**18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

**553 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**

**Chapter 103: PREMISES LICENSED FOR OFF-PREMISE SALES ONLY**

*(Note: this rule chapter was formerly 16-226 Ch. 3 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)*

1. No retail licensee can sell or deliver malt liquor, table wines, fortified wines or low alcohol spirits in any location in which the Bureau cannot issue licenses. Such a delivery or sale shall be sufficient cause for suspension or revocation of a retail store license.

2. No retail store licensee shall accept or fill any order of malt liquor and/or table wines from, or for, any branch store or other retail dealer to whom no license has been issued.

3. No retail or wholesale licensee shall consume or allow consumption of liquor on his premise except approved wine tasting by a retailer or an authorized tasting on a wholesale premise. Licensed premises shall mean and include in addition to the licensed premises, all vehicles owned and operated by the licensee and used in the sale and transportation and storage of alcoholic beverages.

4. No wholesale or retail licensee shall permit the direct handling of liquor on his licensed premises by any person under the age of 15 years.

5. No retail store premise will be considered a bona fide business for the purpose of issuing or renewing a malt or table wine liquor license unless the applicant has on display in the general sales area at least $1000.00 wholesale value of compatible merchandise.

6. Not withstanding other provisions of law to the contrary, an applicant for off‑premise retail sales need not disclose the identity of a sub‑lessee occupying a portion of the licensed premises under the following circumstances:

A. The sub‑lessee is prohibited, both by Maine law and the applicant, from selling, possessing, transporting or otherwise controlling alcoholic beverages on the licensed premises;

B. The sub‑lessee is required to allow Bureau inspection of its premises at all reasonable times;

C. The applicant discloses the existence of the sub‑lease and identifies the sub‑lessee, along with the portion of the licensed premises occupied by the sub‑lessee, in its license application; and

D. The applicant acknowledges that it is responsible for the actions of the sub‑lessee, its employees and agents on the licensed premises in accordance with the applicant's obligations pursuant to the licensing requirements of Title 28-A and this chapter; and

E. An applicant for license may use neither the inventory nor the assets of the sub‑lessee in order to meet the licensing requirements of this chapter.

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 formerly Ch. 3 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

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