holder. [PL 2021, c. 658, §257 (AMD).]

[PL 2021, c. 658, §257 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §257 (AMD).

§1455. Notice of intent to terminate

1. Written notices. Before any termination procedure initiated by the certificate of approval holder, the certificate of approval holder shall give the wholesale licensee a written notice of any claimed deficiency existing in the wholesale licensee's territory and the certificate of approval holder shall give the wholesale licensee reasonable time or, if the certificate of approval holder is a small beer manufacturer or a small hard cider manufacturer, at least 30 days to correct the claimed deficiency or deficiencies. After this time has elapsed, the certificate of approval holder shall provide the wholesale licensee with a written notice of the certificate of approval holder's intent to amend, cancel, terminate, refuse to continue, refuse to renew or cause the wholesale licensee to resign from an agreement at least 90 days prior to the effective date of the intended amendment, cancellation, termination, refusal to continue, refusal to renew or causing of resignation. The written notice must state all of the reasons for the intended amendment, cancellation, termination, refusal to continue, refusal to renew or causing of resignation. The notice provisions of this section do not apply if the reason for the intended amendment, cancellation, termination, refusal to continue, refusal to renew or causing of resignation is:

A. The bankruptcy or insolvency of the wholesale licensee; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. An assignment for the benefit of creditors or similar disposition of the assets of the wholesale licensee's business; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Revocation of the wholesale licensee's license; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. Conviction or a plea of guilty or no contest to a charge of violating a law relating to the business that materially affects the wholesale licensee's ability to remain in business. [PL 1987, c. 45, Pt. A, §4 (NEW).]

For purposes of this section, "small beer manufacturer" and "small hard cider manufacturer" have the same meanings as in section 1457, subsection 1-A.
[PL 2021, c. 658, §258 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2019, c. 529, §8 (AMD). PL 2021, c. 658, §258 (AMD).

§1456. Assignment, transfer or sale of business

No certificate of approval holder may unreasonably withhold consent to any assignment, transfer or sale of the wholesale licensee's business whenever the wholesale licensee to be substituted meets the material and reasonable qualifications and standards required of its wholesale licensees. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1457. Compensation

1. Reasonable compensation.
[PL 2019, c. 529, §9 (RP).]

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

A. "Affected brand or brands" means the brand or brands of a certificate of approval holder that will no longer be distributed by a wholesale licensee after the certificate of approval holder makes a triggering change to the agreement between the certificate of approval holder and the wholesale licensee. [PL 2019, c. 529, §9 (NEW).]

B. "Case equivalent" means a volume equivalent to 24 12-ounce units. [PL 2019, c. 529, §9 (NEW).]

C. "Good cause" has the same meaning as described in section 1454. [PL 2019, c. 529, §9 (NEW).]

D. "Small beer manufacturer" means a small brewery or out-of-state brewery that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 30,000 barrels per year. [PL 2021, c. 658, §259 (AMD).]

E. "Small hard cider manufacturer" means a small winery or out-of-state winery that ferments, ages or bottles any amount of wine, as long as it ferments, ages or bottles no more than 3,000 barrels per year of wine that is hard cider. [PL 2019, c. 529, §9 (NEW).]

F. "Triggering change" means an amendment, cancellation in whole or in part, termination, refusal to continue or refusal to renew an agreement by a certificate of approval holder or the resignation of a wholesale licensee from an agreement if the resignation is caused by the certificate of approval holder, unless good cause can be established or proven for the amendment, cancellation, termination, refusal to continue, refusal to renew or caused resignation. "Triggering change" includes the unreasonable withholding of consent by a certificate of approval holder to any assignment, transfer or sale of a wholesale licensee's business. [PL 2019, c. 529, §9 (NEW).]

[PL 2021, c. 658, §259 (AMD).]

1-B. Reasonable compensation; general rule. Except as otherwise provided in subsections 1-C and 1-D, if a certificate of approval holder makes a triggering change to an agreement, the certificate of approval holder shall pay the wholesale licensee reasonable compensation for the fair market value of the wholesale licensee's business related to the affected brand or brands. The fair market value of the wholesale licensee's business related to the affected brand or brands includes inventory and other tangible assets and the wholesale licensee's good will.
[PL 2019, c. 529, §9 (NEW).]

1-C. Exception; small beer manufacturer or small hard cider manufacturer. Notwithstanding subsection 1-B, a small beer manufacturer or small hard cider manufacturer must pay a wholesale licensee reasonable compensation in accordance with subsection 1-D if:

A. The small beer manufacturer makes a triggering change to an agreement that prevents the wholesale licensee from continuing to distribute a brand or brands of malt liquor or the small hard cider manufacturer makes a triggering change to an agreement that prevents the wholesale licensee from continuing to distribute a brand or brands of hard cider; and [PL 2019, c. 529, §9 (NEW).]

B. During the 12-month period immediately preceding the date on which the small beer manufacturer or the small hard cider manufacturer provides the wholesale licensee with the first written notice of the triggering change, if notice is required under section 1455, or the date on which the small beer manufacturer or small hard cider manufacturer unreasonably withholds its consent to any assignment, transfer or sale of the wholesale licensee's business, the total number of case equivalents of the affected brand or brands of malt liquor or hard cider distributed by the wholesale licensee was less than 10,000 and represented no more than 3% of the total number of case equivalents of all brands of liquor for all certificate of approval holders that were distributed by the wholesale licensee. [PL 2019, c. 529, §9 (NEW).]
[PL 2019, c. 529, §9 (NEW).]

1-D. Reasonable compensation; alternative calculation. Notwithstanding subsection 1-B, if a small beer manufacturer or small hard cider manufacturer makes a triggering change to an agreement that meets the requirements of subsection 1-C, the small beer manufacturer or small hard cider manufacturer shall pay the wholesale licensee reasonable compensation for the fair market value of the wholesale licensee's business related to the affected brand or brands of malt liquor or hard cider in accordance with this subsection.

A. If the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C were equal to or less than the wholesale licensee's total gross profits with respect to the affected brand or brands during the next preceding 12-month period, the small beer manufacturer or small hard cider manufacturer shall pay as reasonable compensation an amount equal to the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C. [PL 2019, c. 529, §9 (NEW).]

B. If the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C were greater than the wholesale licensee's total gross profits with respect to the affected brand or brands during the next preceding 12-month period, the small beer manufacturer or small hard cider manufacturer shall pay as reasonable compensation an amount equal to twice the wholesale licensee's total gross profits with respect to the affected brand or brands during the 12-month period described in subsection 1-C. [PL 2019, c. 529, §9 (NEW).]

This subsection does not govern the reasonable compensation that a small hard cider manufacturer is required to pay a wholesale licensee for the fair market value of the wholesale licensee's business related to an affected brand or brands of wine that is not hard cider.

[PL 2019, c. 529, §9 (NEW).]

1-E. Waiver. Notwithstanding section 1462, nothing in this chapter prevents a wholesale licensee from limiting or waiving its right to receive reasonable compensation under subsection 1-B or 1-D from a small beer manufacturer or a small hard cider manufacturer in an agreement between the wholesale licensee and the small beer manufacturer or the small hard cider manufacturer.
[PL 2019, c. 529, §9 (NEW).]

2. Neutral arbitrator. If the certificate of approval holder and the wholesale licensee are unable to agree on the amount of reasonable compensation to be paid for the fair market value of the wholesale licensee's business related to the affected brand or brands of the certificate of approval holder, they shall submit the matter to a neutral arbitrator selected by the parties, or, if they cannot agree, by the Chief Justice of the Supreme Judicial Court. The costs of the arbitration must be paid 1/2 by the wholesale licensee and 1/2 by the certificate of approval holder or otherwise the arbitration proceeding must be governed by the Uniform Arbitration Act. The arbitrator shall issue a written decision on the matter no later than 45 days after the date of the commencement of the arbitration proceeding.
[PL 2019, c. 529, §9 (AMD).]

3. Distribution during arbitration. Notwithstanding any provision of this Title to the contrary or the terms, conditions or other provisions of any agreement, when a small beer manufacturer or a small hard cider manufacturer makes a triggering change to an agreement, the small beer manufacturer or the small hard cider manufacturer may immediately:

A. If the small beer manufacturer is a small brewery, sell the affected brand or brands of malt liquor directly to retail licensees in the wholesale licensee's territory in accordance with section 1355-A, subsection 3, paragraph B, subparagraph (2); [PL 2019, c. 529, §9 (NEW).]

B. If the small hard cider manufacturer is a small winery, sell the affected brand or brands of hard cider directly to retail licensees in the wholesale licensee's territory in accordance with section 1355-A, subsection 4, paragraph B, subparagraph (1); [PL 2019, c. 529, §9 (NEW).]

C. Appoint one or more new wholesale licensees to sell the affected brand or brands of malt liquor or hard cider in all or any portion of the territory of the wholesale licensee subject to the triggering change; or [PL 2019, c. 529, §9 (NEW).]

D. Engage in any combination of actions described in paragraphs A, B and C, if applicable. [PL 2019, c. 529, §9 (NEW).]

[PL 2019, c. 529, §9 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2019, c. 529, §9 (AMD). PL 2021, c. 658, §259 (AMD).

§1458. Judicial remedies

1. Suit against certificate of approval holder. If a certificate of approval holder engages in conduct prohibited under this chapter, a wholesale licensee may maintain a suit against the certificate of approval holder.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Equitable relief. The court may grant equitable relief necessary to remedy the effects of conduct which it finds to exist and which is prohibited under this chapter, including, but not limited to, declaratory judgment and injunctive relief.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Punitive damages, costs and fees. If the court finds that the certificate of approval holder has acted in bad faith in invoking the amendment, termination, cancellation or nonrenewal provisions of this chapter or has unreasonably withheld its consent to any assignment, transfer or sale of the wholesale

licensee's agreement, the court may award punitive damages, as well as actual damages, costs and attorneys fees.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1459. Price of product

No certificate of approval holder, whether by means of a term or condition of an agreement or otherwise, may fix or maintain the price at which the wholesale licensee sells any product. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1460. Retaliatory action prohibited

1. Retaliatory action prohibited. A certificate of approval holder may not take retaliatory action against a wholesale licensee who files or indicates an intention to file a complaint of alleged violation of state or federal law or regulation by the certificate of approval holder with the appropriate state or federal regulatory authority.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Retaliatory action described. Retaliatory action includes, but is not limited to:

A. Refusal without good cause to continue the agreement; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. A material reduction in the quality of service or quantity of products available to the wholesale licensee under the agreement. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1461. Management and personnel of wholesale licensee

No certificate of approval holder may require or prohibit any change in management or personnel of any wholesale licensee unless the current or potential management or personnel fails to meet reasonable qualifications and standards required by the certificate of approval holder. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1462. No waiver; good faith settlements

No certificate of approval holder may require any wholesale licensee to waive compliance with any provisions of this chapter. Nothing in this chapter limits or prohibits good faith settlements of disputes voluntarily entered into between the parties. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1463. Sale of certificate of approval holder

1. Purchaser obligated. The purchaser of a certificate of approval holder is obligated to all of the terms and conditions of the agreement in effect on the date of purchase.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Purchase defined. "Purchase," as defined for the purposes of this chapter, includes, but is not limited to:

A. Sale of stock; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Sale of assets; [PL 1987, c. 45, Pt. A, §4 (NEW).]

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

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

E. Transfer; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

F. Consolidation. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1464. Coverage

The provisions of this chapter apply to agreements between certificate of approval holders and wholesale licensees in existence on September 16, 1979, and those entered into after that date. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§1465. Right of free association

No certificate of approval holder or wholesale licensee may restrict or inhibit, directly or indirectly, the right of free association of certificate of approval holders or wholesale licensees for any lawful purpose. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

CHAPTER 59

SALES REPRESENTATIVES

§1501. Lists of officers, partners and sales representatives

All persons selling liquor in the State shall furnish to the bureau a list of all officers and directors, if a corporation, or a list of all partners, if a partnership, and the name of the sales representatives of the person within the State. [PL 2015, c. 129, §8 (AMD); PL 2015, c. 184, §4 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §134 (AMD). PL 2013, c. 588, Pt. B, §5 (AMD). PL 2015, c. 129, §8 (AMD). PL 2015, c. 184, §4 (AMD).

§1502. License; fee; renewals

Sales representatives, including those described in section 1401, subsection 7, shall apply to the bureau for a license disclosing the person, firm or corporation represented. [PL 2015, c. 387, §2 (AMD).]

1. Fee. The annual license fee is $50.
[PL 1991, c. 376, §54 (AMD).]

2. Term of license. The license expires on the last day of December of the year in which it is obtained. It may be renewed annually on payment of the fee.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 376, §54 (AMD). PL 1997, c. 373, §135 (AMD). PL 2015, c. 387, §2 (AMD).

§1503. Revocation of license

Licenses issued by the bureau under this chapter must be revoked for the violation of the liquor laws or any rule adopted by the bureau. [PL 1997, c. 373, §136 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §136 (AMD).

§1504. Samples of spirits products

A person licensed under section 1502 as a sales representative for a spirits supplier may give a retail licensee samples of spirits under the following conditions: [PL 2021, c. 658, §260 (AMD).]

1. Invoice required. The spirits must be accompanied by an invoice;
[PL 2021, c. 658, §260 (AMD).]

2. Product registered. The spirits must be listed by the commission for sale in this State and clearly labeled as a sample;
[PL 2021, c. 658, §260 (AMD).]

3. Taxes paid.
[PL 2019, c. 404, §28 (RP).]

3-A. Partial-bottle spirits samples.
[PL 2021, c. 658, §260 (RP).]

4. Sampling record; prohibited recipients. The sales representative who provides the sample shall maintain a log stating the names of the agency liquor store or on-premises retail licensee to whom a full-bottle sample is given under subsection 5 or the person to whom a partial-bottle sample of spirits is given under subsection 6 and the amount of that partial-bottle sample. The person to whom the sales representative gives spirits samples under this section may not be a minor or a visibly intoxicated person;
[PL 2021, c. 658, §260 (AMD).]

5. Full-bottle samples. The maximum amount of unopened full-bottle samples of spirits given to a retail licensee by a sales representative may not exceed 6 liters per year per distillery represented by that sales representative. Individual samples may not exceed one liter. A full-bottle sample is an unopened bottle of spirits provided to an agency liquor store or an on-premises retail licensee licensed to sell spirits;
[PL 2021, c. 658, §260 (AMD).]

6. Partial-bottle samples. Bottles of spirits designated for partial-bottle sampling must be properly sealed between samplings. Samples poured from a bottle of spirits designated for partial-bottle sampling may be provided only:

A. On the premises of a retailer licensed to sell spirits for on-premises consumption to the owner of or a supervisory or managerial employee of the retailer; or [PL 2021, c. 658, §260 (NEW).]

B. On the premises of an agency liquor store to the owner of or a supervisory or managerial employee of the agency liquor store; [PL 2021, c. 658, §260 (NEW).]
[PL 2021, c. 658, §260 (AMD).]

7. Records maintained. Records of samples given or received under this section must be maintained for a 2-year period by the sales representative and the retail licensee that gave or received the samples; and
[PL 2021, c. 658, §260 (AMD).]

8. Access to samples. A sales representative shall request samples from bailment inventory of a spirits supplier housed at the wholesale spirits provider's warehouse for the purposes described under this section.
[PL 2021, c. 658, §260 (AMD).]

SECTION HISTORY

PL 2007, c. 113, §1 (NEW). PL 2007, c. 695, Pt. E, §1 (AMD). PL 2011, c. 629, §§31, 32 (AMD). PL 2017, c. 35, §2 (AMD). PL 2019, c. 404, §28 (AMD). PL 2021, c. 658, §260 (AMD).

§1505. Participation in tasting events

A sales representative holding a license under section 1502 may participate in a tasting event permitted under section 460; section 1051, subsection 8; section 1205; or section 1207 subject to the provisions of this section. [PL 2015, c. 329, Pt. D, §2 (RPR); PL 2015, c. 329, Pt. D, §4 (AFF).]

1. Educational presentations. A sales representative participating in a tasting event pursuant to this section may provide written or oral educational presentations and materials relating to the brands and products being offered for tasting at the event, as long as no cost is imposed for the presentations or materials on the licensee or the consumer.
[PL 2009, c. 459, §5 (NEW).]

2. Complimentary food or snacks. A sales representative participating in a tasting event pursuant to this section may provide and distribute, at no cost to the consumer or the licensee, complimentary food or snacks to be offered and consumed in conjunction with the products to be tasted, as long as the total cost for the food or snacks does not exceed $200 per event. Any remaining food or snacks provided in conjunction with a tasting event must be removed from the licensee's premises by the sales representative at the conclusion of the tasting event.
[PL 2009, c. 459, §5 (NEW).]

3. Records and invoices. A sales representative participating in a tasting event pursuant to this section shall keep and maintain records and invoices showing the costs for any food, snacks or educational or informational materials provided at any approved tasting event.
[PL 2009, c. 459, §5 (NEW).]

4. Pour, provide or distribute. A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the products being offered for tasting during the event unless the sales representative was listed on a request submitted to the bureau by a licensee to conduct a taste testing in accordance with section 460; section 1051, subsection 8; section 1205; or section 1207. A sales representative who pours or distributes products to consumers at a tasting event under section 460; section 1051, subsection 8; section 1205; or section 1207 must have successfully completed an alcohol server education course approved by the commissioner. A sales representative may purchase or provide liquor for a consumer tasting event in compliance with section 460, section 1205 or section 1207 if the sales representative has successfully completed an alcohol server education course approved by the commissioner.
[PL 2023, c. 349, §7 (AMD).]

The bureau may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 476, Pt. A, §32 (AMD).]

SECTION HISTORY

PL 2009, c. 459, §5 (NEW). PL 2013, c. 368, Pt. V, §47 (AMD). PL 2013, c. 476, Pt. A, §32 (AMD). PL 2015, c. 129, §§9, 10 (AMD). PL 2015, c. 184, §§5, 6 (AMD). PL 2015, c. 329, Pt. D, §§2, 3 (AMD). PL 2015, c. 329, Pt. D, §4 (AFF). PL 2023, c. 349, §7 (AMD).

CHAPTER 61

NONRETAIL LICENSES AND FEES

§1551. Fees for nonretail licenses

1. Certificate of approval. The license fees for certificates of approval are:

A. For malt liquor (one year)..... $1,000; and [PL 2007, c. 539, Pt. QQQ, §2 (AMD).]

B. For wine (one year)..... $1,000. [PL 2007, c. 539, Pt. QQQ, §2 (AMD).]
[PL 2007, c. 539, Pt. QQQ, §2 (AMD).]

2. Wholesale licenses. The license fees for wholesale licenses are:

A. For the sale of malt liquor (one year).....$600; [PL 1987, c. 342, §114 (NEW).]

B. For the storage of malt liquor (one month).....$50; [PL 1987, c. 342, §114 (NEW).]

C. For the sale of wine (one year)..... $600; and [PL 1987, c. 342, §114 (NEW).]

D. For the storage of wine (one month)..... $50. [PL 1987, c. 342, §114 (NEW).]
[PL 1987, c. 342, §114 (NEW).]

3. In-state manufacturers. The license fees for in-state manufacturer licenses are:

A. Distillery, includes bottling (one year).....$1,000; [PL 2021, c. 658, §261 (AMD).]

B. Brewery, includes bottling (one year).....$1,000; [PL 1987, c. 342, §114 (NEW).]

C. Rectifier, includes bottling (one year).....$1,000; [PL 1987, c. 342, §114 (NEW).]

D. Bottler only (one year).....$1,000; [PL 1987, c. 342, §114 (NEW).]

E. Winery, includes bottling (one year).....$1,000; [PL 1987, c. 342, §114 (NEW).]

F. Small winery, includes bottling (one year).....$50; [PL 2011, c. 629, §33 (AMD).]

G. Small brewery, includes bottling (one year).....$50; and [PL 2011, c. 629, §34 (AMD).]

H. Small distillery, includes bottling (one year).....$100. [PL 2021, c. 658, §262 (AMD).]
[PL 2021, c. 658, §§261, 262 (AMD).]

4. Sales representatives. The fees for sales representatives are as follows:

A. Sales representative of manufacturer or certificate of approval holder (one year).....$50. [PL 1991, c. 376, §55 (AMD).]
[PL 1991, c. 376, §55 (AMD).]

5. Other fees. The fees for the following are:

A. Filing fee for license application.....$10. [PL 2019, c. 46, §5 (AMD).]

B. [PL 2019, c. 46, §5 (RP).]

[PL 2019, c. 46, §5 (AMD).]

SECTION HISTORY

PL 1987, c. 342, §114 (NEW). PL 1991, c. 376, §55 (AMD). PL 2005, c. 377, §§2,3 (AMD). PL 2005, c. 683, §B21 (AMD). PL 2007, c. 539, Pt. QQQ, §2 (AMD). PL 2011, c. 629, §§33-35 (AMD). PL 2019, c. 46, §5 (AMD). PL 2021, c. 658, §§261, 262 (AMD).

§1552. Bottle club fees

1. Bottle club registration. The fee for bottle club registration is (one year)..... $50.

[PL 1987, c. 342, §114 (NEW).]

SECTION HISTORY

PL 1987, c. 342, §114 (NEW).

§1553. Postsecondary educational institution sampling license

The bureau may issue a postsecondary educational institution sampling license to an accredited postsecondary educational institution in the State, referred to in this section as an educational institution, as described by this section. [PL 2019, c. 282, §1 (NEW).]

1. Eligible licensees. The bureau may issue a license under this section to an educational institution, or its agent, that submits an application to the bureau in a manner prescribed by the bureau. The bureau may issue a license under this section only to an educational institution, or its agent, that offers a course or courses involving the hospitality industry, culinary arts or food sciences.

[PL 2019, c. 282, §1 (NEW).]

2. Purchase of liquor limited to certain purposes. A licensee under this section may purchase liquor for educational courses conducted by the licensee involving the hospitality industry, culinary arts or food sciences.

Nothing in this subsection prohibits an educational institution licensed under this section from charging a materials fee to students to recoup the cost of liquor used for the purposes described in this section.

[PL 2019, c. 282, §1 (NEW).]

3. Consumption of liquor on premises; transport of liquor to premises. A licensee under this section is governed by the provisions of this subsection regarding the consumption of liquor on the educational institution's premises and the transport of liquor to the educational institution's premises.

A. A licensee may permit sampling of the liquor used in conjunction with the educational institution's course or courses involving the hospitality industry, culinary arts or food sciences by a person at least 21 years of age who is:

(1) A member of the faculty or staff of the educational institution who teaches or assists in the hospitality industry, culinary arts or food sciences course or courses; or

(2) A student enrolled in the hospitality industry, culinary arts or food sciences course or courses. [PL 2019, c. 282, §1 (NEW).]

B. The sampling of liquor authorized under paragraph A must be conducted in accordance with the licensed educational institution's alcohol safety procedures or guidelines, and such liquor may not be served to a person who is a minor or who is visibly intoxicated. [PL 2021, c. 658, §263 (AMD).]

C. Liquor purchased and transported to the educational institution's premises used in conjunction with the hospitality industry, culinary arts or food sciences course or courses must be clearly labeled with the educational institution's name, license number, date of purchase and course with which the liquor is associated. [PL 2019, c. 282, §1 (NEW).]

[PL 2021, c. 658, §263 (AMD).]

4. License fee. The annual fee for a postsecondary educational institution sampling license is $100.

[PL 2019, c. 282, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 282, §1 (NEW). PL 2021, c. 658, §263 (AMD).

PART 4

TAXES AND ALCOHOL PREMIUM

CHAPTER 65

TAXES

§1651. Consumers' tax

1. State spirits tax. Except as provided in section 83-C, subsection 2-A and section 606, the commission shall determine and set the retail price at which all spirits products may be sold in the State for off-premises consumption. The retail price established by the commission must produce sufficient revenue to pay all spirits-related expenses of the bureau and to return to the Liquor Operation Revenue Fund established in Title 30-A, section 6054 and the General Fund an amount substantially equal to the amount of state spirits tax collected in the previous fiscal year.

A. [PL 1993, c. 615, §5 (RP).]

B. [PL 1993, c. 615, §5 (RP).]

C. The bureau shall charge agency liquor stores the refund value pursuant to Title 38, section 3103 in addition to the wholesale price for each product purchased. [PL 2019, c. 404, §29 (AMD).]

[PL 2021, c. 8, §3 (AMD).]

2. Special pricing situations.

[PL 2019, c. 404, §30 (RP).]

3. Applicability of tax. Taxes on spirits imposed by the State do not apply to sales of spirits by manufacturers, bottlers and rectifiers holding licenses issued by the bureau:

A. To any instrumentality of the United States; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. To any vessel of foreign registry; [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. To industrial establishments for use as an ingredient in the manufacture of food products; [PL 2021, c. 8, §4 (AMD).]

D. For use as an ingredient in the manufacture of commodities which by reason of their nature cannot be used for beverage purposes; or [PL 2021, c. 8, §5 (AMD).]

E. To a person located outside of the State, including but not limited to sales of spirits to an out-of-state distributor for resale in another state and sales of spirits directly to a consumer located in another state under section 1357. [PL 2021, c. 8, §6 (NEW).]

[PL 2021, c. 8, §§4-6 (AMD).]

4. Net revenue deposited to General Fund. All net revenues derived from the tax under this section must be credited to the General Fund.
[PL 2005, c. 539, §10 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §115 (AMD). PL 1989, c. 585, §§D1,D11 (AMD). PL 1989, c. 869, §C12 (AMD). PL 1991, c. 780, §Y130 (AMD). PL 1991, c. 819, §1 (AMD). PL 1993, c. 462, §6 (AMD). PL 1993, c. 615, §§5,6 (AMD). PL 1995, c. 181, §§1,2 (AMD). PL 1997, c. 24, §L5 (AMD). PL 1999, c. 166, §1 (AMD). PL 2005, c. 539, §§9,10 (AMD). PL 2011, c. 693, §3 (AMD). PL 2013, c. 269, Pt. C, §12 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §48 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2015, c. 166, §6 (AMD). PL 2019, c. 404, §§29-31 (AMD). PL 2021, c. 8, §§3-6 (AMD).

§1652. Excise tax on malt liquor and wine; deficiency account; credits; refunds

1. Excise tax on malt liquor. An excise tax is imposed on the privilege of manufacturing and selling malt liquor in the State. Except as provided in subsection 2-A, the in-state manufacturer or importing wholesale licensee shall pay an excise tax of 35¢ per gallon on all malt liquor manufactured in or imported into the State.
[PL 2021, c. 8, §7 (AMD).]

1-A. Excise tax on low-alcohol spirits products and fortified wines. An excise tax is imposed on the privilege of manufacturing and selling low-alcohol spirits products and fortified wines in the State. Except as provided in subsection 2-A, the in-state manufacturer or importing wholesale licensee shall pay an excise tax of $1.24 per gallon on all low-alcohol spirits products and fortified wines manufactured in or imported into the State.
[PL 2021, c. 8, §8 (AMD).]

2. Excise tax on wine; hard cider. An excise tax is imposed on the privilege of manufacturing and selling wine in the State. Except as provided in subsection 2-A, the in-state manufacturer or importing wholesale licensee shall pay an excise tax of 60¢ per gallon on all wine other than sparkling wine, fortified wine or hard cider manufactured in or imported into the State, $1.24 per gallon on all sparkling wine manufactured in or imported into the State and 35¢ per gallon on all hard cider manufactured in or imported into the State.

A. [PL 1987, c. 623, §16 (RP).]
[PL 2021, c. 8, §9 (AMD).]

2-A. Excise tax due; exemption. On the 15th day of each month, every brewery and winery shall pay the excise taxes due on malt liquor, wine and low-alcohol spirits products that that brewery or winery removed from areas required to be bonded by the Federal Government. Malt liquor, wine or low-alcohol spirits products that a brewery or winery removes from areas required to be bonded by the Federal Government for sale to an out-of-state wholesaler for resale in another state or for sale under section 1357 directly to a consumer located in another state are exempt from excise tax under this section.
[PL 2021, c. 8, §10 (AMD).]

2-B. Failure to make payments. If a winery or brewery that has not filed an excise tax surety bond fails to make tax payments as required by this section, the bureau may immediately take back its license issued pursuant to section 1355-A, having the effect of voiding the license.
[PL 2011, c. 629, §36 (AMD).]

3. General Fund. The bureau shall immediately deposit all money received under this section to be credited to the General Fund.

[PL 1997, c. 373, §137 (AMD).]

4. Excise tax accounts and adjustments. The bureau shall open an excise tax account with each wholesale licensee and each certificate of approval holder and make the following adjustments when appropriate. As used in this subsection, "certificate of approval holder" means an in-state manufacturer of malt liquor, wine or low-alcohol spirits products licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor, wine or low-alcohol spirits products that has been issued a certificate of approval under section 1361.

A. The bureau may grant credits and make tax adjustments that it determines the wholesale licensee or certificate of approval holder is entitled to upon the filing of affidavits in the form prescribed by the bureau. [PL 1997, c. 373, §138 (AMD).]

B. The bureau shall refund all excise tax paid by the wholesale licensee or certificate of approval holder on all malt liquor, wine or low-alcohol spirits products that have been destroyed as long as the quantity and size are verified by the bureau and the destruction is witnessed by an authorized representative of the bureau. [PL 2021, c. 658, §264 (AMD).]

C. If a wholesale licensee's inventories are destroyed by fire, flood or other natural disaster, the bureau may refund the excise tax on the wholesale licensee's inventories. [PL 2013, c. 368, Pt. XXXX, §8 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

D. Any wholesale licensee selling malt liquor, wine or low-alcohol spirits products to an instrumentality, a licensee for resale to an airline, a training site or a ship chandler shall present proof of that sale to the bureau. The bureau shall grant to the wholesale licensee a credit of all state excise tax paid in connection with that sale under the following conditions.

(1) The bureau shall grant a credit for the excise tax on malt liquor, wine or low-alcohol spirits products sold by wholesale licensees to any instrumentality of the United States or any Maine National Guard state training site exempted by the bureau.

(2) The bureau shall grant a credit for the excise tax on malt liquor, wine or low-alcohol spirits products sold to any ship chandler as long as the malt liquor, wine and low-alcohol spirits products are resold to vessels of foreign registry for consumption after that vessel has left port or are resold for consumption on board vessels of United States registry that are destined for a foreign port.

(3) The bureau shall grant a credit for the excise tax on malt liquor, wine and low-alcohol spirits products sold to a licensee registered with the bureau for resale to licensed airlines or to unlicensed airlines for their international flights. [PL 2021, c. 658, §264 (AMD).]

[PL 2021, c. 658, §264 (AMD).]

5. Appropriation for substance use disorder prevention and treatment. Notwithstanding any provision of law to the contrary, the amount of funds appropriated from the General Fund to the Department of Health and Human Services for substance use disorder prevention and treatment may not be less than an amount equal to 31% of the excise tax collected or received by the bureau under this section.

[PL 2017, c. 407, Pt. A, §114 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 236 (AMD). PL 1987, c. 342, §116 (AMD). PL 1987, c. 623, §§16,17 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §§VV7,8 (AMD). PL 1991, c. 591, §§VV7,8 (AMD). PL 1991, c. 791, §3 (AMD). PL 1993, c. 462, §7 (AMD). PL 1997, c. 373, §§137,138 (AMD). PL 1997, c. 501, §4 (AMD). PL 1997, c. 767, §4 (AMD). PL 2011, c. 147, §3 (AMD). PL 2011, c. 629, §36 (AMD). PL 2013, c. 368, Pt. XXXX, §8 (AMD).

PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2017, c. 407, Pt. A, §114 (AMD). PL 2021, c. 8, §§7-10 (AMD). PL 2021, c. 658, §264 (AMD).

CHAPTER 67

ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND RESEARCH

§1701. Findings and intent

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 934, §C3 (RP).

§1702. Alcoholism Prevention, Education, Treatment and Research Fund

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 934, §C3 (RP).

§1703. Premiums; collection

1. Spirits. The bureau shall sell all spirits at a price that will produce, in addition to any other tax or charge imposed under state or federal law, a premium in the amount specified in subsection 3.
[PL 1997, c. 373, §139 (AMD); PL 2013, c. 368, Pt. V, §61 (REV).]

2. Malt liquor, wine, low-alcohol spirits products, fortified wines and hard cider.

[PL 2013, c. 368, Pt. XXXX, §9 (RP); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

3. Amount of premium. The premium is:

A. [PL 2013, c. 368, Pt. XXXX, §10 (RP); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

B. [PL 2013, c. 368, Pt. XXXX, §10 (RP); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

C. [PL 2013, c. 368, Pt. XXXX, §10 (RP); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

D. One dollar and twenty-five cents per proof gallon as the term proof gallon is defined in the United States Code, Title 26, Section 5002, on all spirits sold in the State. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2013, c. 368, Pt. XXXX, §10 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

4. Payment to General Fund. The bureau shall immediately pay all premiums collected under this section to the Treasurer of State to be credited to the General Fund.
[PL 2013, c. 368, Pt. V, §61 (REV); PL 2013, c. 368, Pt. XXXX, §11 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

5. Appropriation. The amount of funds appropriated from the General Fund to the Department of Health and Human Services for substance use disorder prevention and treatment may not be less than the dollar amount collected or received by the bureau under this section.
[PL 2017, c. 407, Pt. A, §115 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 934, §§C4,5 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §§VV9,10 (AMD). PL 1991, c. 591, §§VV9,10 (AMD). PL 1993, c. 462, §8 (AMD). PL 1993, c. 462, §9 (AMD). PL 1997, c. 373, §§139-144 (AMD). PL 1997, c. 767, §§5,6 (AMD). PL 2011, c. 657, Pt. AA, §75 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL

2013, c. 368, Pt. XXXX, §§9-12 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2017, c. 407, Pt. A, §115 (AMD).

§1704. Allocations procedure

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 700, §A116 (AMD). PL 1989, c. 934, §C6 (RP). PL 1997, c. 373, §145 (RP).

PART 5

NONBEVERAGE USE OF LIQUOR

CHAPTER 75

SALE OF FOOD PRODUCTS WITH A HIGH ALCOHOL CONTENT

§1901. Restrictions on sale of food containing liquor

1. Sales of food containing liquor restricted. No person other than a licensee may sell at retail food products with an alcohol content greater than 1/2 of 1% by volume.
[PL 1987, c. 342, §117 (AMD).]

2. Minors as purchasers or consumers. No person may sell to minors food products with an alcohol content greater than 1/2 of 1% by volume. No minor may consume such food products except in the presence of a parent, legal guardian or custodian, as defined in Title 22, section 4002.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Food flavorings with high alcohol content. This section does not apply to the sale of food flavorings, such as vanilla extract or lemon extract, or other similar articles commonly used for cooking or flavoring which contain alcohol, but are not intended to be consumed as beverages.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §117 (AMD).

§1902. Penalties

Any person who violates a provision of this chapter is guilty of a Class E crime. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

PART 6

PROHIBITED ACTS AND PENALTIES

CHAPTER 81

PROHIBITED ACTS BY MINORS

§2051. Prohibited acts by minors

1. Prohibited acts. A minor may not:

A. Purchase liquor or imitation liquor. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Consume liquor or imitation liquor, except in a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Have on the minor's person liquor or imitation liquor in any premises licensed for the sale of liquor to be consumed on the premises. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Present or offer to a licensee, the licensee's agent or employee any written or oral evidence of age that is false, fraudulent or not actually the minor's own, for the purpose of:

(1) Ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving of any liquor or imitation liquor. The following penalties apply to violations of this subparagraph.

(a) A minor who violates this subparagraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(b) A minor who violates this subparagraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which must be suspended except as provided in subsection 2, paragraph B.

(c) A minor who violates this subparagraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or

(2) Gaining access to a licensed premises when minors are not allowed. The following penalties apply to violations of this subparagraph.

(a) A minor who violates this subparagraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(b) A minor who violates this subparagraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which must be suspended except as provided in subsection 2, paragraph B.

(c) A minor who violates this subparagraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2021, c. 658, §265 (AMD).]

D-1. Have in the minor's possession a false identification card. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

D-2. Sell, furnish or give a false identification card to a minor. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. [PL 2003, c. 452, Pt. P, §4 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

E-1. Except as provided in subsection 5, have any liquor or imitation liquor in the minor's possession. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. [PL 2003, c. 452, Pt. P, §4 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

F-1. Except as provided in subsection 5, have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B. [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2021, c. 658, §265 (AMD).]

2. Penalties. The following apply to the penalties imposed for violations of this section.

A. When a person is adjudged to have committed a first offense under this section, the judge shall inform that person that the fines for the 2nd and subsequent offenses are mandatory and cannot be suspended except as provided in paragraph B. Failure to inform the first offender that subsequent fines are mandatory is not a ground for suspension of any subsequent fine. [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. The judge, as an alternative to or in addition to the civil fines required by this subsection, may assign the minor to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution. [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Minor can not be charged with more than one offense. A minor may not be charged with more than one offense under this section in any given instance in which the same set of facts is involved. [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Illegal possession and illegal transportation. If a minor is charged with illegal possession under this section, the minor may not be charged with illegal transportation under section 2052. [PL 1997, c. 373, §147 (AMD).]

5. Exceptions. A minor is not in violation of subsection 1, paragraph E-1 or F-1 if the minor possesses:

A. Liquor or imitation liquor or equipment described in subsection 1, paragraph F-1 in the scope of the minor's employment; [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Liquor or imitation liquor in a home in the presence of the minor's parent, guardian or custodian, as defined in Title 22, section 4002; or [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Equipment described in subsection 1, paragraph F-1 in the minor's own home under the supervision of the minor's parent, guardian or custodian, as defined in Title 22, section 4002. [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Defense. It is a defense to prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

A. The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or [PL 2015, c. 154, §1 (NEW).]

B. The minor was the person for whom medical or emergency treatment or assistance was sought and the evidence of the violation of this section is obtained as a result of a person contacting emergency medical services or law enforcement. [PL 2015, c. 154, §1 (NEW).]

This subsection does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

[PL 2015, c. 154, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§118,119 (AMD). PL 1987, c. 426 (AMD). PL 1993, c. 266, §24 (AMD). PL 1997, c. 373, §§146,147 (AMD). PL 1999, c. 103, §§1-3 (AMD). PL 2001, c. 9, §§1,2 (AMD). PL 2001, c. 160, §1 (AMD). PL 2003, c. 452, §P4 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 154, §1 (AMD). PL 2021, c. 658, §265 (AMD).

§2052. Illegal transportation by minors

1. Minor may not transport liquor; exception.

[PL 2003, c. 452, Pt. P, §5 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Minor may not transport liquor. Except as provided in subsection 1-B, a minor may not knowingly transport or knowingly permit to be transported liquor in a motor vehicle under the minor's control. The following penalties apply to violations of this subsection.

A. A minor who violates this subsection commits a civil violation for which a fine of not more than $500 may be adjudged. [PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A minor who violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 must be adjudged, none of which may be suspended. [PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A minor who violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of not less than $400 and not more than $500 must be adjudged, none of which may be suspended. [PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-B. Permitted transportation. A minor may transport liquor or permit liquor to be transported in a motor vehicle if in the scope of the minor's employment or at the request of the minor's parent, guardian or custodian, as defined in Title 22, section 4002.

[PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. No conviction if liquor not within minor's section. A minor may not be found in violation of any offense under this section if liquor is found outside the passenger's or driver's section of a motor vehicle under the minor's control, unless the minor has actual knowledge of the presence of the liquor. The trunk or locked glove compartment of any vehicle may not be construed under this section to be within the passenger's or driver's section of the motor vehicle.
[PL 2003, c. 452, Pt. P, §5 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Violation.

[PL 2003, c. 452, Pt. P, §5 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Minor may not be charged with both illegal transportation and illegal possession. A minor charged with illegal transportation under this section may not be charged with illegal possession under section 2051. A minor who possesses or consumes liquor in a motor vehicle under the terms of this section must be charged under this section, rather than under section 2051. This subsection does not preclude charges, when appropriate, for a juvenile crime under Title 15, section 3103, subsection 1, paragraph A for conduct that, if committed by an adult, would be considered criminal under Title 29-A.
[PL 2025, c. 431, §23 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 337, §1 (AMD). PL 1991, c. 549, §8 (AMD). PL 1991, c. 549, §17 (AFF). PL 1993, c. 93, §3 (AMD). PL 1997, c. 373, §§148,149 (AMD). PL 2003, c. 452, §P5 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2025, c. 431, §23 (AMD).

§2053. Suspension of minor's operator's license for violations

1. Court shall suspend license. The court shall suspend the operator's license or right to operate, or right to obtain a license, of a minor found in violation of section 2052 as follows:

A. Thirty days for the first offense; [PL 1993, c. 93, §4 (NEW).]

B. Ninety days for the 2nd offense; and [PL 1993, c. 93, §4 (NEW).]

C. One year for any subsequent offense. [PL 1993, c. 93, §4 (NEW).]

The court shall immediately forward to the Secretary of State the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.
[PL 2025, c. 173, §13 (AMD).]

1-A. Suspend license. The court may suspend the operator's license, or right to operate a motor vehicle or right to obtain a license, of a minor found in violation of section 2051, subsection 1, paragraph D for 30 days for the first offense. The court shall suspend the operator's license, or right to operate a motor vehicle or right to obtain a license, of a minor found in violation of section 2051, subsection 1, paragraph D as follows:

A. Ninety days for the 2nd offense; and [PL 2001, c. 160, §2 (NEW).]

B. One year for any subsequent offense. [PL 2001, c. 160, §2 (NEW).]

The court shall immediately forward to the Secretary of State the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.
[PL 2025, c. 173, §14 (AMD).]

2. Additional suspension by court.

[PL 1993, c. 93, §5 (RP).]

3. Secretary of State shall suspend license. Immediately upon receipt of the record, the Secretary of State shall suspend the license, or right to operate, or right to obtain a license, of the minor for the

required period, without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.
[PL 1995, c. 65, Pt. A, §81 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Penalty. The penalties provided in this section and section 2052 are not in conflict with Title 15, Part 6.
[PL 1991, c. 337, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §120 (AMD). PL 1991, c. 337, §2 (AMD). PL 1993, c. 93, §§4-6 (AMD). PL 1995, c. 65, §§A80,81 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2001, c. 160, §2 (AMD). PL 2025, c. 173, §§13, 14 (AMD).

§2054. Execution of suspension stayed during appeal

If any person adjudicated to be in violation of section 2052 appeals from the judgment of the trial court, the execution of any suspension imposed on that person's license, right to obtain a license, and right to operate a motor vehicle in the State is stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn. [PL 1997, c. 373, §150 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §150 (AMD).

CHAPTER 83

PROHIBITED ACTS IN GENERAL

§2071. Failure to appear before the bureau

1. Failure to appear when summoned. It is illegal for a person who is summoned as a witness by the bureau to appear before the bureau, to fail to appear without reasonable cause at the time and place designated in the subpoena or summons.
[PL 1997, c. 373, §152 (AMD).]

2. Penalties. A person who violates this section commits a Class E crime.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §§151,152 (AMD).

§2072. Illegal deposit or possession with intent to sell

1. Illegal deposit or possession. No person may deposit or have in that person's possession any liquor:

A. With intent to sell the liquor in the State in violation of law; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. With intent that the liquor be sold in the State in violation of law by any person; or [PL 1997, c. 373, §153 (AMD).]

C. With intent to aid or assist any person in an illegal sale. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1997, c. 373, §153 (AMD).]

2. Penalties. A person who violates this section commits a Class E crime.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §153 (AMD).

§2073. In-state transportation of liquor for illegal sale

1. In-state transportation of liquor for illegal sale prohibited. A person may not knowingly transport within the State any liquor:

A. With intent to sell the liquor in the State in violation of law; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. With intent that the liquor be illegally sold by any person; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. With intent to aid any person in illegal sale of liquor. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 2021, c. 658, §266 (AMD).]

2. Penalties. A person who violates this section commits a Class E crime.
[PL 2021, c. 658, §266 (AMD).]

3. Legal importation into and transportation of liquor within the State.

[PL 2021, c. 658, §266 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §154 (AMD). PL 2013, c. 368, Pt. V, §49 (AMD). PL 2013, c. 476, Pt. A, §33 (AMD). PL 2021, c. 658, §266 (AMD).

§2073-A. Importation of spirits

1. Prohibition. Except as provided in subsection 2 and section 2073-E, a person other than the bureau may not transport spirits into the State or cause spirits to be transported into the State.
[PL 2021, c. 658, §267 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport spirits into the State or cause spirits to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 4 liters of spirits for the individual's personal use. [PL 2021, c. 658, §267 (NEW).]

B. Upon application, the bureau may grant a permit to an individual authorizing the individual to transport into and within the State more than 4 liters of spirits for the individual's personal use. [PL 2021, c. 658, §267 (NEW).]

C. An out-of-state spirits supplier may transport spirits into the State or may cause spirits to be transported into the State by a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of spirits transported into the State in accordance with this paragraph must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the spirits, who must be authorized to receive spirits imports under section 2073-B, subsection 2, paragraph B. [PL 2021, c. 658, §267 (NEW).]
[PL 2021, c. 658, §267 (NEW).]

3. Penalties. The following penalties apply to violations of this section.

A. A person that transports into the State or that causes to be transported into the State a quantity of less than 40 liters of spirits in violation of this section commits a civil violation for which a fine of not more than $500 may be adjudged. [PL 2021, c. 658, §267 (NEW).]

B. A person that transports into the State or that causes to be transported into the State a quantity of 40 or more liters of spirits in violation of this section commits a Class E crime, which is a strict

liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §267 (NEW).]

[PL 2021, c. 658, §267 (NEW).]

4. Evidence. The possession of more than 8 liters of spirits in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section. [PL 2021, c. 658, §267 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order spirits transported or caused to be transported into the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §267 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §267 (NEW).]

[PL 2021, c. 658, §267 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §267 (NEW).

§2073-B. In-state transportation of spirits

1. Prohibition. Except as provided in subsection 2, section 1201-A or section 2073-E, a person may not transport more than 4 liters of spirits within the State unless the spirits were legally purchased from:

A. An agency liquor store; or [PL 2021, c. 658, §268 (NEW).]

B. An in-state manufacturer authorized under section 1355-A to sell spirits for off-premises consumption. [PL 2021, c. 658, §268 (NEW).]

[PL 2021, c. 658, §268 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport spirits within the State in the following circumstances.

A. An individual may transport spirits within the State in accordance with a permit issued under section 2073-A, subsection 2, paragraph B. [RR 2021, c. 2, Pt. A, §102 (COR).]

B. A person may transport spirits the person transported into the State pursuant to section 2073-A, subsection 2, paragraph C to:

(1) A warehouse designated by the commission under section 81;

(2) A bottler or rectifier licensed under section 1355-A;

(3) A winery, small winery or tenant winery licensed under section 1355-A, for the production of fortified wine; or

(4) A brewery, small brewery or tenant brewery licensed under section 1355-A, for the production of low-alcohol spirits products containing malt liquor. [PL 2021, c. 658, §268 (NEW).]

C. A licensed in-state manufacturer of spirits may transport spirits produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport spirits produced by the manufacturer to:

(1) A warehouse designated by the commission under section 81;

(2) A bottler or rectifier licensed under section 1355-A;

(3) A winery, small winery or tenant winery licensed under section 1355-A, for the production of fortified wine;

(4) A brewery, small brewery or tenant brewery licensed under section 1355-A, for the production of low-alcohol spirits products containing malt liquor;

(5) Any location to which the licensed in-state manufacturer of spirits is authorized to transport its own products under section 1355-A; or

(6) The state line for transportation outside the State. [PL 2021, c. 658, §268 (NEW).]

D. The wholesale spirits provider may transport spirits between warehouses designated by the commission under section 81 or to agency liquor stores as provided in section 503. [PL 2021, c. 658, §268 (NEW).]

E. A reselling agent may transport spirits to on-premises retail licensees as provided in section 459. [PL 2021, c. 658, §268 (NEW).]

Each shipment of spirits transported within the State in accordance with paragraph B, C, D or E must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the spirits.
[RR 2021, c. 2, Pt. A, §102 (COR).]

3. Penalties. The following penalties apply to violations of this section.

A. A person that transports within the State a quantity of less than 40 liters of spirits in violation of this section commits a civil violation for which a fine of not more than $500 may be adjudged. [PL 2021, c. 658, §268 (NEW).]

B. A person that transports within the State a quantity of 40 or more liters of spirits in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §268 (NEW).]
[PL 2021, c. 658, §268 (NEW).]

4. Evidence. The possession of more than 8 liters of spirits in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.
[PL 2021, c. 658, §268 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order spirits transported within the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §268 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §268 (NEW).]
[PL 2021, c. 658, §268 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §268 (NEW). RR 2021, c. 2, Pt. A, §102 (COR).

§2073-C. Importation of malt liquor, wine or low-alcohol spirits products

1. Prohibition. Except as provided in subsection 2, section 1403-A or section 2073-E, a person may not transport malt liquor, wine or low-alcohol spirits products into the State or cause malt liquor, wine or low-alcohol spirits products to be transported into the State.
[PL 2021, c. 658, §269 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport malt liquor, wine or low-alcohol spirits products into the State or cause malt liquor, wine or low-alcohol spirits products to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 400 fluid ounces of malt liquor, up to 4 liters of wine and up to 4 liters of low-alcohol spirits products for the individual's personal use. [PL 2021, c. 658, §269 (NEW).]

B. Upon application, the bureau may grant a permit to an individual authorizing the individual to transport into and within the State more than 400 fluid ounces of malt liquor, more than 4 liters of wine or more than 4 liters of low-alcohol spirits products for the individual's personal use. [PL 2021, c. 658, §269 (NEW).]

C. A licensed in-state small brewery, a licensed in-state small winery and a wholesale licensee may transport malt liquor or wine into the State or may cause malt liquor or wine to be transported into the State by an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval, an out-of-state wholesaler that has been issued a certificate of approval or a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of malt liquor or wine transported into the State in accordance with this paragraph must be accompanied by an invoice that includes the purchase number and the names of the sender and the licensed in-state small brewery, licensed in-state small winery or wholesale licensee that is the intended recipient of the malt liquor or wine. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

3. Penalties. The following penalties apply to violations of this section.

A. A person that transports into the State or that causes to be transported into the State a quantity of less than 1,300 fluid ounces of malt liquor, less than 40 liters of wine or less than 40 liters of low-alcohol spirits products in violation of this section commits a civil violation for which a fine of not more than $500 may be adjudged. [PL 2021, c. 658, §269 (NEW).]

B. A person that transports into the State or that causes to be transported into the State a quantity of 1,300 or more fluid ounces of malt liquor, 40 or more liters of wine or 40 or more liters of low-alcohol spirits products in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

4. Evidence. The possession of more than 800 fluid ounces of malt liquor, more than 8 liters of wine or more than 8 liters of low-alcohol spirits products in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.
[PL 2021, c. 658, §269 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order malt liquor, wine or low-alcohol spirits products transported or caused to be transported into the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §269 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §269 (NEW).

§2073-D. In-state transportation of malt liquor, wine or low-alcohol spirits products

1. Prohibition. Except as provided in subsection 2 and section 2073-E, a person may not transport within the State more than 400 fluid ounces of malt liquor, more than 4 liters of wine and more than 4 liters of low-alcohol spirits products unless the malt liquor, wine or low-alcohol spirits products were legally purchased from:

A. An off-premises retail licensee; [PL 2021, c. 658, §270 (NEW).]

B. An in-state manufacturer authorized under section 1355-A to sell malt liquor, wine or low-alcohol spirits products for off-premises consumption; or [PL 2021, c. 658, §270 (NEW).]

C. A direct shipper licensed under section 1403-A. [PL 2021, c. 658, §270 (NEW).]
[PL 2021, c. 658, §270 (NEW).]

2. Exceptions. Notwithstanding subsection 1, a person may transport malt liquor, wine or low-alcohol spirits products within the State in the following circumstances.

A. An individual may transport within the State malt liquor, wine or low-alcohol spirits products in accordance with a permit issued under section 2073-C, subsection 2, paragraph B. [PL 2021, c. 658, §270 (NEW).]

B. A person may transport malt liquor or wine the person transported into the State pursuant to section 2073-C, subsection 2, paragraph C. [PL 2021, c. 658, §270 (NEW).]

C. A licensed in-state manufacturer of malt liquor, wine or low-alcohol spirits products may transport malt liquor, wine or low-alcohol spirits products produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport malt liquor, wine or low-alcohol spirits products produced by the manufacturer to:

(1) A bottler or rectifier licensed under section 1355-A;

(2) A wholesale licensee;

(3) Any location to which the licensed in-state manufacturer is authorized to transport its own products under section 1355-A;

(4) A warehouse operated by the licensed in-state manufacturer; or

(5) The state line for transportation outside the State. [PL 2021, c. 658, §270 (NEW).]

D. A wholesale licensee may transport malt liquor, wine or low-alcohol spirits products to an on-premises or off-premises retailer of malt liquor or wine in accordance with sections 713 and 1401. [PL 2021, c. 658, §270 (NEW).]

Each shipment of malt liquor, wine or low-alcohol spirits products transported within the State in accordance with paragraph B, C or D must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the malt liquor, wine or low-alcohol spirits products.
[PL 2021, c. 658, §270 (NEW).]

3. Penalties. The following penalties apply to violations of this section.

A. A person that transports within the State less than 1,300 fluid ounces of malt liquor, less than 40 liters of wine or less than 40 liters of low-alcohol spirits products in violation of this section commits a civil violation for which a fine of not more than $500 may be adjudged. [PL 2021, c. 658, §270 (NEW).]

B. A person that transports within the State 1,300 or more fluid ounces of malt liquor, 40 or more liters of wine or 40 or more liters of low-alcohol spirits products in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §270 (NEW).]

[PL 2021, c. 658, §270 (NEW).]

4. Evidence. The possession of more than 800 fluid ounces of malt liquor, more than 8 liters of wine or more than 8 liters of low-alcohol spirits products in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section. [PL 2021, c. 658, §270 (NEW).]

5. Forfeiture. Notwithstanding section 2221-A, a court shall order malt liquor, wine or low-alcohol spirits products transported within the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §270 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §270 (NEW).]

[PL 2021, c. 658, §270 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §270 (NEW).

§2073-E. Importation and in-state transportation of liquor for special purposes

1. Bureau may authorize importation and in-state transportation of liquor for special purposes. Notwithstanding any provision of law to the contrary, the bureau may grant a permit authorizing the transportation of liquor into and within the State to the following persons for the following specified purposes:

A. To a hospital or state institution located in the State, for medicinal purposes only; [PL 2021, c. 658, §271 (NEW).]

B. To a licensed physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian located in the State, for medicinal purposes only; [PL 2021, c. 658, §271 (NEW).]

C. To a licensed pharmacist located in the State, for use in the compounding of prescriptions and other medicinal use but not for sale by the pharmacist unless compounded with or mixed with other substances; [PL 2021, c. 658, §271 (NEW).]

D. To an industrial establishment located in the State, only for an industrial use, for use as an ingredient in the manufacture of food products, for use as an ingredient in the manufacture of commodities that by reason of their nature cannot be used for beverage purposes or for use in the manufacture of commodities unfit for beverage purposes; [PL 2021, c. 658, §271 (NEW).]

E. To a school, college or state institution located in the State, for laboratory use only; [PL 2021, c. 658, §271 (NEW).]

F. To a licensed in-state spirits manufacturer, for use as an ingredient in distilling or manufacturing spirits and other spirituous liquor products that are authorized by 27 Code of Federal Regulations. A permit issued under this paragraph authorizes only the transportation of spirits into and within the State and may not authorize the transportation of malt liquor or wine into and within the State; and [PL 2021, c. 658, §271 (NEW).]

G. To a church or the pastor of a church located in the State, for sacramental purposes or similar religious rites only. [PL 2021, c. 658, §271 (NEW).]

[PL 2021, c. 658, §271 (NEW).]

2. Invoice required. Each shipment of liquor transported into the State in accordance with this section must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the liquor.
[PL 2021, c. 658, §271 (NEW).]

SECTION HISTORY

PL 2021, c. 658, §271 (NEW).

§2074. Illegal transportation of liquor on or off licensed premises

1. Transportation on-premises or off-premises. Except as provided in section 1051, section 1075-A, subsection 3 or section 1080, a person that transports liquor onto or off of the premises of an on-premises retail licensee commits a Class E crime.
[PL 2021, c. 658, §272 (AMD).]

2. Defense. It is a defense to a prosecution under this section that the transportation was authorized or permitted by the licensee, the licensee's agent or the licensee's employee.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 306, §2 (AMD). PL 2019, c. 281, §11 (AMD). PL 2021, c. 658, §272 (AMD).

§2074-A. Illegal storage, purchase or sale of spirits by an on-premises licensee; penalty

A person licensed for the sale of spirits for on-premises consumption that violates section 606, subsection 1-A or violates state rules or federal regulations governing the storage, purchase and sale of spirits, including but not limited to the prohibition against reusing or refilling spirits bottles and the disposition of empty spirits bottles, is subject to suspension or revocation of the license under chapter 33 as follows. [PL 2021, c. 658, §273 (AMD).]

1. Suspension of privilege to sell spirits. A person who commits a violation described by this section is subject to a 90-day suspension for a first offense, a 180-day suspension for a 2nd offense and a one-year suspension for a 3rd or subsequent offense.
[PL 2011, c. 693, §4 (NEW).]

2. Revocation. The bureau may recommend revocation of a license to sell spirits for consumption on the premises if a licensee commits more than 3 violations as described by this section.
[PL 2011, c. 693, §4 (NEW).]

SECTION HISTORY

PL 2011, c. 693, §4 (NEW). PL 2021, c. 658, §273 (AMD).

§2075. Importation and transportation of spirits

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 817, §1 (AMD). PL 1993, c. 266, §§25,26 (AMD). PL 1993, c. 730, §§47,48 (AMD). PL 1997, c. 373, §155 (AMD). PL 2003, c. 452, §P6 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2013, c. 368, Pt. V, §50 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2015, c. 166, §7 (AMD). PL 2021, c. 658, §274 (RP).

§2076. Illegal delivery of spirits

1. Illegal delivery of spirits prohibited. Except with the bureau's written permission or except as provided in section 503, subsection 1 for the wholesale spirits provider or in section 459 for reselling

agents, a person may not knowingly transport or cause to be delivered to any person other than the bureau any spirits not purchased from an agency liquor store.
[PL 2021, c. 658, §275 (AMD).]

2. Penalties. A person that violates this section commits a Class E crime.
[PL 2021, c. 658, §275 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §156 (AMD). PL 2013, c. 368, Pt. V, §51 (AMD). PL 2013, c. 476, Pt. A, §34 (AMD). PL 2021, c. 658, §275 (AMD).

§2077. Importation and transportation of malt liquor and wine

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §121 (AMD). PL 1989, c. 817, §§2,4 (AMD). PL 1993, c. 266, §§27,28 (AMD). PL 1993, c. 730, §§49,50 (AMD). PL 2003, c. 452, §P7 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 373, §§2, 3 (AMD). PL 2011, c. 629, §§37, 38 (AMD). PL 2013, c. 368, Pt. V, §52 (AMD). PL 2013, c. 476, Pt. A, §35 (AMD). PL 2015, c. 166, §8 (AMD). PL 2021, c. 658, §276 (RP).

§2077-A. Interstate reciprocal shipping of malt liquor and wine

(REPEALED)

SECTION HISTORY

PL 1993, c. 60, §2 (NEW). PL 1993, c. 60, §3 (AMD). PL 1997, c. 373, §§157,158 (AMD). PL 1997, c. 501, §5 (RP). PL 2005, c. 683, §B22 (RP).

§2077-B. Interstate shipping of liquor prohibited

1. Prohibition. Except as provided in section 1403-A, a person may not sell, furnish, deliver or purchase liquor from an out-of-state company by mail order.
[PL 2009, c. 373, §4 (AMD).]

2. Penalty. A person that violates this section is subject to penalties listed in section 2073-A, subsection 3 and section 2073-C, subsection 3.
[PL 2021, c. 658, §277 (AMD).]

SECTION HISTORY

PL 1997, c. 501, §6 (NEW). PL 2003, c. 452, §P8 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 373, §4 (AMD). PL 2021, c. 658, §277 (AMD).

§2078. Illegal sale of liquor

1. Sale of liquor without a valid license. Any person who, or any person whose employee or agent, sells liquor within the State without a valid license commits a Class E crime and, notwithstanding Title 17-A, section 4-A, shall be punished:

A. For the first offense, by a fine of not less than $300 plus costs nor more than $500 plus costs, which fine and costs may not be suspended, and an additional penalty of not more than 30 days imprisonment at the discretion of the court; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. For a 2nd offense, by a fine of not less than $500 plus costs nor more than $1,000 plus costs, which fine and costs may not be suspended, and an additional penalty of not more than 60 days imprisonment at the discretion of the court; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. For all subsequent offenses, by a fine of not less than $1,000 plus costs and 60 days imprisonment, which fine and costs and sentence may not be suspended, and an additional penalty of 4 months imprisonment at the discretion of the court. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Employee or agent equally guilty. Any agent or other person in the employment of or on the premises of another, who violates or in any manner assists in violating any law relating to liquor, is equally guilty with the principal and is subject to the same penalties.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2079. Aiding children in illegal possession or sale

Any person who personally or by that person's employee or agent, directly or indirectly, employs or permits any child under the age of 16 years to assist that person in the illegal possession or the illegal sale of liquor commits a Class E crime, and must be punished accordingly in addition to the penalties otherwise provided against the illegal possession for sale or illegal sale of liquor. [PL 1997, c. 373, §159 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §122 (AMD). PL 1997, c. 373, §159 (AMD).

§2080. Common sellers

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §123 (RP).

§2081. Furnishing or allowing consumption of liquor by certain persons prohibited

1. Offense. Except as provided in subsection 2, a person may not knowingly:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than $500 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which a fine of not less than $1,000 may be imposed, none of which may be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a Class D crime for which a fine of not less than $1,500 may be imposed, none of which may be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23; [PL 2005, c. 292, §1 (AMD).]

B. Allow a minor under that person's control or in a place under that person's control to possess or consume liquor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than $1,000 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which a fine of not less than $2,000 may be imposed, none of which may be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23; [PL 2005, c. 292, §1 (AMD).]

C. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor to a visibly intoxicated person. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, sections 1704 and 1705, the fine may not be more than $500; or [PL 2019, c. 113, Pt. C, §70 (AMD).]

D. Procure, or in any way assist in procuring, furnish, give, sell or deliver imitation liquor for or to a minor, or allow a minor under that person's control or in a place under that person's control to possess or consume imitation liquor. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, sections 1704 and 1705, the fine may not be more than $500. [PL 2019, c. 113, Pt. C, §70 (AMD).]

[PL 2019, c. 113, Pt. C, §70 (AMD).]

2. Exceptions. This section does not apply to a person who serves liquor or imitation liquor to a minor in a home in the presence of the minor's parent, guardian or custodian, as defined in Title 22, section 4002.

[PL 2003, c. 452, Pt. P, §9 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Penalties.

[PL 2003, c. 452, Pt. P, §9 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Application. This section does not apply to licensees or agents of licensees in the scope of their employment.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Aggravated offense.

[PL 2003, c. 452, Pt. P, §9 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §124 (AMD). PL 1987, c. 576 (AMD). PL 1989, c. 293, §§1-4 (AMD). PL 1991, c. 797, §13 (AMD). PL 1993, c. 266, §§29-31 (AMD). PL 2001, c. 395, §§1,2 (AMD). PL 2003, c. 452, §P9 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 292, §1 (AMD). PL 2019, c. 113, Pt. C, §70 (AMD).

§2082. Sale of imitation liquor

1. Sale of imitation liquor to minor prohibited. No person may sell or offer for sale or exchange to any minor any imitation liquor.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Applicability. This section does not apply to the following products:

A. Products commonly known as "root beer," "ginger ale," "cider" and all soft drinks; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Beverages containing more than 1/2 of 1% alcohol by volume. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Violation. Any person who violates this section commits a civil violation for which a forfeiture of not more than $500 may be adjudged.

[PL 1993, c. 266, §32 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 266, §32 (AMD).

§2083. Sale or delivery of liquor to prisoners

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2005, c. 329, §6 (RP).

§2084. Sales by agent of licensee to minors

(REPEALED)

SECTION HISTORY

PL 1987, c. 254 (NEW). PL 1987, c. 623, §18 (AMD). PL 1993, c. 266, §33 (RP).

§2085. False statement by retail employee

Notwithstanding Title 17-A, section 453, a person who makes a false statement in the affidavit required under section 703-A commits a Class E crime. [PL 1989, c. 526, §§25, 28 (NEW).]

SECTION HISTORY

PL 1989, c. 526, §§25,28 (NEW). RR 1991, c. 1, §37 (COR).

§2086. Sale or furnishing of brewing or wine-making equipment prohibited

1. Violation. A person who knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a minor equipment that is specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine is guilty of a civil violation.

[PL 1999, c. 103, §4 (NEW).]

2. Exception. This section does not apply to a minor's parent, legal guardian or custodian, as defined in Title 22, section 4002, who furnishes the equipment to the minor for use in a supervised manner.

[PL 1999, c. 103, §4 (NEW).]

SECTION HISTORY

PL 1999, c. 103, §4 (NEW).

§2087. Refusal to provide proper identification

1. Refusal to provide proper identification prohibited. A person may not intentionally refuse to provide a law enforcement officer proper identification if:

A. The person is present on licensed premises at a time when minors are not permitted to be on the premises; [PL 1999, c. 413, §2 (NEW).]

B. The officer has a reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises; [PL 1999, c. 413, §2 (NEW).]

C. The officer has a reasonable and articulable suspicion that the person is a minor; and [PL 1999, c. 413, §2 (NEW).]

D. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor. [PL 1999, c. 413, §2 (NEW).]

For purposes of this section, "proper identification" means a person's correct name, address and date of birth except that, if a person has in the person's possession an identification card issued under Title 29-A, section 1410, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11, proper identification means that identification card or motor vehicle operator's license.
[PL 1999, c. 413, §2 (NEW).]

2. Penalties. A violation of this section is a civil violation for which a forfeiture of not more than $500 may be adjudged.
[PL 1999, c. 413, §2 (NEW).]

3. Defense. It is a defense to prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

A. The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or [PL 2015, c. 154, §2 (NEW).]

B. The minor was the person for whom medical or emergency treatment or assistance was sought and the evidence of the violation of this section is obtained as a result of a person contacting emergency medical services or law enforcement. [PL 2015, c. 154, §2 (NEW).]

This subsection does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.
[PL 2015, c. 154, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 413, §2 (NEW). PL 2015, c. 154, §2 (AMD).

§2088. Vaporized alcohol

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

A. "Alcohol vaporizing device" means any device, machine or process that mixes an alcoholic product with pure oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation. [PL 2005, c. 259, §1 (NEW).]

B. "Vaporized alcohol" means an alcoholic product created by mixing alcohol with pure oxygen or another gas to produce a vaporized product for the purpose of consumption through inhalation. [PL 2005, c. 259, §1 (NEW).]
[PL 2005, c. 259, §1 (NEW).]

2. Use prohibited. A person may not use vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $250 and not more than $500 must be adjudged. [PL 2005, c. 259, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than $500 and not more than $3,000 must be adjudged. [PL 2005, c. 259, §1 (NEW).]

In addition to a fine imposed under this subsection, a court may make additional orders as described in Title 22, section 2383-C, subsection 6.

[PL 2005, c. 259, §1 (NEW).]

3. Selling or furnishing prohibited. A person may not sell, furnish or give away or offer for sale or offer to furnish or give away vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $500 and not more than $1,000 must be adjudged. [PL 2005, c. 259, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than $1,000 and, notwithstanding Title 17-A, section 1704, subsection 5 and section 1705, subsection 5, not more than $5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43 or 45, the court may suspend that person's license for up to one year. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2019, c. 113, Pt. C, §71 (AMD).]

[PL 2019, c. 113, Pt. C, §71 (AMD).]

4. Exceptions. This section does not apply to vaporized alcohol or alcohol vaporizing devices used for medical or scientific research.

[PL 2005, c. 259, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 259, §1 (NEW). PL 2019, c. 113, Pt. C, §71 (AMD).

§2089. Powdered alcohol

1. Possession and use prohibited. A person may not possess or use alcohol in a powdered or crystalline form.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $250 and not more than $500 must be adjudged. [PL 2015, c. 205, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than $500 and not more than $3,000 must be adjudged. [PL 2015, c. 205, §1 (NEW).]

[PL 2015, c. 205, §1 (NEW).]

2. Selling or furnishing prohibited. A person may not sell, furnish or give away or offer for sale or offer to furnish or give away alcohol in a powdered or crystalline form.

A. A person who violates this subsection commits a civil violation for which a fine of not less than $500 and not more than $1,000 must be adjudged. [PL 2015, c. 205, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than $1,000 and, notwithstanding Title 17-A, section 1704, subsection 5 and section 1705, subsection 5, not more than $5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43, 45, 51 or 55, the court may suspend that person's license for up to one year in accordance with chapter 33. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2019, c. 113, Pt. C, §72 (AMD).]

[PL 2019, c. 113, Pt. C, §72 (AMD).]

SECTION HISTORY

PL 2015, c. 205, §1 (NEW). PL 2019, c. 113, Pt. C, §72 (AMD).

PART 7

ENFORCEMENT

CHAPTER 91

ENFORCEMENT AND JURISDICTION

SUBCHAPTER 1

GENERAL

§2201. Jurisdiction of courts

In prosecutions under this Title, except when otherwise expressly provided, the District Court shall have, by complaint, jurisdiction concurrent with the Superior Court. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2202. Bail after failure to comply with terms of bond

In any prosecution for violation of the laws relating to manufacture or sale of liquor, a defendant who has failed to comply with the term of any bond entered into by the defendant in that case may not again be admitted to bail in that case or upon arrest on any warrant issued in that case, except by a judge or justice of the court in which that prosecution is pending. [PL 2021, c. 658, §278 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §160 (AMD). PL 2021, c. 658, §278 (AMD).

§2203. Evidence of illegal sale; allegation of prior conviction

1. Evidence of illegal sale. Whenever an illegal sale is alleged and a delivery proved, the delivery is sufficient evidence of sale and it is not necessary to prove a payment.
[PL 2015, c. 342, §125 (RPR).]

2. Former conviction. In actions, complaints, indictments or other proceedings for a violation of this Title, other than for a first offense, it is not necessary to set forth particularly the record of a former conviction, but it is sufficient to allege briefly that the person has been convicted of a violation of a particular provision.
[PL 1987, c. 342, §125 (RPR).]

3. Prosecution of bond when municipality interested.

[PL 1987, c. 342, §125 (RP).]

4. Enforcement by municipality.

[PL 1987, c. 342, §125 (RP).]

5. Former conviction.

[PL 1987, c. 342, §125 (RP).]

6. Amendment of allegation and process.

[PL 1987, c. 342, §125 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §125 (RPR). PL 2021, c. 658, §279 (AMD).

§2204. Persons in illegal liquor traffic disqualified from jury

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §126 (RP).

§2205. Appeals; discharge of sureties

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §126 (RP).

§2206. Continuance for sentence

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §126 (RP).

SUBCHAPTER 2

OFFICIALS AND THEIR DUTIES

§2211. Power of law enforcement officers to stop vehicles; restrictions

If a law enforcement officer has probable cause to believe that a violation of the liquor laws has taken or is taking place, the officer may, at any time, stop any motor vehicle or other conveyance to arrest or question its operator or occupant or to search the motor vehicle or conveyance. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2212. State liquor enforcement officers' vehicles

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 644, §1 (AMD). PL 1995, c. 65, §A82 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1999, c. 29, §1 (RP).

SUBCHAPTER 3

SEARCH AND SEIZURE

§2221. Seizure and forfeiture of vehicles containing liquor

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §127 (RP).

§2221-A. Forfeiture of liquor and property used in illegal manufacture, transportation and sale of liquor

1. Property forfeited. The following property shall be subject to forfeiture to the State and all property rights in the property shall be in the State:

A. All materials, products and equipment of any kind which are used, or intended for use, in manufacturing, transporting or selling liquor in violation of this Title; and [PL 1987, c. 342, §128 (NEW).]

B. All conveyances, including aircraft, watercraft, vehicles and vessels, which are used, or are intended for use, to transport, conceal or otherwise to facilitate the manufacturing, transporting or selling of liquor in violation of this Title. [PL 1987, c. 342, §128 (NEW).]

[PL 1987, c. 342, §128 (NEW).]

2. Jurisdiction. Property subject to forfeiture under subsection 1, paragraph A, shall be declared forfeited by any court having jurisdiction over the property or having final jurisdiction over any related criminal proceeding brought under this chapter.

[PL 1987, c. 342, §128 (NEW).]

3. Exceptions. The court shall order forfeiture of all conveyances subject to forfeiture under subsection 1, paragraph B, except as follows.

A. No conveyance used by any person as a for-hire carrier in the transaction of business as a for-hire carrier shall be forfeited unless it appears that the owner or other person in charge of the conveyance was a consenting party or privy to a violation of this Title. [PL 1987, c. 342, §128 (NEW).]

B. No conveyance shall be forfeited by reason of any act or omission established by the owner of the conveyance to have been committed or omitted by any person other than the owner while the conveyance was illegally in the possession of a person other than the owner in violation of the criminal laws of the United States, the State or of any State. [PL 1987, c. 342, §128 (NEW).]

C. No conveyance shall be subject to forfeiture unless the owner knew or should have known that the conveyance was used in and for the illegal manufacturing, transporting or selling of liquor in violation of this Title. [PL 1987, c. 342, §128 (NEW).]

[PL 1987, c. 342, §128 (NEW).]

4. Forfeiture procedure. Forfeitures under this section must be accomplished by the following procedure.

A. A district attorney or the Attorney General may petition the Superior Court in the name of the State in the nature of a proceeding in rem to order forfeiture of property subject to forfeiture under subsection 1, paragraph B. The petition must be filed in the court having jurisdiction over the property. [PL 1987, c. 342, §128 (NEW).]

B. The proceeding shall be deemed a civil suit, in which the State shall have the burden of proving all material facts by a preponderance of the evidence. The owner of the property, or other person claiming under the owner, shall have the burden of proving all the exceptions set forth in subsection 3 by a preponderance of the evidence. [PL 1987, c. 342, §128 (NEW).]

C. The court shall order the State to give notice by certified or registered mail or hand delivered by a deputy sheriff to the owner of the property and to any other person who appears to have an interest in the property. [PL 1987, c. 342, §128 (NEW).]

D. The court shall hold a hearing on the petition. The hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. At the hearing, the court shall hear evidence and make findings of fact and enter conclusions of law. [PL 2011, c. 559, Pt. A, §33 (AMD).]

E. Based on the findings and conclusions, the court shall issue a final order, from which the parties have a right of appeal. The final order shall provide for disposition of the property by the State or

any subdivision of the State in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, sale at public auction or by competitive bidding.

(1) The proceeds of any sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice and to pay any bona fide mortgage on the property. The balance, if any, shall be deposited in the State Treasury, or the treasury of the county or municipality making the seizure. [PL 1987, c. 342, §128 (NEW).]

[PL 2011, c. 559, Pt. A, §33 (AMD).]

5. Records. Any officer, department or agency having custody of property subject to forfeiture under subsection 1, or having disposed of the property, shall keep and maintain full and complete records concerning the property.

A. The records must show:

(1) From whom it received the property;

(2) Under what authority it held, received or disposed of the property;

(3) To whom it delivered the property;

(4) The date and manner of destruction or disposition of the property; and

(5) The exact kinds, quantities and forms of the property. [PL 1987, c. 342, §128 (NEW).]

B. The records shall be open to inspection by all federal and state officers charged with enforcement of federal and state liquor laws. [PL 1987, c. 342, §128 (NEW).]

C. Persons making final disposition or destruction of the property under court order shall report, under oath, to the court the exact circumstances of the destruction or disposition. [PL 1987, c. 342, §128 (NEW).]

D. The bureau shall maintain a centralized record of property seized, held by an order to the bureau. If requested, the bureau shall provide a report of the disposition of property previously held by the bureau as required by this section to any governmental entity to the commissioner or to the Office of Fiscal and Program Review for review. These records must include an estimate of the fair market value of items seized. [PL 2013, c. 368, Pt. V, §53 (AMD).]

[PL 2013, c. 588, Pt. A, §36 (AMD).]

6. Preliminary order. At the request of the State ex parte, the court may issue any preliminary order or process necessary to seize or secure the property for which forfeiture is sought and provide for its custody.

A. Process for seizure of the property shall issue only upon a showing of probable cause. The application for process for seizure of the property and the issuance, execution and return of the process shall be subject to the provisions of applicable Maine law. [PL 1987, c. 342, §128 (NEW).]

B. Any property subject to forfeiture under this section may be seized upon process, except that seizure without process may be made when:

(1) The seizure is incident to:

(a) An arrest with probable cause;

(b) A search under a valid search warrant; or

(c) An inspection under a valid administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the State in a forfeiture proceeding under this section;

(3) There is probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) There is probable cause to believe the property has been used or is intended to be used in violation of this Title. [PL 1987, c. 342, §128 (NEW).]

[PL 1987, c. 342, §128 (NEW).]

SECTION HISTORY

PL 1987, c. 342, §128 (NEW). PL 1997, c. 373, §161 (AMD). PL 2011, c. 559, Pt. A, §33 (AMD). PL 2013, c. 368, Pt. V, §53 (AMD). PL 2013, c. 588, Pt. A, §36 (AMD).

§2222. Claim of owner that illegal use of vehicle or boat was without knowledge or consent

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §129 (RP).

§2223. Dumping of evidence; prima facie evidence

1. Destruction of liquor is prima facie evidence that liquor was intended for illegal sale. The pouring out or other destruction of fluids by any person on or about the premises which are about to be or are being searched, for the purpose of preventing the seizure of those fluids by officers authorized to make the search and seizure, is prima facie evidence that the fluids poured out or destroyed were liquor intended for illegal sale.

[PL 1987, c. 342, §130 (RPR).]

2. Penalties. Any person who violates this section commits a Class E crime.

[PL 1987, c. 342, §130 (RPR).]

3. Destruction of liquor is prima facie evidence that liquor was intended for illegal sale.

[PL 1987, c. 342, §130 (RP).]

4. Penalties.

[PL 1987, c. 342, §130 (RP).]

5. Notice is prima facie evidence that person is a common seller and premises are a common nuisance.

[PL 1987, c. 342, §130 (RP).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §130 (RPR).

§2224. Duty of officer on seizure; proceedings

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §131 (RP).

§2225. Warrant for claimant

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §131 (RP).

§2226. Destruction to prevent seizure; arrest of owner; appliances and evidences seized

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §131 (RP).

§2227. Replevy pending proceeding prohibited

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §131 (RP).

§2228. Recovery of liquor and damages upon final judgment

Final judgment in proceedings under this chapter shall be in all cases a bar to any civil action for the recovery of any liquors seized or of their value, or for damages alleged to have been sustained by reason of the seizure and detention. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2229. Disposal of forfeited liquors

1. Court or judge to order forfeited liquor to be turned over to the bureau. All spirits declared forfeited by a court under this Title must, by order of the court rendering the final judgment, be turned over to the bureau. All malt liquor or wine declared forfeited by a court under this Title must, by order of the court rendering final judgment, be turned over to the bureau. Liquor forfeited under this section must be disposed of in the same manner as abandoned liquor under section 2230.
[PL 1997, c. 373, §162 (AMD); PL 2013, c. 368, Pt. V, §61 (REV).]

2. Sale or destruction of forfeited spirits by bureau. The bureau or the wholesale spirits provider may restock and resell forfeited spirits at agency liquor stores throughout the State or may destroy forfeited spirits by pouring the spirits upon the ground or into a public sewer.

A. [PL 2021, c. 658, §280 (RP).]
[PL 2021, c. 658, §280 (RPR).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §162 (AMD). PL 2013, c. 368, Pt. V, §54 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. B, §5 (AMD). PL 2013, c. 476, Pt. B, §6 (AFF). PL 2021, c. 658, §280 (AMD).

§2230. Abandonment of liquor

The following provisions govern the procedures for handling abandoned liquor. [PL 1993, c. 730, §51 (NEW).]

1. Bureau as repository. Notwithstanding any other provisions of law, the bureau acts as a repository for all liquor found abandoned in this State.
[PL 1993, c. 730, §51 (NEW).]

2. Procedure. A law enforcement agency that takes custody of abandoned liquor shall:

A. Notify the bureau that the agency has taken custody of the abandoned liquor and forward to the bureau the reason for taking custody and a complete list of the quantities and types of liquor in the agency's custody the day the law enforcement agency takes custody or the next regular business day; and [PL 1993, c. 730, §51 (NEW).]

B. Secure the liquor for a period of 30 days, after which time the agency shall transfer the liquor to the bureau for disposal. [PL 2013, c. 368, Pt. V, §55 (AMD).]

[PL 2013, c. 368, Pt. V, §55 (AMD).]

3. Filing a claim. A person who wishes to file a claim for abandoned liquor must notify the bureau in writing within the 30-day period prescribed in subsection 2, paragraph B and identify the abandoned liquor. If a claim is not made within the 30-day period, the abandoned liquor becomes the property of the State.

[PL 1993, c. 730, §51 (NEW).]

SECTION HISTORY

PL 1993, c. 730, §51 (NEW). PL 1997, c. 373, §163 (AMD). PL 2013, c. 368, Pt. V, §55 (AMD).

PART 8

LIQUOR LIABILITY

CHAPTER 100

MAINE LIQUOR LIABILITY ACT

§2501. Short title

This Act shall be known and may be cited as the "Maine Liquor Liability Act." [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2502. Purposes

1. Primary legislative purpose. The primary legislative purpose of this Act is to prevent intoxication-related injuries, deaths and other damages among the State's population.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Secondary purposes. The secondary legislative purposes are to:

A. Establish a legal basis for obtaining compensation for those suffering damages as a result of intoxication-related incidents in accordance with this Act; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Allocate the liability for payment of damages fairly among those responsible for the damages, which will encourage liquor liability insurance availability; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Encourage all servers of alcohol to exercise responsible serving practices. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2503. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 45, Pt. A, §4 (NEW).]

1. Intoxicated individual. "Intoxicated individual" means an individual who is in a state of intoxication as defined by this Act.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Intoxication. "Intoxication" means a substantial impairment of an individual's mental or physical faculties as a result of drug or liquor use.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Licensee. Notwithstanding section 2, subsection 14, "licensee" means any person to whom a license of any kind is issued by the bureau and any person who is required to be licensed to serve liquor.
[PL 2005, c. 539, §11 (AMD).]

4. Nonlicensee. "Nonlicensee" means any person who is neither a licensee nor an employee or agent of a licensee and is not required to be licensed under this Title.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Server. "Server" means a person who sells, gives or otherwise provides liquor to an individual.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

6. Service of liquor. "Service of liquor" means any sale, gift or other furnishing of liquor.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

7. Visibly intoxicated. "Visibly intoxicated" means a state of intoxication accompanied by a perceptible act, a series of acts or the appearance of an individual which clearly demonstrates a state of intoxication.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2005, c. 539, §11 (AMD).

§2504. Plaintiffs

1. Persons who may bring suit. Except as provided in subsection 2, any person who suffers damage, as provided in section 2508, may bring an action under this Act, against a server for negligently or recklessly serving liquor to an individual.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Persons who may not bring suit. The following may not bring an action under this Act against a server for negligently serving liquor to an individual:

A. The intoxicated individual if the intoxicated individual is at least 18 years of age when served by the server; [PL 2021, c. 658, §281 (AMD).]

B. The estate of the intoxicated individual if the intoxicated individual was at least 18 years of age when served by the server; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Any person asserting claims arising out of the personal injury or death of the intoxicated individual if the intoxicated individual was at least 18 years of age when served by the server. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 2021, c. 658, §281 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §281 (AMD).

§2505. Defendants

1. Licensee as a defendant. Any server who is a licensee or employee or agent of a licensee who commits an act giving rise to liability, as provided in sections 2506 and 2507, may be made a defendant to a claim under this Act.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Nonlicensee as a defendant. Any server who is a nonlicensee who commits an act giving rise to liability, as provided in section 2506, subsection 1, and section 2507, may be made a defendant to a claim under this Act.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2506. Negligent service of liquor; liability

1. Negligent service to a minor. A server who negligently serves liquor to a minor is liable for damages proximately caused by that minor's consumption of the liquor.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Negligent service to a visibly intoxicated individual. A server who negligently serves liquor to a visibly intoxicated individual is liable for damages proximately caused by that individual's consumption of the liquor.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Negligent conduct. Service of liquor to a minor or to an intoxicated individual is negligent if the server knows or if a reasonable and prudent person in similar circumstances would know that the individual being served is a minor or is visibly intoxicated.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Server's knowledge of individual's consumption. A server is not chargeable with knowledge of an individual's consumption of liquor or other drugs off the server's premises, unless the individual's appearance and behavior, or other facts known to the server, would put a reasonable and prudent person on notice of such consumption.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2507. Reckless service of liquor; liability

1. Reckless service to a minor. A server who recklessly provides liquor to a minor is liable for damages proximately caused by that minor's consumption of the liquor.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Reckless service to a visibly intoxicated individual. A server who recklessly serves liquor to a visibly intoxicated individual is liable for damages proximately caused by that individual's consumption of the liquor.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

3. Reckless conduct. Service of liquor is reckless if a server intentionally serves liquor to an individual when the server knows that the individual being served is a minor or is visibly intoxicated and the server consciously disregards an obvious and substantial risk that serving liquor to that individual will cause physical harm to the drinker or to others.

For purposes of this Act, the disregard of the risk, when viewed in light of the nature and purpose of the server's conduct and the circumstances known to the server, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.
[PL 1997, c. 373, §164 (AMD).]

4. Evidence of reckless conduct. Specific serving practices that are admissible as evidence of reckless conduct include, but are not limited to, the following:

A. Active encouragement of intoxicated individuals to consume substantial amounts of liquor; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Service of liquor to an individual who is under 18 years of age when the server has actual or constructive knowledge of the individual's age; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Service of liquor to an individual that is so continuous and excessive that it creates a substantial risk of death by alcohol poisoning. [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, §164 (AMD).

§2508. Damages

1. Damages. Damages may be awarded for property damage, bodily injury or death proximately caused by the consumption of the liquor served by the server.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Damages under wrongful death and survival laws. Except as otherwise provided in this Act, damages may be recovered under Title 18-C, sections 2-807 and 3-817, as in other tort actions, subject to the damage limit of section 2509.
[PL 2017, c. 402, Pt. C, §81 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2017, c. 402, Pt. C, §81 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§2509. Limit on awards

1. Limitation on damages for losses other than expenses for medical care and treatment. In actions for damages permitted by this Act, the claim for and award of damages for all losses, except expenses for medical care and treatment, including devices or aids, against both a server and the server's employees and agents, may not exceed $350,000 for any and all claims arising out of a single accident or occurrence.
[PL 2009, c. 247, §1 (AMD).]

2. Multiple claimants. When the amount for all losses, except expenses for medical care and treatment, including devices and aids, awarded to or settled for multiple claimants, exceeds the limit imposed by this section, any party may apply to the Superior Court for the county where the server is located to allocate each claimant an equitable share of the total, limited as required by this section.

A. Any award by the court in excess of the maximum liability limit specified by subsection 1 must be automatically abated by operation of this section to the maximum limit of liability. [PL 2021, c. 658, §282 (AMD).]

[PL 2021, c. 658, §282 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2009, c. 247, §1 (AMD). PL 2021, c. 658, §282 (AMD).

§2510. Common law defenses

Defenses applicable to tort actions based on negligence and recklessness in this State may be asserted in defending actions brought under this Act. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2511. Exclusive remedy

This Act is the exclusive remedy against servers who may be made defendants under section 2505, for claims by those suffering damages based on the servers' service of liquor. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2512. Named and retained; several liability

1. Named and retained. No action against a server may be maintained unless the minor, the intoxicated individual or the estate of the minor or intoxicated individual is named as a defendant in the action and is retained in the action until the litigation is concluded by trial or settlement.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Several but not joint liability. The intoxicated individual and any server, as described in section 2505, are each severally liable and not jointly liable for that percentage of the plaintiff's damages which corresponds to each defendant's percentage of fault as determined by the court or a jury.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2513. Notice required

Every plaintiff seeking damages under this Act must give written notice to all defendants within 180 days of the date of the server's conduct creating liability under this Act. The notice must specify the time, place and circumstances of the server's conduct creating liability under this Act and the time, place and circumstances of any resulting damages. No error or omission in the notice voids the effect of the notice, if otherwise valid, unless the error or omission is substantially material. Failure to give written notice within the time specified is grounds for dismissal of a claim, unless the plaintiff provides written notice within the limits of section 2514 and shows good cause why notice could not have reasonably been filed within the 180-day limit. For purposes of this section, "good cause" includes but is not limited to the inability of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency. [PL 2017, c. 77, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2017, c. 77, §1 (AMD).

§2514. Statute of limitations

Any action under this Act against a server alleging negligent or reckless conduct must be brought within 2 years after the cause of action accrues. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2515. Evidence of responsible serving practices

1. Responsible practices. Proof of the server's responsible serving practices is admissible as evidence that the server was not negligent or reckless. Responsible serving practices include, but are not limited to:

A. The server's and server's employees attendance at an approved server education training course; and [PL 1999, c. 519, §1 (AMD).]

B. The server's implementation, at the time of service, of responsible management policies, procedures and actions. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1999, c. 519, §1 (AMD).]

2. Neither proof nor disproof of negligence or recklessness. Proof or disproof that the server was adhering to responsible serving practices is not by itself proof or disproof of negligence or recklessness.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1999, c. 519, §1 (AMD).

§2516. Privileges

1. Refusal to serve. No licensee is liable for damages resulting from a good faith refusal to serve liquor to any individual who:

A. Fails to show proper identification of age; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. Reasonably appears to be a minor; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. Is refused service in a good faith effort to prevent the individual from becoming visibly intoxicated. [PL 2021, c. 658, §283 (AMD).]
[PL 2021, c. 658, §283 (AMD).]

2. Holding identification documents. No licensee is liable for retaining identification documents presented to the licensee as proof of the individual's age for the purpose of receiving liquor provided that:

A. Retention is for a reasonable length of time in a good faith effort to determine whether the individual is of legal age; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The licensee informs the individual why the licensee is retaining the identification documents. [PL 2021, c. 658, §284 (AMD).]
[PL 2021, c. 658, §284 (AMD).]

3. Other defenses not limited. This section does not limit a licensee's right to assert any other defense provided by law.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

4. Failure to exercise privileges. A licensee may not be held liable under this Act for failing to exercise any privilege provided in this section. This section does not provide immunity from liability under sections 2506 and 2507.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 2021, c. 658, §§283, 284 (AMD).

§2517. Insurance records

1. Superintendent shall keep records. The Superintendent of Insurance shall collect and maintain records on the following statistics concerning liquor liability insurance in this State:

A. The number and names of companies writing liquor liability insurance, either as a separate line or in a large policy; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. The number and dollar amount of premiums collected for liquor liability insurance policies; and [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. The number and dollar amount of claims incurred under liquor liability insurance. [PL 1987, c. 45, Pt. A, §4 (NEW).]
[PL 1987, c. 45, Pt. A, §4 (NEW).]

2. Superintendent shall make records available. The Superintendent of Insurance shall make available to the Legislature the information collected and maintained under subsection 1.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW).

§2518. Informal evaluation

(REPEALED)

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §165 (RP).

§2519. Approval of alcohol server education courses

1. Approval of alcohol server education courses. The director of the bureau or director's designee shall approve alcohol server education courses for a period of 2 years that meet the criteria developed under this section. The director may renew approval provided the course meets the criteria applicable at the time of renewal.

Course providers may request renewal by submitting current course material at least 60 days prior to the date of expiration.
[PL 2017, c. 167, §24 (AMD).]

2. Advisory committee; appointment. The director of the bureau shall appoint the Server Education Advisory Committee consisting of 8 members, to include:

A. A representative of the faculty at the Maine Criminal Justice Academy; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. A liquor inspector; [PL 2021, c. 658, §285 (AMD).]

C. A representative of the Department of the Attorney General; [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. A representative of the Department of Health and Human Services; [PL 2011, c. 657, Pt. AA, §76 (AMD).]

E. A representative of the education community; [PL 1999, c. 519, §3 (AMD).]

F. A representative of a statewide liquor licensee organization; [PL 2005, c. 539, §12 (AMD).]

G. A representative of a statewide trial lawyers organization; and [PL 2005, c. 539, §12 (AMD).]

H. A representative of the bureau. [PL 2005, c. 539, §12 (NEW); PL 2013, c. 368, Pt. V, §61 (REV).]
[PL 2021, c. 658, §285 (AMD).]

3. Advisory committee; course criteria. The advisory committee shall determine specific criteria that an alcohol server education course must contain to receive approval. The specific criteria must be based on and include the following.

A. The instructors of the program or the advisor pursuant to subsection 9 possess the relevant skills to provide instruction. [PL 2001, c. 502, §2 (AMD).]

B. The course provides instruction and the development of skills in the following subject matters:

(1) Identification of intoxicated individuals and minors;

(2) Intervention to prevent excessive consumption of alcohol by such methods as serving food and encouraging the consumption of nonalcoholic beverages;

(3) Making consumers aware of their condition and their responsibility for driving in an intoxicated condition and providing alternate transportation when available;

(4) Knowledge of state laws relating to the sale and distribution of alcohol and the legal responsibilities of servers and consumers;

(5) Knowledge of the effect of alcohol by volume and timing of intake in relation to an individual's weight;

(6) Examination of proof of age identification and methods of detecting false or altered age identification documents;

(7) Policies and practices to prevent the sale or service of alcohol to minors and visibly intoxicated individuals; and

(8) The effects of alcohol on the human body, including the disease concept of substance use disorder. [PL 2017, c. 407, Pt. A, §116 (AMD).]

C. Participants are evaluated before taking the course and after completion of the course. [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. Participants who successfully complete the course and the final evaluation are awarded certificates recognizing that they have successfully completed an approved alcohol server education course. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 2017, c. 407, Pt. A, §116 (AMD).]

3-A. Precourse evaluation waiver. After review of a course, the advisory committee may exempt that course from evaluating its participants prior to taking the course.

[PL 1999, c. 519, §4 (NEW).]

4. Advisory committee; review and recommendation.

[PL 2017, c. 167, §26 (RP).]

5. Fee. The fee for enrollment in a bureau alcohol server education course is $28 per participant. The fees collected must be retained by the bureau to cover the costs related to alcohol server education training.

[PL 1999, c. 519, §5 (AMD).]

6. Instructor training. Each instructor providing instruction in an approved alcohol server education course shall biennially attend a seminar on the liquor laws of the State provided by an officer of the bureau. The instructor shall attend the seminar prior to teaching an approved alcohol server education course in this State. If the instructor meets the requirements of subsection 6-A, the instructor must receive an alcohol server instructor's certificate. There is a $10 fee for the seminar to offset expenses incurred in carrying out this subsection.

[PL 1999, c. 519, §6 (AMD).]

6-A. Instructor qualifications. In order to qualify for an alcohol server instructor's certificate, an instructor shall:

A. Attend a seminar biennially as provided in subsection 6; [PL 1999, c. 519, §7 (NEW).]

B. Apply for a certificate for each approved course to be instructed; and [PL 1999, c. 519, §7 (NEW).]

C. Provide a letter from the administrator of the course approved by the advisory committee to train instructors acknowledging that the instructor is in good standing with the approved course. [PL 2001, c. 502, §3 (AMD).]

In addition to the requirements of paragraphs A to C, an instructor seeking recertification shall conduct a minimum of 4 courses during the previous certification term for the course for which the instructor is seeking recertification.

[PL 2001, c. 502, §3 (AMD).]

6-B. Suspension of certificate. The director of the bureau or director's designee may suspend or revoke an alcohol server instructor's or advisor's certificate upon the recommendation of the advisory committee. The following are grounds for an action to suspend or revoke a certificate:

A. Repeated instances of failure to provide timely, accurate or legible information required by subsection 7; [PL 1999, c. 519, §7 (NEW).]

B. Repeated instances of failure to follow the course outline or cover the course criteria that were used to gain approval; or [PL 1999, c. 519, §7 (NEW).]

C. Receipt of a request to suspend or revoke a certificate from the administrator of the course approved by the advisory committee to train instructors. [PL 1999, c. 519, §7 (NEW).]

[PL 2017, c. 167, §27 (AMD).]

6-C. Advisor training. Each advisor, pursuant to subsection 9, must be certified under subsection 6-D prior to providing advisory assistance in an approved Internet-based alcohol server education course and shall biennially attend a seminar on the liquor laws of the State provided by an officer of the bureau. The fee for the seminar is the same as in subsection 6.

[PL 2001, c. 502, §5 (NEW).]

6-D. Advisor qualifications. In order to qualify for an alcohol server advisor's certificate an advisor shall:

A. Attend a seminar biennially as provided in subsection 6; [PL 2001, c. 502, §5 (NEW).]

B. Apply for a certificate for each approved course that the advisor offers services for; and [PL 2001, c. 502, §5 (NEW).]

C. Provide a letter from the administrator of the course approved by the advisory committee to train advisors acknowledging that the advisor is in good standing with the approved course. [PL 2001, c. 502, §5 (NEW).]

[PL 2001, c. 502, §5 (NEW).]

7. Course accountability. The director of the bureau or director's designee may appoint an employee of the bureau to monitor each alcohol server education course to ensure that the course presents proper training and meets the approved criteria. The bureau shall maintain a record of the participants who have completed an alcohol server training course. Each instructor of an approved course shall provide the bureau with the names, addresses, dates of birth and the driver's license numbers, state identification card numbers or social security numbers of students who complete the course and the date of completion. The instructors shall forward $3 to the bureau for every name submitted. The amounts collected must be retained by the bureau to cover costs related to alcohol server education training.

[PL 2017, c. 167, §28 (AMD).]

8. Alcohol server education courses; approval; suspension; revocation. The director of the bureau or director's designee may refuse to issue or renew approval for an alcohol server education course. The director of the bureau or director's designee may suspend or revoke approval for an alcohol server education course upon the recommendation of the advisory committee after reviewing the report of the monitor. The following are grounds for an action to refuse to issue or renew approval or to suspend or revoke approval.

A. The advisory committee finds that an alcohol server education course does not meet the criteria listed in subsection 3 or specific criteria determined by the committee. [PL 1993, c. 266, §36 (NEW).]

B. The course, when presented, does not follow specific criteria determined by the advisory committee before issuance of approval. [PL 1993, c. 266, §36 (NEW).]

C. The instructor of the course does not provide information or access to the monitor as required by subsection 7. [PL 1993, c. 266, §36 (NEW).]

D. Fraud or deceit is used to obtain course approval or in providing the course or issuing certificates. [PL 1993, c. 266, §36 (NEW).]

A person aggrieved by a decision of the director of the bureau or director's designee to refuse to issue or renew approval or to suspend or revoke approval for an alcohol server education course may, within 30 days of receipt of that decision, appeal the decision to the District Court.
[PL 2017, c. 167, §29 (AMD).]

9. Approval of Internet-based alcohol server education courses. The director of the bureau or director's designee may approve an Internet-based alcohol server education course if the course meets the criteria developed under this section. An approved Internet-based alcohol server education course must have an advisor, certified under subsection 6-D, available to answer questions for persons using the Internet-based alcohol server education course.
[PL 2017, c. 167, §30 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 700, §A117 (AMD). PL 1991, c. 528, §L8 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §L8 (AMD). PL 1993, c. 266, §§34-36 (AMD). PL 1993, c. 730, §52 (AMD). PL 1995, c. 140, §8 (AMD). PL 1997, c. 373, §§166-169 (AMD). PL 1999, c. 519, §§2-8 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 502, §§1-7 (AMD). PL 2005, c. 539, §12 (AMD). PL 2011, c. 657, Pt. AA, §76 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2017, c. 167, §§24-30 (AMD). PL 2017, c. 407, Pt. A, §116 (AMD). PL 2021, c. 658, §285 (AMD).

§2519-A. Rules

The bureau may adopt rules for the purpose of waiving the fee for the alcohol server education course in the event of demonstrated need and inability to pay. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 1999, c. 519, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 519, §9 (NEW).

§2520. Liquor service education

The bureau shall provide educational services regarding retail liquor sales as follows. [PL 1997, c. 373, §170 (AMD).]

1. Seminars. The bureau shall, from time to time, conduct seminars throughout the State to provide retailers and their employees with information on changes in the laws governing retail sales of liquor.
[PL 1997, c. 373, §170 (AMD).]

2. Informational signs. The bureau shall develop informational signs which may be located in retail establishments. These signs must outline requirements of state law regarding proper identification for retail sales and other information to enhance compliance with state liquor laws.
[PL 1997, c. 373, §170 (AMD).]

3. Legal pamphlet. The bureau shall prepare a pamphlet summarizing state laws governing retail liquor sales. The bureau shall make single copies of this pamphlet available to retailers.
[PL 1997, c. 373, §170 (AMD).]

4. Legislative review.

[PL 1991, c. 837, Pt. A, §60 (RP).]

SECTION HISTORY

PL 1989, c. 526, §§26,28 (NEW). PL 1991, c. 837, §A60 (AMD). PL 1997, c. 373, §170 (AMD).

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