

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1450

H. P. 1190

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 Mr. Maxwell of Jay.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Clarify Certain Liquor Laws.

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

Sec. 1. 28 MRSA § 2, sub-§ 8, ¶ L, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

L. Retailer. "Retailer" shall mean and include persons licensed by the commission to engage in the purchase and resale of liquors in the original container or by the drink, for consumption on or off the premises. It shall not include wholesalers as defined in subsection 18.

Sec. 2. 28 MRSA § 2, sub-§ 10, as repealed and replaced by PL 1975, c. 741, § 1, is amended to read:

10. Malt liquors. "Malt liquors" shall mean all kinds and types of liquors as defined produced by the fermentation of malt wholly or partially or from any substitute therefor, which contain $\frac{1}{2}$ of 1% of alcohol or less more by volume.

Sec. 3. 28 MRSA § 2, sub-§ 14, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

14. Retail sale. "Retail sale" shall mean any single sale of liquor for on or off the premises consumption of less than 20 gallons whether in the original package or as a mixed drink for immediate consumption.

Sec. 4. 28 MRSA § 101, 4th paragraph from the end, as repealed and replaced by PL 1975, c. 741, § 5, is amended by adding at the end the following new sentence to read:

No such local option vote shall be taken more often than once in any 2-year period.

Sec. 5. 28 MRSA § 101, 3rd paragraph from the end, as repealed and replaced by PL 1975, c. 741, § 5, is amended by adding at the end the following new sentence to read:

In a municipality where a new vote is taken subsequent to July 29, 1976, the disapproval of a new privilege shall not void the existing privilege granted by a prior vote unless the petition and ballot clearly indicate that that is the intention of the petition.

Sec. 6. 28 MRSA § 203, sub-§ 2, 2nd sentence, is amended to read:

Personal representatives, receivers or trustees may operate the premise themselves or through a duly appointed manager for a year from the date of their appointment for the benefit of the estate but must renew the license ~~on January 1st~~ upon the expiration date of any year at the regular license fee, and if the license or renewal thereof is not transferred during the year from date of appointment, it shall be void and returned to the commission for cancellation.

Sec. 7. 28 MRSA § 603, 1st sentence is amended to read:

All manufacturers or foreign wholesalers to whom certificates of approval have been granted shall furnish promptly the commission with a copy of every invoice sent to Maine wholesale licensees, with the licensee's name and purchase number thereon and the original copy of the Maine purchase order.

Sec. 8. 28 MRSA § 652, 2nd ¶, 1st, 2nd and 3rd sentences as amended by PL 1969, c. 360, § 22, are amended to read:

All purchase order forms are to be furnished by the commission and all orders are to be executed in quintuplet for unbonded wholesalers. First, the unbonded wholesaler ordering malt liquor or table wine shall mail 3 copies to the commission with a check for the amount of excise taxes required to cover the amount of the order. Thereafter, the unbonded wholesaler may mail the original copy of the order to the qualified brewery or winery or wholesaler with whom he wishes to place his order.

Sec. 9. 28 MRSA § 652, as last amended by PL 1973, c. 303, § 3, is further amended by adding after the 2nd paragraph a new paragraph to read:

Bonded Maine wholesale licensees shall use a form supplied by the commission which form shall be in triplicate. The wholesalers shall submit the original copy to the qualified brewery, winery or foreign wholesaler with whom he wishes to place his order. The bonded wholesaler shall then mail to the commission one copy of the form and retain one copy for his files.

Sec. 10. 28 MRSA § 652, last paragraph, 3rd sentence, as amended by PL 1969, c. 156, is further amended to read:

Said bond shall be equal to 1½ times the highest monthly excise tax paid by the wholesale licensee during the period of his prior calendar year license plus 10% of the highest month.

Sec. 11. 28 MRSA § 701, sub-§ 3, ¶ B, as enacted by PL 1975, c. 741, § 21, is amended to read:

B. Class II License, spirituous liquor only ~~\$40~~ \$90

Sec. 12. 28 MRSA § 701, sub-§ 3, ¶ E, as enacted by PL 1975, c. 741, § 21, is amended to read:

E. Class V License, Club — without catering privileges —
spirituous, vinous, and malt beverages ~~\$40~~ \$90

Sec. 13. 28 MRSA § 701, as repealed and replaced by PL 1975, c. 741, § 21, is amended by adding at the end the following new paragraphs to read:

One public service license shall be sufficient to cover all steamboats, cars and aircraft operated by any one owner.

All full-year licenses shall be issued for one year from date of issuance and the prescribed fee shall accompany the application for the license.

Licenses may be renewed upon application therefor and payment of the annual fee, subject to commission rules and regulations.

Any licensee applying for license to operate more than one premise shall pay the fee prescribed for the type of license to be exercised at each such premise.

Sec. 14. 28 MRSA § 701-A, sub-§ 4, ¶ M is enacted to read:

M. Vessels.

Sec. 15. 28 MRSA § 752, 2nd sentence, as last amended by PL 1973, 749, §5, is further amended to read:

No other license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises, except a bona fide hotel, restaurant, tavern, club or ~~municipal~~ civic auditorium, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern, club or ~~municipal~~ civic auditorium is located, and if such hotel, restaurant, tavern or club is located in an unorganized place, the application shall be approved by the county commissioners of the county within such unorganized place is located.

Sec. 16. 28 MRSA § 801-A, sub-§ 3, ¶ G, last sentence, as amended by PL 1975, c. 122, § 2, is repealed.

Sec. 17. 28 MRSA § 803-A, 3rd ¶, as enacted by PL 1971, c. 182, is amended to read:

Any license granted under this section shall not be subject to section 4, nor shall it be subject to the food requirements contained in section 2, subsection ~~+~~§ 8, paragraph K.

STATEMENT OF FACT

This bill would accomplish the following purposes:

Sections 1 and 3. These sections would provide an improved definition of "retailer" and "retail sale" and would place both definitions in those sections of the statutes relating to definitions of retail premises.

Section 2 of this bill would amend the definition of malt liquors to include malt liquors containing $\frac{1}{2}$ of 1% of alcohol or more by volume.

Section 4 would provide that no local option vote be taken more often than once in every 2-year period.

Section 5 would provide that the disapproval of any new privilege by the voters of a municipality would not void any existing privilege granted by a prior vote unless the petition and ballot clearly indicate.

Section 6 would provide for renewal of licenses upon the expiration date rather than on January 1st by persons operating premises for the benefit of an estate.

Section 7 would provide that manufacturers and foreign wholesalers shall furnish the commission with the original copy of the Maine purchase order to assist the commission with the necessary documentation to verify shipments of alcoholic beverages into Maine.

Sections 8 and 9 would regulate the forms used by bonded and unbonded wholesalers.

Section 10 would provide that bonds would be equal to $1\frac{1}{2}$ times the highest monthly excise tax paid by a wholesaler during the prior license year plus 10% of the highest month.

Sections 11 and 12 would raise the fees for Class II and Class V licenses from \$40 to \$90.

Section 13 would reinstate sections of the law relating to license issuance, renewal and multipremise licenses which were inadvertently repealed.

Section 14 would provide for a Class IV license for vessels.

Section 15 would amend the law relating to the sale of malt liquor by replacing the words "municipal auditorium" with the words "civic auditorium" to make this law consistent with other statutes.

Section 16 would repeal the law requiring municipal approval for licenses for Class A restaurants, hotels and clubs to conduct certain off-premises sale of liquor.

Section 17 would rectify an error in the law relating to licenses granted to international air terminals.