

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-41)

HOUSE AMENDMENT " B " to S.P. 199, L.D. 577, Bill, "AN ACT Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 28 MRSA §2, sub-§11, as repealed and replaced by PL 1975, c. 741, §1, is repealed and the following enacted in its place: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. Minor. "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 20th 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 20th 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~~ 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 §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. 4. 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~~ 20 years.

Sec. 5. 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 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. 6. 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 ~~is~~ 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 amendment permits on-premise consumption/ ^{of alcoholic beverages} by persons 18 years or older and permits off-premise consumption by persons 20 years or older. It leaves the present provisions governing sales and service of beer, wine and spirits by cashiers, hotel and restaurant personnel as they are currently. It also eliminates any grandfather provisions from the bill.

Filed by Mr. Wilfong of Stow.

Reproduced and distributed under the direction of the Clerk of the House.
3/1/77

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