

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1006

H. P. 773

House of Representatives, February 25, 1969

Referred to Committee on Liquor Control. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Dennett of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Revise the Liquor Laws.

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

Sec. 1. R. S., T. 17, § 851, amended. Section 851 of Title 17 of the Revised Statutes is amended to read as follows:

§ 851. Permitting children in disorderly house

Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place ~~or places where intoxicating liquors are sold~~ or other place injurious to health or morals, owned, kept, maintained, managed or controlled by him in whole or in part, any child under the age of 16 years, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days. ~~A child or children under the age of 16 years may enter places where intoxicating liquor is sold when accompanied by a parent, guardian or other adult person in charge of such child or children, with the consent of the parent or guardian of such child or children~~

Sec. 2. R. S., T. 28, § 2, sub-§ 1-A, additional. Section 2 of Title 28 of the Revised Statutes, as amended, is further amended by adding a new subsection 1-A, to read as follows:

1-A. Airline. "Airline" shall mean any person operating regularly scheduled intrastate or interstate passenger air transportation.

Sec. 3. R. S., T. 28, § 2, sub-§ 8, repealed. Subsection 8 of section 2 of Title 28 of the Revised Statutes is repealed, as follows:

~~8. Dining cars. "Dining cars" and "cars supplying food" shall mean and include cars in which food is prepared and served and also other cars, for~~

~~accommodations in which an extra charge is made, in which food is served from a dining car or from a car supplying food in the same train.~~

Sec. 4. R. S., T. 28, § 2, sub-§ 9, amended. Subsection 9 of section 2 of Title 28 of the Revised Statutes, as amended by sections 1 and 2 of chapter 404 of the public laws of 1965, is further amended by inserting after the first sentence, a new sentence, as follows:

At least 10% of the total volume of business of such hotel shall be from meals and lodgings.

Sec. 5. R. S., T. 28, § 2, sub-§ 18, amended. The 5th sentence of subsection 18 of section 2 of Title 28 of the Revised Statutes is amended to read as follows:

The commission, in the case of an applicant for an initial "Class A restaurant" license, is authorized to and shall exercise its judgment as to the applicant's probable qualification with the income provisions of this subsection ~~during the applicant's initial license period where the applicant is the owner or operator of a year round or part time restaurant which operated in the calendar year prior to making application and substantially met the income requirements of this subsection and where the applicant is a new restaurant establishment, either year round or part time, which operated as such for a minimum of 3 months prior to making application.~~

Sec. 6. R. S., T. 28, § 4, amended. The 3rd sentence of section 4 of Title 28 of the Revised Statutes is repealed, as follows:

~~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.~~

Sec. 7. R. S., T. 28, § 8, amended. Section 8 of Title 28 of the Revised Statutes, as enacted by section 51 of chapter 513 of the public laws of 1965, is amended to read as follows:

§ 8. Entrances from restaurants to living quarters

The commission (Liquor) may grant written permission to a licensed person, who operates a ~~Class A~~ restaurant to maintain an entrance, doorway or other aperture leading directly from the licensed premises to his living quarters, provided that said entrance to living quarters shall be so constructed that it shall not be necessary to go through the area where liquor is served in order to enter said living quarters.

Sec. 8. R. S., T. 28, § 9, amended. The first sentence of section 9 of Title 28 of the Revised Statutes, as enacted by section 53 of chapter 513 of the public laws of 1965, is amended to read as follows:

Notwithstanding any other statute or rule or regulation of the commission to the contrary, no person, firm or corporation shall be denied a license for the retail sale of malt liquor solely because the retail store premises of the applicant has entrances, doorways or other apertures which are not securely

and permanently sealed leading from the retail store premises of the applicant to other premises where other types of business are carried on, provided that the retail store premises of the applicant and the nonlicensed portions of the other premises are under a common roof ~~and all merchandising in the building is done on a single floor~~ having common entranceways into which all persons enter for both the proposed licensed premises and any unlicensed premises.

Sec. 9. R. S., T. 28, § 55, sub-§ 7, amended. Subsection 7 of section 55 of Title 28 of the Revised Statutes, as amended by chapter 187 of the public laws of 1965, is further amended to read as follows:

7. Licensing. To issue and renew all licenses provided for by this Title and to hold hearings thereon. Prospective licensees who have been granted a license, effective at a future date, may, on approval of the commission, order liquor in advance of the effective date of the license, **and may receive delivery of such liquor, on approval of the commission, not more than 5 days in advance of such effective date,** and may advertise such effective date.

Sec. 10. R. S., T. 28, § 55, sub-§ 12, amended. Subsection 12 of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

12. Pamphlet of regulations. To publish at least annually on or before August 31st **or 90 days after becoming law** in a convenient pamphlet form all regulations then in force and to furnish copies of such pamphlets to every licensee authorized by law to sell liquor.

Sec. 11. R. S., T. 28, § 55, sub-§ 19, repealed. Subsection 19 of section 55 of Title 28 of the Revised Statutes is repealed, as follows:

~~**19. Public meetings.** The commission shall hold public meetings **4 times a year at various locations within the State for the purpose of outlining operations under the liquor laws, receiving suggestions thereto and disseminating information to the public.**~~

Sec. 12. R. S., T. 28, § 154, amended. Section 154 of Title 28 of the Revised Statutes is amended to read as follows:

§ 154. Business hours

State stores shall not be open on Sundays, court holidays ~~or on the day of the holding of a general election or state wide primary~~ or between the hours of 8 p.m. and 9 a.m., except during the time when eastern daylight time is in effect, state liquor stores may be opened at 8 a.m., standard time, and except on Saturdays when, if open, they may be kept open until 10 p.m., and the commission is authorized to regulate the opening and closing hours of each store within the provisions of this Title.

Sec. 13. R. S., T. 28, § 156, amended. Section 156 of Title 28 of the Revised Statutes, as enacted by section 1 of chapter 177 of the public laws of 1965, is amended to read as follows:

§ 156. Closed in cases of riots, etc.

The Governor or the commission may, in cases of riots, hurricanes and floods, order any or all state liquor stores to be closed.

Sec. 14. R. S., T. 28, § 205, amended. Section 205 of Title 28 of the Revised Statutes, as enacted by section 2 of chapter 177 of the public laws of 1965, is amended to read as follows:

§ 205. Closed in cases of riots, etc.

The Governor or the commission may, in cases of riots, hurricanes and floods, order any or all licensees not to sell any liquor.

Sec. 15. R. S., T. 28, § 402, repealed. Section 402 of Title 28 of the Revised Statutes, as amended by section 1 of chapter 99 of the public laws of 1965, is repealed.

Sec. 16. R. S., T. 28, § 701, amended. The 2nd paragraph of section 701 of Title 28 of the Revised Statutes, as amended by section 54 of chapter 513 of the public laws of 1965, is further amended by inserting after the 8th line the following:

Public service — Airlines - Spirituous and vinous	500.00
Public service — Airlines — Spirituous and vinous	500.00

Sec. 17. R. S., T. 28, § 701, amended. The 6th paragraph of section 701 of Title 28 of the Revised Statutes is amended to read as follows:

One public service license shall be sufficient to cover all steamboats ~~and~~, cars ~~and~~ aircraft operated by any one owner, **except that a separate license fee shall be paid for each aircraft to be operated under a license.**

Sec. 18. R. S., T. 28, § 751-A, amended. Section 751-A of Title 28 of the Revised Statutes, as enacted by chapter 91 of the public laws of 1967, is amended to read as follows:

751-A. Payment for sales in retail stores

For the purpose of receiving payment at the check-out counters for the sale of malt liquor in retail stores, the age of such employee receiving the payment shall not be under ~~18~~ 16 years of age, provided that an employee who is 21 years of age or older is present in the retail store in a supervisory capacity.

Sec. 19. R. S., T. 28, § 753-A, additional. Title 28 of the Revised Statutes is amended by adding a new section 753-A, to read as follows:

§ 753-A. Public service — airlines

Licenses for the sale of malt liquor by airlines, in their aircraft, under such regulations as the commission may prescribe, may be issued by the commission upon written application in such form as they may prescribe, and upon payment of the fee of \$200 per year for each aircraft.

Sec. 20. R. S., T. 28, § 801, amended. Section 801 of Title 28 of the Revised Statutes, as amended by section 3 of chapter 144 of the public laws of 1965, is further amended to read as follows:

§ 801. Licenses generally

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, vessels and ~~railroad dining cars~~ airlines on payment of the fees provided; subject to the condition that the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant or hotel, is operating the same, and if said hotel, restaurant or club is located in an unorganized place said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine. No licensee for the sale of liquor to be consumed on the premises where sold shall be himself, clerk, servant or agent, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises, except, subject to the provisions of law and the rules and regulations of the commission, hotel licensees may sell liquor in the original packages to bona fide registered room guests. **A separate license fee shall be paid for each aircraft to be operated under a license.**

Sec. 21. R. S., T. 28, § 802, amended. Section 802 of Title 28 of the Revised Statutes, as amended by section 4 of chapter 144 of the public laws of 1965, is further amended to read as follows:

§ 802. Licenses for vessel corporations and airlines; restrictions

~~A public service spirituous and vinous liquor and malt liquor license granted to any railroad corporation operating dining cars within the State shall authorize the holder thereof to sell spirituous and vinous liquors and malt liquor in such cars only after leaving and before reaching the terminal stops, to be consumed in such cars. Such licenses shall be good throughout the State.~~

~~Such license~~ **A public service spirituous and vinous liquor and malt liquor license granted to any vessel corporation operating boats within the State shall authorize the holder thereof to sell spirituous and vinous liquors and malt liquor in such boats on which food is served only after leaving and before reaching ports within the State.**

A public service spirituous and vinous liquor and malt liquor license granted to any airline operating aircraft within the State shall authorize the holder thereof to sell spirituous and vinous liquors and malt liquors in such aircraft on which food is served to be consumed in the aircraft only after leaving and before reaching airports within the State.

Such licenses shall be under such rules and regulations as the commission may prescribe.

Sec. 22. R. S., T. 28, § 804., amended. Section 804 of Title 28 of the Revised Statutes, as amended by section 5 of chapter 144 of the public laws of 1965, is further amended to read as follows:

§ 804. Public service corporations

A public service spirituous and vinous liquor and malt liquor license shall not be issued to any ~~railroad or~~ vessel company ~~or airline~~ until the applicant therefor has filed with the 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~~ vessel company ~~or airline~~, one bond shall cover every ~~dining car or~~ vessel ~~or aircraft~~ of such company.

Sec. 23. R. S., T. 28, § 852, amended. Section 852 of Title 28 of the Revised Statutes is amended to read as follows:

§ 852. Employment of minors

No licensee for the sale of liquor to be consumed on licensed premises, **except in Class A restaurants, clubs and hotel dining rooms**, shall employ any person under the age of 21 years in the direct handling or selling of liquor on the premises where such liquor is sold. **No licensee for the sale of liquor to be consumed on the licensed premises of Class A restaurants, clubs and hotel dining rooms shall employ any person under the age of 19 years in the direct handling or selling of liquor on the premises where such liquor is sold.**

Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not less than 30 days nor more than 6 months, or by both.

Sec. 24. R. S., T. 28, § 1060, amended. The 2nd paragraph of section 1060 of Title 28 of the Revised Statutes, as enacted by chapter 413 of the public laws of 1965, is amended to read as follows:

There shall be no fee for the issuance of **such** an adult identification card. **Any resident of the State or nonresident in the State over the age of 25 years may be issued such an identification card on payment of a fee of \$1.**

Sec. 25. R. S., T. 28, § 1211, amended. The first sentence of section 1211 of Title 28 of the Revised Statutes is amended to read as follows:

All liquors declared forfeited by any court or judge under this Title shall, by order of the court or judge rendering final judgment thereon, be turned over to the commission for distribution upon request to hospitals and state institutions for medicinal purposes only **or the commission may auction off such forfeited liquors to licensees.**