

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 240

H. P. 200

House of Representatives, February 3, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees.

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Sec. 1. 28 MRSA § 2, sub-§ 11, as repealed and replaced by PL 1975, c. 741, § 1, is amended to read:

11. **Minor.** "Minor" shall mean a person who has not attained his ~~18th~~ 20th birthday.

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~~ 20 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~~ 20 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~~ 20 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~~ 20 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 20 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 subsection

becomes effective shall be exempted from the provisions raising the age for a liquor license from 18 years to 20 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~~ 20 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 and 3rd sentences, as last amended by PL 1971, c. 598, §§ 57 and 58, are 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~~ 20 years. 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~~ 20 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~~ 20 years who purchases any intoxicating liquor or any person under the age of ~~18~~ 20 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, 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 § 751-A, as last amended by PL 1971, c. 598, § 60, is further amended to read:

§ 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 or table wine in retail stores, the age of such employee receiving the payment shall not be under 17 years of age, provided that in any event an employee who is ~~18~~ 20 years of age or older is present in the retail store in a supervisory capacity.

Sec. 8. 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~~ 20 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 an employee who is ~~18~~ 20 years of age or older is present in a supervisory capacity.

Sec. 9. 28 MRSA § 1001, 1st ¶, as last amended by PL 1971, c. 598, § 62, is further amended to read:

No person under the age of ~~18~~ 20 years shall knowingly transport or knowingly permit to be transported any intoxicating liquor in a motor vehicle under his control except in the scope of his or her employment, or at the request of his or her parent or guardian.

Sec. 10. 28 MRSA § 1001, 3rd ¶, 1st sentence, as last amended by PL 1971, c. 598, § 63, is further amended to read:

No person under the age of ~~18~~ 20 years shall be convicted of any offense under this section if intoxicating liquors are found outside the passenger or driver's section of a motor vehicle under his control unless said person has actual knowledge of the presence of said liquors.

Sec. 11. 28 MRSA § 1060, 1st ¶, 1st 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 ~~18~~ 20 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 bill would raise the age of a person who desires to purchase alcoholic beverages from 18 to 20 years. It would also require that all licensees shall be at least 20 years of age.