

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1434

H. P. 1206

House of Representatives, April 4, 1977

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

EDWIN H. PERT, Clerk

Presented by Mrs. Locke of Sebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Repeal Certain Laws Relating to Alcoholic Beverages.

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

Sec. 1. 28 MRSA § 751, 3rd ¶, as last amended by PL 1969, c. 360, § 24, is further amended to read:

No licenses shall be issued to any new retail premise under this section unless it has been in operation as such for a period of at least 3 months next prior to the date of the application, or unless such applicant proves to the satisfaction of the commission that all proper standards and requirements of laws and rules and regulations of the commission have been met and said applicant has been a resident of the State for at least 6 months prior to filing his application ~~except that anyone who formerly held a Maine malt liquor or table wine license or who formerly was owner of a retail store within the State of Maine, shall not be subject to this sentence.~~

Sec. 2. 28 MRSA § 752, 1st ¶, 3rd and 4th sentences are amended to read:

No license shall be issued to a new restaurant premise unless it has been in operation as such for a period of at least 3 months next prior to the application therefor or unless such applicant proves to the satisfaction of the commission that all proper standards and requirements of laws and rules and regulations of the commission have been met and said applicant has been a resident of the State for at least 6 months prior to filing his application ~~Any honorably discharged member of the Armed Forces of the United States who formerly held a malt beverage license or who formerly was the owner of a restaurant shall not be subject to this section,~~ and provided in the case of part-time premises that operation next prior to time of application shall

be held to mean operation during the season when such part-time premise is ordinarily open for business.

Sec. 3. 28 MRSA § 1058, as last amended by PL 1969, c. 180, is further amended to read:

§ 1058. Furnishing liquor to certain persons prohibited

Whoever, other than a licensee or his agent within the scope of their employment, knowingly procures or in any way aids or assists in procuring liquor or whoever furnishes, gives or delivers liquor to a minor who may not legally purchase liquor for himself or for any intoxicated person, ~~pauper, mentally ill person or person of known intemperate habits~~ except that this provision shall not apply to liquor served to a minor in a home in the presence of his parent or guardian, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months, or by both.

Sec. 4. 28 MRSA § 1151, as amended by PL 1973, c. 567, § 20, is repealed.

Sec. 5. 28 MRSA § 1152, as amended by PL 1973, c. 567, § 20, is repealed.

Sec. 6. 28 MRSA § 1153 is repealed.

Sec. 7. 28 MRSA § 1154, as amended by PL 1973, c. 567, § 20, is repealed.

Sec. 8. 28 MRSA § 1204 is repealed.

Sec. 9. 28 MRSA § 1209 is repealed.

STATEMENT OF FACT

This bill repeals certain unnecessary laws relating to alcoholic beverages, including statutes directing sheriffs to take special care to enforce the liquor laws, certain grandfather clauses no longer needed and sections relating to the duty of an officer upon seizure of alcoholic beverages and vessels and upon the death of an officer making this kind of seizure.