

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1032**

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S. P. 508

In Senate, April 12, 1937.

Reported by Senator Marden of Kennebec from Committee on Temperance and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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**AN ACT to Regulate and Restrain the Manufacture, Sale, Transportation, Importation, Traffic in and Use of Liquor, Malt Liquor, Wine and Spirits and to Increase the Fees for Licenses.**

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**Emergency preamble.** Whereas, there is urgent necessity for amendment to existing legislation regulating and restraining the manufacture, transportation, sale and consumption of intoxicating liquors, malt liquors, wines and spirits to correct abuses that have arisen since the enacting of such laws; for the purpose of defining and limiting the rights and privileges granted under such laws and to provide for a more rigid enforcement thereof; and

Whereas, a continuation of the abuses that have arisen under the existing laws is injurious to the public health, peace and safety of the citizens of the state; and

Whereas, there is urgent need for additional revenue to meet new demands upon the state to promote health, happiness and comfort of its citizens; and

Whereas, the malt liquor license fees as now provided are inadequate and ought to be increased; and

Whereas, in the judgment of the legislature these facts constitute an emergency within the meaning of the constitution of the state of Maine, and,

therefore, requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; therefore,

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. P. L., 1933, c. 268, § 15, amended.** Section 15 of chapter 268 of public laws of 1933 is hereby repealed and the following enacted in place thereof:

**'Sec. 15. Persons to whom licenses shall not be granted. No license shall be issued to any natural person unless he shall be 21 years of age, and shall have been a citizen of the United States, and of this state for a period of at least 2 years. No license shall be issued to an association unless all persons having an interest therein shall be citizens of the United States, and shall have been citizens of this state for at least 2 years. No license shall be issued to any corporation, unless it shall be incorporated under the laws of Maine, or authorized to transact business within the state of Maine. No person, firm or corporation, having had his or its license under this act revoked for cause shall be granted a license until the expiration of 5 years from the date of such revocation. No license under this act shall be issued to any person, firm, or corporation, who within 5 years next prior to his or its application therefor has been convicted of violating any of the laws of the state of Maine or of the United States of America with respect to the manufacture or sale of intoxicating liquors.**

All applicants for license shall be required to file applications in such form as the commission shall require, and every application shall disclose the complete and entire ownership in the establishment for which a license is requested. All questions required to be answered in applications for licenses shall be sworn to, and intentional, untruthful answers shall constitute the crime of perjury. All applications must be signed and sworn to by a natural person who has full knowledge of the facts involved.

Every applicant for an original license, or for a renewal of license, shall remit to the commission a filing fee of \$10.'

**Sec. 2. P. L., 1933, c. 268, § 8, amended.** Section 8 of chapter 268 of the public laws of 1933 is hereby repealed and the following enacted in place thereof:

**'Sec. 8. License for wholesalers. Licenses for sale and distribution of malt liquors at wholesale under such regulations as the state liquor commission may prescribe may be issued by the commission upon an appli-**

cation in such form as may be prescribed by said commission upon payment of an annual fee of \$300 for the principal place of business, and \$300 for each additional warehouse maintained by such wholesale licensee.

Such wholesalers' licenses may be transferable as to premises in the town originally specified or to premises in another town.

A manufacturer's license issued under the preceding section shall include the right to such licensee to sell and distribute malt liquors at wholesale without the payment of any additional fee.'

**Sec. 3. Prohibiting dancing or entertainment in licensed premises.** No licensee shall permit in the licensed premises, or premises contiguous or adjacent thereto, under his control, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the commission a special amusement permit for which he shall pay to the commission a filing fee of \$10. Such permit shall be valid only for the license year of the existing license for the sale of malt liquor. The commission shall not issue such permits unless the applicants shall have first obtained the approval of the municipal officers of the municipality in which his licensed premises are situated, and each permit shall require that the music, dancing, or entertainment provided shall not, in any event, continue beyond the legal hours for the sale of malt liquors, and that if the laws of the municipality in which the licensed premises are situated shall fix an earlier closing hour for music, dancing, or entertainment, than the hour provided by law for the closing of licensed premises licensed for the sale of malt liquor, such music, dancing, or entertainment shall cease at the hour fixed by the municipality.

**Sec. 4. Limitations on sales by.** No licensee shall sell, or offer to sell, any malt liquor, wine or spirits, except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members. No right of action shall exist to collect any claims for credits extended contrary to the provisions of this section. Nothing herein contained shall prohibit a licensee from giving credit to a purchaser for the actual price charged for packages or original containers to be returned by the original purchaser as a credit on any sale, or from refunding to a purchaser the amount actually paid by such purchaser for packages or original containers.

No licensee shall sell, offer to sell, or furnish any liquor, malt liquor, wines, or spirits to any person on a pass book or store order, or receive from any person any goods, wares, merchandise or other article in exchange for liquor, malt liquors, wines, or spirits, except only such packages

or original containers as were originally purchased from such licensee by the person returning the same. No licensee shall sell, furnish, give, serve, or permit to be served any liquor, malt liquor, wine, or spirits to any person visibly intoxicated, to any insane person, to a known habitual drunkard, to persons of known intemperate habits, or to any minor under the age of 18 years.

**Sec. 5. Advertising signs.** No licensee shall advertise or hold out for sale any malt liquor by trade name or other designation which would indicate the manufacturer or place of manufacture of such malt liquor unless he actually have on hand and for sale a sufficient quantity of the particular malt liquor so advertised to meet requirements to be normally expected as the result of such advertisement or announcement.

No licensee shall furnish or serve any malt liquor from any faucet, spigot, or other dispensing apparatus, unless the trade name or brand of the malt liquor served shall appear in full sight of the customer in legible lettering upon such faucet, spigot, or dispensing apparatus, and the names of such malt liquors in letters 3 inches high shall be plainly posted upon the counter or wall in plain sight of the customer.

No licensee shall directly or indirectly offer or give any liquor, malt liquor, wine, or spirits, or any price premium, gift or inducement of any sort to other trade or consumer buyers, except such advertising novelties of nominal value which the commission has approved.

No licensee shall offer to pay, make, or allow, and no licensee shall solicit or receive any allowance, rebate, refund, or concession, whether in the form of money or otherwise, in connection with the purchase of liquors, malt liquors, wines, or spirits, dealt in by such licensee.

**Sec. 6. Licensee to keep records.** Every licensee shall keep for a period of at least 2 years complete records separate and apart from records relating to any other transactions engaged in by the licensee showing all transactions of the licensee in liquor, malt liquors, wine and spirits and particularly showing the date of all purchases, the actual price paid therefor, and the fact that the licensee received cash for all liquors, malt liquors, wine or spirits sold by him at the time of or prior to delivery of such liquors, malt liquors, wine or spirits, also the name and address of the persons from whom such liquors, malt liquors, wines and spirits were purchased, and in the case of wholesalers, the names and addresses of the purchasers of said malt liquors. All such records shall be open to the commission or its representatives at any time and the commission or its representatives shall have the right to make copies thereof.

No licensee shall refuse the commission or its representatives the right to completely inspect the entire licensed premises at any time or to audit the books and records of the licensee at any time.

**Sec. 7. Employees of licensee.** No licensee, except with the specific approval of the commission, shall employ, accept service from or permit service to be rendered in the sale of malt liquors, wines, or spirits, by any minor under the age of 18 or by any person who would be ineligible to receive a license from the commission.

**Sec. 8. Licensee not to be indebted.** Beginning 60 days after the enactment of this act, no person shall be issued a license or a renewal of a license by the commission, if he shall be indebted in any manner directly or indirectly to any other person for liquor, malt liquor, wine or spirits. It shall be unlawful for any licensee or any applicant for license directly or indirectly to receive any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person, association or corporation within or without the state if such person, association or corporation shall be engaged directly or indirectly in the manufacture, distribution, sale, storage or transportation of liquors, malt liquors, wines or spirits; or if such person, association or corporation shall be engaged in the manufacture, distribution, sale or transportation of any commodities, equipment, materials or advertisements used in connection with the manufacture, distribution, sale, storage or transportation of liquors, malt liquors, wines or spirits. No license shall be issued for any premises in which any interest whatsoever is owned or controlled, directly or indirectly by any person, association, or corporation within or without the state engaged or interested directly or indirectly in the manufacture, distribution, sale or transportation of liquor, malt liquors, wines or spirits. This section shall not prohibit any wholesaler from receiving normal credits for purchase of malt liquors from manufacturers thereof within or without the state.

No licensee shall issue, publish, post or cause to be issued, published or posted any advertisement of a malt liquor including a label which shall refer in any manner to the alcoholic strength of the malt liquor manufactured, sold or distributed by such licensee or used in any advertisement or label such words as "full strength," "extra strength," "high test," "high proof," "pre-war strength," or similar words or phrases which would indicate or suggest alcoholic content, or use in any advertisement or label any numeral unless adequately explained in type of the same size, prominence and color. It shall likewise, be unlawful for any licensee to purchase.

transport, sell or distribute any malt liquors advertised or labeled contrary to the provision of this section.

**Sec. 9. Constitutionality.** The unconstitutionality of any section or provisions of this act shall not invalidate the remaining portions hereof.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.