

§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, no provision within this Title may 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.

[PL 2021, c. 658, §44 (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REVISOR'S NOTE: Subsection 2-A was repealed 9/30/15. PL 2015, c. 162, §1 attempted to strike the language that repealed the subsection, but did not take effect in time.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, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed on-premises establishment and:

- (1) Must be accompanied by a full meal prepared in a separate and complete kitchen on the premises of the on-premises establishment if the on-premises establishment is a Class A restaurant; or
- (2) Must be accompanied by a full meal or a hot or cold meal prepared in a separate and complete kitchen on the premises of the on-premises establishment if the on-premises establishment is a restaurant. For purposes of this subparagraph, a "hot or cold meal" means a meal consisting of food items that customarily appear on a restaurant menu, including, but not limited to, sandwiches, salads, hamburgers, cheeseburgers, hot dogs and pizza. A meal consisting solely of prepackaged snack foods such as popcorn, chips or pretzels is not a "hot or cold meal" within the meaning of this subparagraph. [PL 2021, c. 658, §45 (AMD).]

C. Malt liquor or wine sold or served on the premises may not be transported by a patron or employee of either establishment 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 2021, c. 658, §46 (AMD).]

[PL 2021, c. 658, §§45, 46 (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).

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