

## ***Q: What limitations does Maine Law place on alcohol pricing and promotions?***

### **1. Limitations on promotional advertising of drinks**

28-A§710 - <http://janus.state.me.us/legis/statutes/28-A/title28-Asec710.html>

#### **§710. Advertising signs**

**1. Advertising outside of licensed premises.** A person, except wholesale licensees and certificate of approval holders, may not advertise or permit to be advertised, by more than one sign, on the outside of any licensed premises, or on any building, ground or premises under that person's control and contiguous or adjacent to the licensed premises:

A. The fact that the licensee has liquor or any brand of liquor for sale; [1987, c. 45, Pt. A, §4 (NEW).]

B. The price at which liquor is sold by the licensee; or [1987, c. 45, Pt. A, §4 (NEW).]

C. Any other advertisement that indicates any reference to liquor. [1997, c. 373, §69 (AMD).]

[ 1997, c. 373, §69 (AMD) .]

**2. Advertising inside of licensed premises.** A licensee may display no more than one sign inside the licensed premises, where it may be seen from the outside, advertising the fact that the licensee has liquor for sale. The sign may not be more than 750 square inches in total area.

[ 1987, c. 342, §46 (AMD) .]

**3. Exception.** Subsection 1 does not prohibit the display of signs advertising sponsorship of specific sporting events and cultural events or sponsorship of a transportation system for transporting the public as long as the signs are not displayed on a licensed establishment as defined in section 2, subsection 15. Signs on a licensed establishment advertising sponsorship may be displayed with prior bureau approval.

The bureau shall adopt rules implementing this subsection.

[ 1993, c. 730, §32 (NEW) .]

#### **SECTION HISTORY**

1987, c. 45, §A4 (NEW). 1987, c. 342, §46 (AMD). 1993, c. 730, §32 (AMD). 1997, c. 373, §69 (AMD).

## 2. No drinking games or any other practice that promotes excessive drinking.

28-A §709 (1)(A)4-5: <http://janus.state.me.us/legis/statutes/28-A/title28-Asec709.html>

### 709. Prohibition of certain practices

**1. Certain practices prohibited.** The following practices are prohibited.

A. No licensee or employee or agent of a licensee may:

(1) Offer or deliver any free liquor to any person or group of persons;

(2) Deliver more than 2 drinks containing spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;

(3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;

(4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or

(5) Any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess; and [1999, c. 275, §1 (AMD).]

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. [1987, c. 45, Pt. A, §4 (NEW).]  
[1999, c. 275, §1 (AMD) .]

**2. Exceptions.** Subsection 1 does not prohibit the following practices:

A. Licensees offering free food or entertainment either with or without the purchase of one drink; [1987, c. 45, Pt. A, §4 (NEW).]

B. Licensees increasing the prices for drinks when entertainment is provided; [1987, c. 45, Pt. A, §4 (NEW).]

C. Licensees including a drink as part of a meal package; [1987, c. 45, Pt. A, §4 (NEW).]

D. The sale or delivery of wine, malt liquor or mixed drinks by the bottle, carafe or pitcher when sold with meals or to more than one person; [1987, c. 342, §45 (AMD).]

E. Those licensed under section 1402 offering free wine tastings; [1987, c. 45, Pt. A, §4 (NEW).]

F. Those licensed as bona fide hotels offering room services to registered guests; [1987, c. 45, Pt. A, §4 (NEW).]

G. Licensees offering reduced prices for prearranged private parties on the premises of the licensee; [2005, c. 319, §1 (AMD).]

H. Licensees whose licensed premises include more than one room charging different prices for the same drink served in the different rooms; or [2005, c. 319, §1 (AMD).]

I. Conducting the taste testing of spirits under section 1051, subsection 6. [2005, c. 319, §2 (NEW).] [2005, c. 319, §§1, 2 (AMD) .]

SECTION HISTORY 1987, c. 45, §A4 (NEW). 1987, c. 342, §45 (AMD). 1993, c. 266, §16 (AMD). 1997, c. 501, §2 (AMD). 1999, c. 275, §1 (AMD). 2005, c. 319, §§1,2 (AMD).