

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-438)

COMMITTEE AMENDMENT "A" to H.P. 793, L.D. 966, Bill,
"AN ACT Relating to Services Provided by Private Clubs under
the Liquor Laws."

Amend said Bill by striking out everything after the
enacting clause and before the Statement of Fact and inserting
in place thereof the following:

'Sec. 1. 28 MRSA §2, sub-§4-A is enacted to read:

4-A. Bottle club. "Bottle club" shall mean any person
operating in a bona fide manner for objects of recreational
and social activities, a club in which members provide their
own alcoholic beverages, and said beverages are not sold on
the premise by the owner or owners of the bottle club. To
qualify for license or renewal thereof under this Title, a
bottle club shall maintain a suitable club house, hall or
quarters for use of members or the general public, charge and
collect annual dues from its members on a regular basis in
conformance with its bylaws, and charge an admission fee to
members or to the general public and conform to the rules and
regulations of the State Liquor Commission.

Sec. 2. 28 MRSA §4, first ¶, as last amended by PL 1973,
c. 643, is further amended by adding at the end a new sentence
to read:

Bottle clubs shall be permitted to operate according to the
hours established by this statute for class A restaurants, taverns,
class A taverns, retail stores, hotels and clubs.

Sec. 3. 28 MRSA §201-A is enacted to read:

§ 201-A. Services of bottle clubs regulated

No person, by himself, clerk, servant or agent, partnership, club association, society or corporation, not licensed under this Title shall keep, maintain, operate, lease or otherwise furnish to its members and guests or to the general public any premises, building, apartment or place wherein such members, guests or other persons shall engage in the drinking of alcoholic liquors for a fee or any consideration, including any admission charge, charges for food, mixers or other fluids used with alcoholic drinks or the storage of alcoholic beverages.

Except that clubs, organizations and associations with limited membership not open to the general public and clubs and organizations or associations that are open to the general public, established for social, benevolent and recreational purposes shall be licensed.

Sec. 4. 28 MRSA §251, last ¶, is amended to read:

Every applicant for a license for sale of liquor to be consumed on the premises where sold or to be consumed on the premises of a bottle club shall include in his or her application a description of the premises for which he or she desires license and shall set forth such other material information, description or plan of that part of the premises where it is proposed to keep or sell liquor as the commission may require.

Sec. 5. 28 MRSA §301, first sentence, is amended to read:

No new hotel, restaurant, tavern, ~~or~~ club or bottle club licenses shall be granted under this Title to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time such

new license is applied for, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel, except such premises as were in use as hotels or clubs on July 24, 1937.

Sec. 6. 28 MRSA §303, 3rd ¶, first sentence, as last amended by PL 1971, c. 598, §59, is further amended to read:

Any person under the age of 18 years who purchases any intoxicating liquor or any person under the age of 18 years who consumes any intoxicating liquor in any on-sale premises or bottle club, or who presents or offers to any licensee, his agent or employee any written or oral evidence of age which is false, fraudulent or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any intoxicating liquor, or who has any intoxicating liquor in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 for the first offense, not less than \$50 nor more than \$100 for the 2nd offense and \$100 for the 3rd and subsequent offenses.

Sec. 7. 28 MRSA §701, as last amended by PL 1973, c. 749, §4, is further amended by adding a new paragraph after the 5th paragraph to read:

Fees for full-year licenses for the consumption of alcoholic beverages on premises only:
Bottle club--Spirituous, vinous^{and} malt liquor.....50

Sec. 8. 28 MRSA §702, first sentence, is amended to read:

No licensee for sale of liquor or consumption of liquor to be consumed on his or her licensed premises shall permit, on his or her licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the commission a special amusement permit for which he shall pay to the commission a fee of \$10.

Sec. 9. 28 MRSA §702, 2nd ¶, as last repealed and replaced by PL 1965, c. 513, §55, is amended to read:

Licensed hotels, class A taverns and , restaurant malt liquor and bottle club licensees who have been issued such special amusement permit may charge admission in designated areas approved by the commission.

Sec. 10. 28 MRSA §801, first sentence, as last amended by PL 1973, c. 749, §7, is further amended to read:

Licenses for the consumption of alcoholic beverages on the premises may be issued to bottle clubs and ~~licenses~~ 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, airlines and to incorporated civic organizations pursuant to section 801-B and municipal auditoriums 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, hotel or municipal auditorium, 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. 11. Transitional provision. Notwithstanding any other provision of law, the commission may grant bottle club licenses in any municipality which has previously voted affirmatively on questions contained in section 101, subsections 2 and 4.

Fiscal Note

The license fees established by this amendment will generate about \$10,000 per year .'

Statement of Fact

The intent of this amendment is to equitably apply the rules and regulations of the State Liquor Commission to all facilities on which alcoholic beverages are sold and consumed.

Reported by the Majority of the Committee on Liquor Control.

Reproduced and distributed under the direction of the Clerk of the House.
5/22/75

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