

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 576

H. P. 469

House of Representatives, February 15, 1979

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Boudreau of Waterville.

Cosponsor: Mr. Dexter of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

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Sec. 2. 28 MRSA § 4, 2nd ¶, as repealed and replaced by PL 1975, c. 741, § 2, is amended by adding at the end the following new sentence:

A bottle club licensed under this Title may permit the consumption of liquors on the bottle club premises between 1 a.m. and 5 a.m.

Sec. 3. 28 MRSA § 101, sub-§ 9 is enacted to read:

9. Shall this municipality or unincorporated place authorize the consumption of intoxicating liquors in licensed bottle clubs on premises?

Sec. 4. 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 bottle club or premises, building, or place wherein the 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.

The prohibition of this section shall not apply to any bottle club or person operating a premise, building or place, when the person is a nonprofit social and recreational organization, as defined in section 501 (c) (7) of the Internal Revenue Code, Any person found in violation of this section shall be guilty of a Class E crime.

Sec. 5. 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. 6. 28 MRSA § 301, first 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. 7. 28 MRSA § 303, last ¶, first sentence, as last amended by PL 1977, c. 23, § 6, is further amended to read:

Any person under the age of 20 years who purchases any intoxicating liquor or any person under the age of 20 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~~ **commits a civil violation for which a forfeiture of not more than \$100 for the first violation, not less than \$50 nor more than \$100 for the 2nd violation and \$100 for the 3rd and subsequent violations may be adjudged.**

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

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

A. Class VIII License-Bottle Clubs\$100

Sec. 9. 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. 10. 28 MRSA § 702, sub-§ 6, as enacted by PL 1977, c. 501, § 1, is amended to read:

6. Admission. A licensed hotel, Class A restaurant, Class A tavern or, restaurant malt liquor or bottle club licensee who has been issued an amusement permit may charge admission in designated areas approved by the municipal permit.

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 corrects this inequity. The bill exempts from the licensing requirements recreational and social organizations that are nonprofit and tax exempt under the Internal Revenue Code. The bill allows licensed bottle clubs to operate until 5 a.m.