

# MAINE STATE LEGISLATURE

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L.D. 1944

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

(Filing No. H-951)

COMMITTEE AMENDMENT "A" to H.P. 1887, L.D. 1944, Bill, "AN ACT to Permit Sale of Alcoholic Beverages for On-premise Consumption at 18 Years of Age."

Amend the Bill by striking out all of the title and inserting in its place the following:

'AN ACT to Permit Sale of Alcoholic Beverages at 19 Years of Age.'

Further 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 last amended by PL 1977, c.23, §1, is further amended to read:

11. Minor. "Minor" shall mean a person who has not attained his ~~20th~~ 19th birthday.

Sec. 2. 28 MRSA §201, first ¶, first 4 sentences, as last amended by P.L. 1977, c.23, §2, are further amended to read:

No license shall be issued to any natural person unless such person is at least ~~20~~ 19 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 ~~20~~ 19 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 ~~20~~ 19 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 ~~20~~ 19 years of age and are citizens of the United States.

Sec. 3. 28 MRSA §201, sub-§1, as enacted ← → by PL 1977, c.23, §3, is repealed and the following enacted in its place:

1. Exemption. All licensees who are presently under 19 years of age and any other legal entities including partnerships, corporations and associations of persons, currently holding a liquor license at the time ← → this subsection becomes effective shall be exempt from the age requirements of this section.

Sec. 4. 28 MRSA §251, 1st ¶, 3rd sentence, as last amended by PL 1977, c. 23, §4, is further amended to read:

All applications shall be signed by the owner, if a natural person, who shall be at least ~~20~~ 19 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 1977, c. 23, §5 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 ~~20~~ 19 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 ~~20~~ 19 years.

Sec. 6. 28 MRSA §303, 3rd ¶, 1st sentence, as last amended by PL 1977, c. 23, §6, is further amended to read:

Any person under the age of ~~20~~ 19 years who purchases any intoxicating liquor or any person under the age of ~~20~~ 19 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 §1001, 1st ¶, as last amended by PL 1977, c. 23, §7, is further amended to read:

No person under the age of ~~20~~ 19 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. 8. 28 MRSA §1001, 3rd ¶, 1st sentence, as last amended by PL,1977, c. 23, §8, is further amended to read:

No person under the age of ~~20~~ 19 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. 9. 28 MRSA §1060, 1st ¶, 1st sentence, as last amended by PL 1977, c. 23, §9, is further amended to read:

Any resident of the State or nonresident in the State ~~20~~ 19 years of age or over may make application to the Liquor Commission for an adult identification card upon a form provided by the commission.

Sec. 10. Statutory referendum procedure; form of question; effective date. This Act shall take effect 90 days after adjournment of the Legislature only for the purpose of presenting it to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Shall 'AN ACT to Permit Sale of Alcoholic Beverages at 19 Years of Age,' passed by the Second Regular Session of the 108th Legislature, become law?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Statement of Fact

This amendment provides for a statutory referendum to be held on the question of whether or not the sale of alcoholic beverages at 19 years of age should be permitted.

Reported by Report "A" of the Committee on Liquor Control.

Reproduced and distributed under the direction of the Clerk of the House.  
1/13/78

(Filing No. H-951)