

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 295

H. P. 232

House of Representatives, February 9, 1977

Referred to the Committee on Liquor Control. Sent up for concurrence and 1,500 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Boudreau of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Provide for Licensing of Bottle Clubs.

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

Sec. 1. 28 MRSA § 2, sub-§ 8, ¶ A-1 is enacted to read:

A-1. Bottle club. "Bottle club" shall mean any person operating a premise for social and recreational activities and in which members or guests provide their own alcoholic beverages, and where no alcoholic beverages are sold on the premises. To qualify for a license or renewal thereof under this Title, a bottle club shall maintain a suitable club house, hall or quarters for the use of members and guests, charge and collect annual dues from its members on a regular basis in conformance with its bylaws or 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 § 201-A is enacted to read:

§ 201-A. Services of bottle clubs regulated

No person, firm 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.

Any person found in violation of this section shall be punished by a fine of not more than \$300 or by imprisonment for not more than 60 days, or by both.

Sec. 3. 28 MRSA § 251, last ¶ is amended to read:

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

Sec. 4. 28 MRSA § 301, 1st 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. 5. 28 MRSA § 303, 3rd ¶, as last amended by PL 1975, c. 100, 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 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. If a minor is charged with illegal possession under this section, he may not be charged with illegal transportation. No minor shall be charged with more than one offense under this section in any given instance wherein the same set of facts is involved.

Sec. 6. 28 MRSA § 701, sub-§ 7 is enacted to read:

7. Fees for full-time licenses. Fees for full-time licenses for the consumption of alcoholic beverages on the premises shall be as follows:

A. Class VIII License—Bottle Clubs \$100

Sec. 7. 28 MRSA § 701, sub-§ 8 is enacted to read:

8. Fees for part-time licenses. Fees for part-time licenses for the consumption of alcoholic beverages on the premises of bottle clubs shall be 1/2 the full-time license fee.

Sec. 8. 28 MRSA § 701-A, sub-§ 8 is enacted to read:

8. **Class VIII License.** The following premises shall be eligible for a **Class VIII License**:

A. Bottle Clubs—Consumption of alcoholic beverages on the premises only.

Sec. 9. 28 MRSA § 702, 1st sentence is amended to read:

No license for sale of liquor or **consumption of liquor** to be consumed on his licensed premises shall permit, on his 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. 10. 28 MRSA § 702, 2nd ¶, as amended by PL 1975, c. 74, is further amended to read:

Licensed hotels, class A restaurants, 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.

STATEMENT OF FACT

The purpose of this bill is to apply the rules and regulations of the State Liquor Commission in an equitable manner to all facilities on which alcoholic beverages are sold or consumed. Presently, bottle clubs are not under any regulation, and actions deemed illegal for licensed establishments are not illegal for bottle clubs. This bill will correct this inequity.