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. 459, §4 (NEW). 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. 438, §5 (NEW); 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. 438, §5 (NEW); 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. 438, §5 (NEW); PL 2009, c. 510, §7 (RAL).]

C. The licensee's establishment includes at least 2 restrooms available for use by patrons; [PL 2009, c. 438, §5 (NEW); 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. 438, §5 (NEW); PL 2009, c. 510, §7 (RAL).]

E. The licensee carries a stock of at least $35,000 of wine; [PL 2009, c. 438, §5 (NEW); 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. 438, §5 (NEW); 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. 438, §5 (NEW); PL 2009, c. 510, §7 (RAL).]
[PL 2009, c. 438, §5 (NEW); 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. 438, §5 (NEW); 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. 438, §5 (NEW); 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. 438, §5 (NEW); PL 2009, c. 510, §7 (RAL).]

SECTION HISTORY

PL 2009, c. 438, §5 (NEW). 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).

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