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B. The applicant held a license or certificate of approval that was revoked for a specific period under chapter 33 and the applicant is applying for a license or certificate of approval within that period since revocation; [PL 2021,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

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