

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
FIRST SPECIAL SESSION
107TH LEGISLATURE

SENATE AMENDMENT " B " to H.P. 2223, L.D. 2311, Bill,
"AN ACT to Revise the Statutes Concerning Alcoholic Beverages."

Amend said Bill in section 1 in that part designated
"§2." by striking out all of subsection 1 and inserting in place
thereof the following:

'1. Adult. "Adult" shall mean a person who has attained
the age of 21 years or over.'

1-A. Alcohol. "Alcohol" shall mean that substance known
as ethyl alcohol, hydrated oxide of ethyl or spirit of wine which
is commonly produced by the fermentation or distillation of
grain, starch, molasses, sugar, potatoes or other substances
including all dilutions and mixtures of these substances.'

Further amend said Bill in section 1 in that part designated
"§2." by striking out all of subsection 11 and inserting in place
thereof the following:

'11. Minor. "Minor" shall mean a person who has not
attained his 21st birthday.'

Further amend said Bill by inserting after section 11 the following:

'Sec. 11-A. 28 MRSA §201, first 4 sentences, as last amended by PL 1971, c. 598, §55, are further amended to read:

No license shall be issued to any natural person unless such person is at least ~~18~~ 21 years of age and is a citizen of the United States and of this State. A part-time or 6 months' license, as authorized by law, may be issued to any natural person who is at least ~~18~~ 21 years of age and is a citizen of the United States. No license shall be issued to a partnership or to an association unless all persons having an interest therein are at least ~~18~~ 21 years of age and are citizens of the United States and of this State. A part-time or 6 months' license, as authorized by law, may be issued to a partnership or association if all persons having an interest therein are at least ~~18~~ 21 years of age and are citizens of the United States.

Sec. 11-B. 28 MRSA §201, sub-§1 is enacted to read:

1. Exemption. All licensees who are presently under 21 years of age and any other legal entity, including partnerships, corporations and associations of persons, currently holding a liquor license at the time that this Act becomes effective, shall be exempted from the provisions raising the age for a liquor license from 18 years to 21 years of age.'

Further amend said Bill by inserting after section 13 the following:

'Sec. 13-A. 28 MRSA §251, 3rd sentence, as last amended by PL 1971, c. 598, §56, is further amended to read:
All applications shall be signed by the owner, if a natural person, who shall be at least ~~18~~ 21 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation by an executive officer thereof or any person thereto specifically authorized by the corporation, except a bona fide prospective purchaser may apply.'

Further amend said Bill by inserting after section 19 the following:

'Sec. 19-A. 28 MRSA §303, 2nd ¶, 2nd sentence, as repealed and replaced by PL 1969, c. 590, §46 and as amended by PL 1971, c. 598, §57, is further amended to read:
No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises, shall sell, furnish, give or deliver such malt liquor or table wine to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits or to any minor under the age of ~~18~~ 21 years.

Sec. 19-B. 28 MRSA §303, 2nd ¶, 3rd sentence, as last amended by PL 1971, c. 598, §58, is further amended to read: No licensee by himself, clerk, servant or agent shall sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits or to any minor under the age of ~~18~~ 21 years.'

Further amend said Bill by striking out all of section 20 and inserting in place thereof the following:

'Sec. 20. 28 MRSA §303, 3rd ¶, first sentence, as last amended by PL 1975, c. 100, is further amended to read:

Any person under the age of ~~18~~ 21 years who purchases any intoxicating liquor or any person under the age of ~~18~~ 21 years who consumes any intoxicating liquor or has on his ~~or her~~ person 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

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Further amend said Bill by inserting after section 33 the following:

'Sec. 33-A. 28 MRSA §852, 1st ¶, as repealed and replaced by PL 1969, c. 590, §55 and as last amended by PL 1971, c. 598, §61, is further amended to read:

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 ~~18~~ 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 17 years in the direct handling or selling of liquor on the premises where such liquor is sold, provided that the licensee or an employee who is ~~18~~ 21 years of age or older is present in a supervisory capacity.'

Further amend said Bill by inserting after section 35 the following:

'Sec. 35-A. 28 MRSA §1060, 1st sentence, as enacted by PL 1971, c. 227 and as amended by PL 1971, c. 622, §89-B, is further amended to read:

Any resident of the State or nonresident in the State ~~18~~ 21 years of age or over may make application to the Liquor Commission for an adult identification card upon a form provided by the commission.'

Statement of Fact

This amendment raises the age of minority under the liquor statutes from 18 to 21.

(Hichens)

NAME:

Walter W. Hichens
COUNTY: York

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(Filing No. S-528).