

# MAINE STATE LEGISLATURE

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Legislative Document

No. 1065

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S. P. 529

In Senate, April 20, 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 Clarify the Administration of the Liquor Laws.

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

**Sec. 1. Application for hotel or club spirituous and vinous liquor licenses.** Every applicant for a hotel or club spirituous and vinous liquor license shall file a written application with the liquor commission, in such form as the commission shall, from time to time, prescribe, which shall be accompanied by the bond hereinafter specified. Every such application shall contain a description of that part of the hotel or club for which the applicant desires a license, and shall set forth such other material information, description or plan of that part of the hotel or club where it is proposed to keep and sell liquor, as may be required by the rules and regulations of the commission. The application shall be signed by the owner, if a natural person who shall be at least 21 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application. Also every application shall be accompanied, if the applicant is not the owner, by an attested copy of the lease, if a tenant for years.

**Sec. 2. Application for restaurant to sell vinous liquors.** Every applicant for a restaurant vinous liquor license shall file a written application

with the liquor commission in such form as the commission shall, from time to time, prescribe. Such application shall contain a description of the premises the applicant desires to license and shall set forth such other material information and description of the premises as may be required by the rules and regulations of the commission. The application shall be signed by the owner, if a natural person who shall be at least 21 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application. Also every application shall be accompanied, if the applicant is not the owner, by an attested copy of the lease, if a tenant for years.

**Sec. 3. Application for spirituous and vinous liquor license by public service corporations.** Every applicant for a public service spirituous and vinous liquor license, to wit, railroad dining cars or steamboats, shall file a written application with the liquor commission in such form as the commission shall, from time to time, prescribe, which shall be accompanied by a bond hereinafter specified. The application shall be executed by an executive officer of the corporation or any person specifically authorized by the corporation to sign the application.

**Sec. 4. Bond for hotels, clubs, and restaurants.** No license shall be granted to a hotel, club, or restaurant until the applicant therefor has filed with the liquor commission a surety bond payable to the state of Maine in the penal sum of \$1,000 as liquidated damages in case of default as hereinafter mentioned. Such bond shall have as surety a duly authorized surety company or 2 individuals to be approved by the commission. All such bonds shall be conditioned for the faithful observance of all the laws of the state of Maine, and the rules and regulations pursuant thereto, relating to spirituous and vinous liquors. Such bonds shall be filed with and retained by the commission. Upon the revocation of the license of any licensee in this section mentioned, the attorney-general shall bring an action of debt in any county in the state, upon the bond given by such licensee to recover the penal sum thereof as liquidated damages.

**Sec. 5. Bond of public service corporation licensees.** A public service spirituous and vinous liquor license shall not be granted or issued to any railroad or steamship company until the applicant therefor has filed with the liquor commission a surety bond similar in form and amount to that required to be filed by a hotel or club licensee, except that in the case of a railroad company or steamship company 1 bond shall cover every dining car or steamboat of such companies.

**Sec. 6. Clubs.** Clubs operated unlawfully or for another's profit shall not be licensed. A club spirituous and vinous liquor license shall not be granted to any group of persons, incorporated, which is organized or operated for the following objects and purposes:

- (a) For gambling or other illegitimate purposes.
- (b) For the sale of spirituous and vinous liquors the profits from which accrue to an individual or corporation other than the applicant.

**Sec. 7. Club fees.** Any club maintaining a public dining room and catering either privately or for functions to a group not members of the club, also any club with dining rooms letting rooms to non-members, must pay the same fee as required by a hotel located in the same municipality.

**Sec. 8. Club registers.** Every club shall keep and maintain a register of members thereof, which said register shall disclose a complete list of the name, identity and address of each member of the club and such register shall be open for inspection at all reasonable times to any inspector or other authorized agent of the liquor commission.

**Sec. 9. Containers.** No club shall be permitted to sell spirituous or vinous liquors in the original container.

**Sec. 10. Public service corporations.** A public service spirituous and vinous liquor license granted to any railroad corporation operating dining cars within the state authorizes the holder thereof to sell spirituous and vinous liquors in such cars after leaving and before reaching the terminal stops, to be consumed in such cars. Such licenses shall be good throughout the state.

Such license granted to any steamboat corporation operating boats within the state authorizes the holder thereof to sell spirituous and vinous liquors in such boats on which food is served after leaving and before reaching ports within the state.

**Sec. 11. Public service corporations; malt liquors.** Licenses for the sale of malt liquors by the railroad companies, pullman companies, or steamboat companies, in their cars or boats, under such regulations as the liquor commission may prescribe, may be issued by the liquor commission upon a written application in such form as may be prescribed by said commission, and upon payment of the fee of \$100 per year, covering all steamboats and cars supplying food operated by any one owner.

**Sec. 12. Repeal of restriction on transfer of licenses.** Section 11 of chapter 268 of the public laws of 1933 is hereby repealed.

**Sec. 13. Transfer of licenses.** The liquor commission, upon application in writing, may transfer any liquor license of any hotel or club or the vinous liquor license of any restaurant from one place to another within the same municipality, as the commission may determine only with the approval of the municipal officers thereof, but no transfer shall be made to premises for the transaction of business at which place the license could not have been originally issued lawfully.

In the case of death or bankruptcy of the holder of any license, the license may be transferred by the executor or administrator of the estate of a deceased licensee or by the trustee in bankruptcy of a bankrupt licensee, or by the receiver of a licensee in receivership; such transfer may be made subject to the discretion of the commission and only with the approval of the municipal officers to a person other than the licensee, and from the licensed premises to such other premises within the same municipality as the commission determines.

No license privileges shall be transferred or assigned, and in case of sale or transfer of the business in connection with which the licensed activities are conducted, the license holder shall immediately submit to the commission a statement, under oath, showing the name and address of the purchaser and any other person directly or indirectly interested in the enterprise.

**Sec. 14. Sundays and hours of sale.** No spirituous or vinous liquor licensee shall sell, or permit the consumption of, on his premises, spirituous and vinous liquors during the hours prohibited for sale or on Sundays, or on the day of holding a general election or state-wide primary.

**Sec. 15. Summary suspension and revocation of licenses.** The liquor commission may, pending a speedy hearing, summarily suspend a license in its discretion, and may order the license to be surrendered to it, whenever it has reason to believe that the holder thereof is an improper person to have a license.

Notice of hearing held by the commission shall state the place, day and hour, thereof, and warn the licensee that he may then and there appear in person or by counsel to show cause why his license should not be suspended or revoked; service of such notice shall be sufficient, if sent by registered mail to the address given by the licensee, 5 days at least before the day set for the hearing.

Licenses may be revoked at the discretion of the commission for the following causes:

(a) Violation of any law or of any rule or regulation issued by the commission.

(b) For making any false statement in application for the license.

(c) Where the licensee is guilty of any unfair practice, which shall include inaccurate or misleading statements as to brands or labels; rebates to a customer for the purposes of influencing a sale.

It shall be the duty of the commission to revoke licenses for the following causes:

(a) Conviction of violation of the law of the United States or of the state of Maine relating to the manufacture, possession, transportation and sale of intoxicating liquor.

(b) Conviction of violation of the laws of the United States relating to carrying on the business of a wholesale or retail liquor dealer without a federal tax stamp.

(c) Conviction of violating the laws of the United States relating to having in possession distilled spirits in unstamped containers in violation of section 30 of the United States liquor taxing act of 1934.

(d) For making any misrepresentation of material fact in the application for a license.

(e) For transferring, assigning or hypothecating a license.

(f) Sales made after the permitted hours of sale.

(g) Sales made on Sundays.

(h) Sales made by hotels, clubs or restaurants for off-premises consumption.

(i) Sales of spirituous or vinous liquors on the day of the holding of a general election or state-wide primary.

(j) Sales to minors.

**Sec. 16. Expiration of licenses.** All licenses for the sale of liquor shall terminate December 31, 1938, unless granted for a shorter period, and all licenses issued by the state liquor commission to be effective from December 31, 1938, shall be issued on the calendar year basis.

**Sec. 17. Part-time malt liquor license for hotels, clubs and restaurants.** The liquor commission may also grant to any person upon written application in such form as the commission may from time to time prescribe a 6 months' license which will permit the person to whom the license is granted to sell malt liquors for consumption on said licensed premises during the months of May, June, July, August, September and October. The person licensed shall not sell malt liquors or conduct any other business on said

licensed premises during the months of November, December, January, February, March and April. The fee for said license shall be \$50.

**Sec. 18. Hours of sale of malt liquors.** Section 17 of chapter 268 of the public laws of 1933 is hereby repealed and the following enacted in place thereof:

**'Sec. 17. Hours of sale of malt liquors.** No malt liquors as defined in this act shall be sold in this state on Sundays and no licensee shall between the hours of midnight and 6 A. M. sell any malt liquors.'

**Sec. 19. Regulations.** Section 2 of chapter 179 of the public laws of 1935 is hereby amended by adding after the word "liquor" at the end of the second sentence thereof, the words "or to an interdicted person."

**Sec. 20. R. S., 1930, c. 137, § 11, repealed.** Section 11 of chapter 137 of the revised statutes is hereby repealed.

**Sec. 21. Advertising.** No advertising of liquor within the state shall be permitted except in such form as may be specifically authorized by the liquor commission provided that radio, billboards, signs, newspapers, magazines and periodicals may carry advertising subject to regulations of the commission.

**Sec. 22. P. L., 1935, c. 179, § 1, amended.** Section 1 of chapter 179 of public laws of 1935 is hereby repealed and the following enacted in place thereof:

**'Sec. 1. Powers and duties.** The state liquor commission shall have general supervision of manufacturing, importing, storing, transporting and selling liquor, and shall have power to issue, renew, suspend and revoke all licenses and to hold hearings. It shall refuse to issue licenses to persons, including individuals, corporations, associations or partnerships who have been convicted or whose officers have been convicted of a breach of any state or federal law relating to the manufacture, sale, possession or transportation of intoxicating liquor within 5 years next prior to the filing of his or its application. The commission shall have power to import spirits and wines and shall have exclusive control of the sale of all liquors. It shall have power to remove employees for cause.'

**Sec. 23. Single commissioner may conduct hearings.** A single commissioner may conduct hearings in any matter pending before the liquor commission. He shall, after holding the hearing, file with the commissioner all papers connected with the case, a transcript of all the testimony

and a report of his findings. The commission shall review the evidence, examine all papers and the findings of the single commissioner, before rendering its decision.

**Sec. 24. An enforcement division shall be organized.** An enforcement division shall be organized within said liquor commission by the commission, for the enforcement of laws relating to the transportation, manufacture, possession and sale of intoxicating liquor, in violation of the laws of the state of Maine and the regulations made pursuant to the powers and authority of the commission. The division shall be headed by an officer designated as chief inspector, who shall have under his direct supervision and control, subject to the commission, competent investigators, who shall have the powers and duties throughout the state of deputy sheriffs in the respective counties of the state. This provision does in no way take away powers and duties of peace officers, as now provided by law, relating to intoxicating liquors.

**Sec. 25. Hearings on applications for liquor licenses.** The municipal officers or, in case of unincorporated places, the county commissioners of the county wherein such unincorporated place is located, shall hold public hearings for the consideration of all applications for liquor licenses requiring their approval by law, after giving public notice at the applicant's expense, which shall be prepaid, by causing a notice stating name and business address of the applicant and the time and place of hearing to be printed in a daily paper published in the city or town in which the premises proposed to be licensed are situated, for at least 6 consecutive days prior to the date of hearing; or, if no daily paper is so published, in a weekly paper published in the county in which the premises are situated, for 2 consecutive weeks prior to the date of hearing.

**Sec. 26. Amendatory clause.** All acts or parts of acts inconsistent with the provisions hereof are hereby repealed or amended to conform with the provisions hereof.