

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 205

H. P. 167

House of Representatives, February 1, 1977

Referred to the Committee on Liquor Control. Sent up for concurrence and 1,800 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Diamond of Windham.

Cosponsor: Mr. Spencer of Standish.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Raise the Age of Persons Who May Purchase Alcoholic Beverages from Retail Establishments for Off-premise Consumption or to Sell as Licensees.**

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

Sec. 1. 28 MRSA § 2, sub-§ 11, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

11. Mincr. "Minor" shall mean a person who has not attained his 18th birthday in order to consume alcoholic beverages on the premises of licensed establishments and who has not attained his 19th birthday in order to consume alcoholic beverages off the premises of licensed establishments as defined in subsection 8. "Minor" shall also mean a person who has not attained his 19th birthday in order to sell alcoholic beverages, or to own in part or in full or to operate a licensed establishment as defined in subsection 8.

Sec. 2. 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~~ 19 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~~ 19 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~~ 19 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~~ 19 years of age and are citizens of the United States.

**Sec. 3.** 28 MRSA § 201, sub-§ 1 is enacted to read:

1. **Exemption.** All licensees who are presently under 19 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 licensee from 18 years to 19 years of age.

**Sec. 4.** 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~~ 19 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.

**Sec. 5.** 28 MRSA § 303, 2nd ¶, 2nd sentence, as last 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~~ 19 years.

**Sec. 6.** 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~~ 19 years who purchases any intoxicating liquor for off-premise consumption or any person under the age of 18 years who consumes any intoxicating liquor or has on his or her person any intoxicating liquor in any on-sale premises, or who presents or offers to any licensee, his agent or employee any written or oral evidence of age which is false, 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 § 852, first ¶, 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~~ 19 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 ~~at~~ 19 years of age or older is present in a supervisory capacity.

**Sec. 8. 28 MRSA § 1060, first sentence**, as last amended by PL 1971, c. 622, § 89-B, is further amended to read:

Any resident of the State or nonresident in the State ~~at~~ 19 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

The intent of this bill is to reduce the problem of teenage drinking in Maine's junior and senior high schools. In many high schools, students classified as adults under the liquor laws purchase alcoholic beverages for their younger classmates.

Since 18-year-olds are allowed to consume liquor in many other states and in the military, this bill has been designed to allow 18-year-olds to consume liquor on the premises of licensed establishments but not to purchase liquor to be taken off the premises. This restriction will reduce the problem of liquor in Maine's junior and senior high schools.