

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: S. P. 744, L. D. 2156
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2555

S. P. 923

In Senate, March 5, 1974

Reported by 6 members from the Committee on Liquor Control in Report
"A" and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Allowing Incorporated Civic Organizations to Apply for a Liquor
License for One Event Per Year.

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

Sec. 1. R. S., T. 28, § 2, sub-§ 16, amended. Subsection 16 of section 2 of Title 28 of the Revised Statutes, as repealed and replaced by chapter 363 of the public laws of 1965, and as amended by sections 1 and 2 of chapter 519 of the public laws of 1973, is further amended by adding at the end the following new paragraph:

Premises shall include that place where an incorporated civic organization sells or serves spirituous and vinous liquors and malt liquors pursuant to a license obtained under section 801-B.

Sec. 2. R. S., T. 28, § 2, sub-§ 26, additional. Section 2 of Title 28 of the Revised Statutes, as amended, is further amended by adding a new subsection 26 to read as follows:

26. Incorporated civic organization. "Incorporated civic organization" means any charitable or nonprofit civic organization incorporated as a corporation without stock under Title 13, chapter 81.

Sec. 3. R. S., T. 28, § 101, sub-§ 14, additional. Section 101 of Title 28 of the Revised Statutes, as repealed and replaced by section 1 of chapter 49 of the public laws of 1967, and as amended, is further amended by adding a new subsection 14 to read as follows:

14. Shall licenses be granted in this city or town to an incorporated civic organization for the sale herein of malt liquor (beer, ale and other malt liquors), wine and spirits to be consumed on the premises at one public event per year?

Sec. 4. R. S., T. 28, § 101, amended. The 3rd paragraph of section 101 of Title 28 of the Revised Statutes, as last repealed and replaced by section 42 of chapter 590 of the public laws of 1969, is amended to read as follows:

Where a city or town has voted in favor of accepting or not accepting the ballot questions ~~1, 2, 3, 4, 5, 6, 6-A, 7, 8, 9, 10, 11, 12 and 13~~, said vote shall be effective until repealed in the manner hereinafter provided.

Sec. 5. R. S., T. 28, § 101, amended. The first sentence of the 4th paragraph of section 101 of Title 28 of the Revised Statutes, as repealed and replaced by section 1 of chapter 49 of the public laws of 1967, and as amended by section 3 of chapter 183 of the public laws of 1969, is further amended to read as follows:

A new vote may be held in a municipality upon one or more of the ballot questions ~~1 through 13~~, upon receipt of a petition of electors resident in that municipality, in writing addressed to the Secretary of State and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that municipality, which petition shall be filed with the Secretary of State on or before the first day of July preceding the day of the biennial election.

Sec. 6. R. S., T. 28, § 701, amended. The first paragraph of section 701 of Title 28 of the Revised Statutes, as amended by section 2 of chapter 165 of the public laws of 1969, is further amended by adding at the end the following:

Incorporated civic organization—one event annually—spirituous, vinous and malt liquor 50

Sec. 7. R. S., T. 28, § 752, amended. Section 752 of Title 28 of the Revised Statutes is amended by adding at the beginning, the following new sentence:

A license to sell malt liquor to be consumed on the premises where sold may be issued to an incorporated civic organization pursuant to section 801-B.

Sec. 8. R. S., T. 28, § 752, amended. The first sentence of section 752 of Title 28 of the Revised Statutes is amended to read as follows:

No other license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises, except a bona fide hotel, restaurant, tavern or club, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern or club is located, and if such hotel, restaurant, tavern or club is located in an unorganized place, the application shall be approved by the county commissioners of the county within which such unorganized place is located.

Sec. 9. R. S., T. 28, § 801, amended. The first sentence of section 801 of Title 28 of the Revised Statutes, as amended, is further amended to read as follows:

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, railroad dining cars ~~and~~, airlines ~~and to incorporated civic organizations pursuant to section 801-B~~ 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, or both.

Sec. 10. R. S., T. 28, § 801-B, additional. Title 28 of the Revised Statutes is amended by adding a new section, 801-B, to read as follows:

§ 801-B. Licenses for incorporated civic organizations

1. A license for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises may be granted to any incorporated civic organization.

2. The license provided for by this section shall authorize the licensee to sell or serve liquor only at one public event or public gathering per year which is sponsored by the licensee.

3. An application for a license to sell or serve liquor, as provided for in this section by a licensee at such event or gathering, must be made by the eligible incorporated civic organization at least 20 days in advance of said event or gathering. Such application must include the following:

- A. Title and purpose of the event;
- B. Date, time and duration;
- C. Location;
- D. Approximate number of persons to be accommodated;
- E. Name and address of the sponsoring civic organization and the name and title of the officer making the application;
- F. Name and address of food caterer, if not licensee, if food is to be served;
- G. Approval by the municipal officers of the municipality in which the proposed licensed premises are located.

4. The commission shall decide upon each application and shall forthwith render either its approval or denial relative to same. If the application is approved, the commission shall advise the applicant that its license may be revoked or suspended under section 401.

5. General provisions.

- A. The commission may not grant approval for the sale of liquor at events to be held in areas where the voters have not voted in the affirmative relative to the pertinent local option question as set forth in section 101.**
- B. The commission is authorized to promulgate rules and regulations which it deems necessary for carrying out the provisions of this section.**