

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 101 - L.D. 201

An Act to Make Permanent the Ability of Certain Retailers and Distilleries to Sell Liquor for Off-premises Consumption and Cocktails for On-premises Consumption

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 created a public health emergency and prompted subsequent public health measures, which resulted in economic hardship and insecurity for restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, in response to the economic hardship facing restaurants, bars, tasting rooms, distilleries and small distilleries, the Legislature enacted Public Law 2021, chapter 3, which temporarily allowed on-premises retailers to sell liquor to customers through take-out and delivery service if the liquor was accompanied by a food order; Public Law 2021, chapter 91, which temporarily allowed distilleries or small distilleries to sell for on-premises consumption cocktails containing samples of distilleries' spirits products; and Public Law 2021, chapter 514, which extended the time in which these activities may take place; and

Whereas, the lingering effects of the public health emergency and subsequent public health measures continue to impact the economic health of Maine restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, with a statutory repeal date for these laws, Maine restaurants, bars, tasting rooms, distilleries and small distilleries face economic uncertainty and inhibited innovation; and

Whereas, with the busy summer season quickly approaching, there is a need to make a technical correction to a statutory cross-reference within the definition of "food order" in the requirement for providing liquor to customers through take-out and delivery service; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as

immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28-A MRSA §1056, sub-§1, ¶C, as enacted by PL 2021, c. 3, §1, is amended to read:

C. "Food order" means an order of a full ~~course~~ meal as defined in section 2, subsection ~~15, paragraph B~~ 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.

Sec. 2. 28-A MRSA §1056, sub-§2, ¶C, as enacted by PL 2021, c. 3, §1, is amended by amending subparagraph (1) to read:

(1) If the qualified on-premises retailer is licensed under this chapter to sell wine for on-premises consumption, it may sell wine for off-premises consumption ~~only~~ in an 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.

Sec. 3. 28-A MRSA §1056, sub-§2, ¶C, as enacted by PL 2021, c. 3, §1, is amended by amending subparagraph (2) to read:

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

Sec. 4. 28-A MRSA §1056, sub-§3, as amended by PL 2021, c. 514, §1, is repealed.

Sec. 5. 28-A MRSA §1355-A, sub-§5, ¶F-1, as amended by PL 2021, c. 514, §2, is further amended by repealing the first blocked paragraph.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.