

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1483

H. P. 1019

House of Representatives, March 8, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rideout of Manchester.

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 R. S., T. 28, § 4, repealed and replaced. Section 4 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof: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, 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.

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.

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

If any licensee or any clerk, servant or agent of a licensee is convicted of a violation of this section and appeals from the judgment and sentence of the trial court, the licensee's license to sell liquor shall be suspended during the time such appeal is pending in the appellate court unless the trial court shall otherwise order and no new or renewal license to sell liquor shall be granted to the licensee during the time of such appeal.

Sec. 2. R. S., T. 28, § 101, sub-§ 11, additional. Section 101 of Title 28 of the Revised Statutes, as amended, is further amended by adding a new subsection 11 to read as follows:

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

Sec. 3. R. S., T. 28, § 102, amended. The 2nd and 3rd paragraphs of section 102 of Title 28 of the Revised Statutes are amended to read as follows:

If a majority of the votes cast in any municipality in answer to questions 7, 8, 9, 10 or ~~10~~ 11 is in the affirmative, the ballots for that municipality at the next biennial general election shall carry such question or questions without petition.

If a majority of the votes cast in any municipality in answer to questions 7, 8, 9, 10 or ~~10~~ 11 is in the negative, the ballots for that municipality at the next biennial general election shall carry such question or questions only after the petition required by this section.