

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1207

S. P. 439

In Senate, March 3, 1953

Referred to the Committee on Liquor Control, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Tabb of Kennebec

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT to Clarify the Liquor Laws.

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

Sec. 1. R. S., c. 57, § 6, sub-§ V, amended. Subsection V of section 6 of chapter 57 of the revised statutes is hereby amended to read as follows:

‘V. To sell at retail **in state stores** in original packages and for cash, either over the counter or by shipment to points within the state, wine and spirits of all kinds for consumption off the premises at state stores to be operated under the direction of the commission.’

Sec. 2. R. S., c. 57, § 6, sub-§§ IX, XII, XIII, repealed. Subsections IX, XII and XIII of section 6 of chapter 57 of the revised statutes are hereby repealed.

Sec. 3. R. S., c. 57, § 12, amended. Section 12 of chapter 57 of the revised statutes is hereby amended to read as follows:

‘**Sec. 12. Consumers tax on spirituous and vinous liquors.** All spirits and wines shall ~~hereafter~~ be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than 61% based on the less carload cost f.o.b., state liquor commission

warehouse, ~~excepting only~~ **except** that spirits and wines sold at wholesale under the provisions of section 41, may be sold at wholesale prices established pursuant to the provisions thereof **and provided further, that prices for sale of spirits and wines bought by the commission from Maine licensees to manufacture liquor under the provisions of section 13 shall be based on minimum truck load delivery prices f.o.b. warehouse as the same are filed with the public utilities commission, and provided further, that special orders by the commission for unstocked merchandise shall be priced at not less than 61% over actual cost delivered f.o.b. warehouse. In all cases the commission is authorized to round off costs to the next highest nickel.** Any increased federal taxes levied on or after April 1, 1941 shall be added to the established price without mark-up. All net revenue derived from such tax shall be deposited to the credit of the general fund of the state.'

Sec. 4. R. S., c. 57, § 22-E, amended. The last sentence of section 22-E of chapter 57 of the revised statutes, as enacted by section 1 of chapter 259 of the public laws of 1949, and as amended, is hereby further amended to read as follows:

'No license shall be issued ~~to~~ **in which** any law enforcement official ~~who~~ benefits **financially** either directly or indirectly.'

Sec. 5. R. S., c. 57, § 23, amended. The last paragraph of section 23 of chapter 57 of the revised statutes, as enacted by chapter 164 of the public laws of 1947, is hereby amended to read as follows:

'No licenses shall be issued to any retail establishment under the provisions of this section unless it has been in operation as such for a period of at least 3 months next prior to the date of the application, except that anyone who formerly held a **Maine** malt liquor license or who formerly was owner of a retail store, shall not be subject to the provisions of this sentence.'

Sec. 6. R. S., c. 57, § 28, amended. The 2nd sentence of section 28 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

~~'Except as otherwise provided by law relating to part time licenses, no~~ **No** license shall be issued to a restaurant unless it has been in operation as such for a period of at least 3 months next prior to the application therefor, provided, however, that any honorably discharged member of the armed forces of the United States who formerly held a malt beverage license or who formerly was the owner of a restaurant shall not be subject to the provisions of this sentence, **and provided further in the case of**

part-time premises that operation next prior to time of application shall be held to mean operation during the season when such part-time premise is ordinarily open for business.'

Sec. 7. R. S., c. 57, § 35, amended. The 4th paragraph of section 35 of chapter 57 of the revised statutes, as repealed and replaced by chapter 90 of the public laws of 1947, is hereby amended to read as follows:

'No Except as provided in this section no license privilege 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. 8. R. S., c. 57, § 51, amended. Section 51 of chapter 57 of the revised statutes is hereby amended by adding at the end thereof a new sentence, to read as follows:

'Licensed clubs shall not sell liquor except to members and their guests accompanying them.'

Sec. 9. R. S., c. 57, § 60, sub-§ II, ¶ D, amended. Paragraph D of subsection II of section 60 of chapter 57 of the revised statutes is hereby amended to read as follows:

'D. Making sales to persons under age as prohibited by law, except that licensees selling to minors furnishing fraudulent proof of age as provided by subsection I may be held not administratively liable at the discretion of the commission.'

Sec. 10. R. S., c. 57, § 89, amended. The 5th sentence of section 89 of chapter 57 of the revised statutes is hereby amended to read as follows:

'All other liquors, and whenever by reason of the operation of any federal law or regulation it is impractical otherwise to comply with the provisions of this section, all liquors ~~except cider~~ declared forfeited by any court or magistrate under the provisions of this chapter shall, by order of the court or magistrate rendering final judgment thereon, be destroyed by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to such court or magistrate.'

Sec. 11. R. S., c. 57, § 28, amended. The next to the last sentence of section 28 of chapter 57 of the revised statutes is hereby repealed.