

B.Y.O.B. FUNCTION PERMIT RULES

Sec. 1. 28-A MRSA ss2, sub-ss6-A are enacted to read:

6-A. B.Y.O.B. function. "B.Y.O.B. function" means an event held by a B.Y.O.B. sponsor where:

- A. The general public is invited;
- B. Admission is or is not charged;
- C. A person brings liquor for personal consumption;
- D. No liquor is sold; and
- E. Entertainment is provided.

6-B. B.Y.O.B. sponsor. "B.Y.O.B. sponsor" means a person who conducts or holds a B.Y.O.B. function and is not required to register as a bottle club pursuant to section 161.

Sec. 2. 28-A MRSA ss2,sub-ss24,¶B is enacted to read:

B. "Premises" includes the place where a B.Y.O.B. sponsor holds or conducts a B.Y.O.B. function under a permit obtained under section 163.

Sec. 5. 28-A MRSA ss163 is enacted to read:

SS163. 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 of Liquor enforcement.

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 of Liquor Enforcement 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;
- B. The date and the beginning and ending time of the B.Y.O.B. function;
- C. The location where the B.Y.O.B. function is to be held;
- D. The seating capacity of the location;
- 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
- F. Proof that the B.Y.O.B. sponsor is at least 21 years of age.

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(gray form)

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.

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 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.

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.

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.

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.

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.

9. Violations. A violation of this section is a civil violation for which a forfeiture may be adjudged of not less than \$ 100 nor more than \$ 300 for the first offense; not less than that \$ 200 nor more than \$ 500 for the 2nd offense; and \$ 500 for the 3rd and subsequent offenses.