

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1318

H. P. 908

House of Representatives, March 2, 1967

Referred to Committee on Liquor Control. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cote of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Sunday Sale of Liquor.

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

Sec. 1. R. S., T. 28, § 4, repealed and replaced. Section 4 of Title 28 of the Revised Statutes, as repealed and replaced by chapter 302 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 4. Business days and hours

No liquor shall be sold in this State on Sundays except as provided, and no licensee by himself, clerk, servant or agent shall between the hours of midnight and 6 a.m. sell or deliver any liquors, except no liquors shall be sold or delivered on Saturdays after 11:45 p.m. Liquor may be sold on January 1st of any year from midnight to 2 a.m. unless January 1st falls on Sunday. Liquor may be sold in any municipality on the day of holding a general election or state-wide primary only after the closing of the polls in such municipality. Except as provided, no licensee shall permit the consumption of liquors on his premises on Sundays, or after 15 minutes past the hours prohibited for sale thereof, except by bona fide guests in their rooms. No liquor shall be sold in this State on May 30th prior to 12 noon. The hours of selling or delivering referred to shall be United States Eastern Standard Time.

Any person, except an officer in performance of his duties, who purchases liquor on Sunday, in violation of this section shall be guilty of a misdemeanor and shall be subject to the same penalty provided in this section for Sunday sale of liquor.

Any licensee by himself, clerk, servant or agent, except as hereafter provided, who sells liquor on Sunday shall be punished by a fine of not less than

\$100 nor more than \$500, and costs, and a penalty of not less than 2 months nor more than 6 months in jail, at the discretion of the court; and in default of fine and costs an additional penalty by imprisonment for 6 months. Any clerk, servant, agent or other person in the employment of a licensee, who violates or in any manner aids or assists in violating the law relating to Sunday sale of liquor, shall suffer like penalties.

Licensed hotels, class A restaurants and clubs, as defined under section 2, and retail stores as defined by section 751, shall have the right to sell liquors on Sundays between the hours of 12 noon and 9 p.m. and such sales may be made during such time by the licensee himself, a clerk, servant or agent.

On-premises licensees, exercising the right to sell liquors under this section, shall pay in addition to the fee now provided in section 701 the sum of \$100, and retail stores shall pay an additional \$25.

Any violation by a licensee of this section or commission rules and regulations related thereto, upon conviction after hearing before the Administrative Hearing Commissioner, shall be grounds for suspension or revocation of the license or right to sell on Sunday, or both.

Sec. 2. R. S., T. 28, § 101, amended. Section 101 of Title 28 of the Revised Statutes, as amended by section 2 of chapter 243 of the public laws of 1965, is further amended by inserting after question 6, the following:

6-A. Shall licenses be granted in this city or town for the sale herein on Sundays of wine and spirits and malt liquor by hotels, class A restaurants and clubs?

6-B. Shall licenses be granted in this city or town for the sale herein on Sundays of malt liquor by retail stores?

Sec. 3. R. S., T. 28, § 102, amended. Section 102 of Title 28 of the Revised Statutes is amended by inserting after the 3rd paragraph, the following:

If a majority of the votes cast in any municipality in answer to either local option questions 6-A and 6-B is in the affirmative the commission may issue Sunday licenses. Said licenses only to authorize sales of the type approved by the affirmative vote of said municipality on any of questions 2, 3, 4, 6, 7, 8, 9 and 10.

Referendum for ratification. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next primary election in 1968, to give in their votes upon the acceptance or rejection of the foregoing Act, and the question shall be:

“Shall ‘An Act Relating to Sunday Sale of Liquor,’ passed by the 103rd Legislature, be accepted?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question and shall indicate by a cross or check mark placed against the

words "Yes" and "No" their opinion of the same. The ballots shall be received, sorted, counted and declared in the open ward, town and plantation meetings, and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the Act, the Governor shall forthwith make known the fact by his proclamation, and the Act shall become effective in 30 days after the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing Act, accompanied by a copy thereof.