

## Dining option on the table: Doggie bag that wine Legislature eyes lifting restrictions

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By Lisa Wangsness, Globe Staff | August 26, 2005

Don't you hate it when this happens: You've finished the venison with saffron sauce and portobello mousse and savored the Brazilian chocolate torte with star fruit, and you're just too stuffed to finish off the last glass of the lovely bottle of Roda Cirson you ordered. You'd love to take it home, but the waiter says, not in Massachusetts. Maybe it often happens to you; maybe it never does. But there is an outcry in some political circles, and moves are afoot to change the law and let people take home bottles of wine they don't finish in the restaurant.

A bill is making its way through the State House, and Councilor Paul J. Scapicchio, who was recently incensed to learn of the state's restrictions, plans to introduce a resolution next week asking the Boston City Council to rally behind it. After all, at least 30 other states allow people to take home wine left in the bottle, including Vermont, Connecticut, Maine, New Hampshire, and New York.

"It's not a radical idea," Scapicchio said. The proposal is a "win-win-win for everybody," he said. Drunken driving might decrease if fewer people feel they have to finish a whole bottle, he said, and diners would feel they're getting the full value of whatever wine they purchase. As a result, he said, restaurateurs could sell more bottles of wine, and that would be a boon to Boston's economy. Restaurants have seen alcohol sales decline, as people have gotten more conscious about whether they're driving drunk, and I think that's a great thing," he said. "This is a way to allow restaurants some flexibility, to allow them to still be able to sell product, but not have people feel forced to drink as much as they can drink."

Not everybody can relate. One luncher on Newbury Street yesterday looked a little bewildered at the thought of carting home a bottle of wine. "Once it's open, it's gone," said Alan Parker, a retired chief executive from Naples, Fla., who summers in Edgartown.

Current law requires restaurants and hotels licensed to sell alcohol to allow its consumption "only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper." A bill sponsored by Senator Richard T. Moore, Democrat of Uxbridge, would provide an exception, allowing a customer to take home the remainder of any bottled wine purchased with a meal. The bill would have the Alcoholic Beverages Control Commission write rules instructing restaurants on how to reseal opened bottles of wine, but there are plenty of possibilities. Vermont requires restaurants to mark the level of wine left in a bottle before a customer leaves with it (giving police a way to check whether people have been drinking since leaving a restaurant), and a company called [winedoggybag.com](http://winedoggybag.com) has already sent Moore literature on its special sealable plastic bag.

No one opposed the bill at a June hearing before the Joint Committee on Consumer Protection and Professional Licensure, according to Jon Daigle, an aide to Moore. Mothers Against Drunk Driving did not take a position on the proposal, and the Massachusetts Restaurant Association supported it. Daigle said that he expects the bill will probably go next to the Senate Ways and Means Committee and that it has good prospects for passing this session if it gets through the Senate. "It's common sense," he said.

Yesterday's lunch crowd in the Back Bay mostly welcomed the concept. JoAnne Ruggiero of Lynnfield, who was sipping a glass of pinot grigio at Armani Cafe on Newbury Street, said she would love the flexibility to enjoy the rest of a bottle later. "It's a very expensive decision" to buy a whole bottle of wine, she said. "For two people, a bottle is really a lot to consume."

The bill would certainly cater to Bostonians' famously thrifty streak. Mahima Santhanam, 26, of Beacon Hill, who was eating salad with a friend on Boylston Street yesterday, recalled a recent argument she witnessed at an upscale restaurant in her neighborhood in which a customer grew belligerent with a waiter upon hearing he could not tote his wine home with him. "It was funny, because it only had like two drops left and he wanted to take it home," she said, shaking her head. "It's like, 'Dude, just finish it.' It was this big drama."

Other diners, of course, are not inclined to reach for the wine doggie bags, for example, Darcy Wiecks, a 24-year-old law student who was about to dig into a dessert of cocoa meringue with nougat glaze and kumquat confiture at No. 9 Park yesterday. "I never would have considered it as an option," she said. Her boyfriend, Rob Levy, a 25-year-old business consultant, agreed -- they usually just order by the glass, he said -- though he said he didn't see the harm in allowing others the choice. "If someone wants to have wine for breakfast that they paid for the night before, why not?"