# 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).

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