

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1367

S. P. 436

In Senate, March 21, 1979

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

Presented by Senator Danton of York.

Cosponsor: Senator Farley of York.

MAY M. ROSS, Secretary of the Senate.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-NINE

AN ACT to Clarify Inconsistencies in the Liquor Laws.

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

Sec. 1. 28 MRSA § 2, sub-§ 13,-A, 5th sentence, as enacted by PL 1977, c. 246, § 1, is amended to read:

In no case shall the commission renew any license for the sale of malt liquor under this subsection, unless they are furnished with proof that the previous year's business conformed to the income provisions of this subsection.

Sec. 2. 28 MRSA § 54, sub-§ 4, as enacted by PL 1977, c. 741, § 4, is amended to read:

4. Annual report. To make an annual report to the Governor of their activities and of the amount of malt liquor license fees collected together with such other information as they deem advisable or as the Governor may require.

Sec. 3. 28 MRSA § 201, sub-§ 1, as enacted by PL 1977, c. 23, § 3, is repealed.

Sec. 4. 28 MRSA § 701, sub-§ 7 is enacted to read:

7. Incorporated civic organization. One event annually, spirituous, vinous and malt liquor \$50

Sec. 5. 28 MRSA § 752, last ¶, as enacted by PL 1973, c. 749, § 6, is amended to read:

Licenses granted to ~~municipal~~ **civic** auditoriums may only be used in conjunction with a function or event held on the licensed premises and the licensee must notify the Bureau of Liquor Enforcement at least 24 hours in advance of such a function or event.

Sec. 6. 28 MRSA § 753, first sentence, as amended by PL 1965, c. 144, § 2, is further amended to read:

Licenses for the sale of malt liquor by railroad companies, pullman companies or vessel companies, in their cars or boats, under such regulations as the commission may prescribe, may be issued by the commission upon a written application in such form as they may prescribe, and upon payment of the fee of ~~\$100 per year, covering all cars supplying food operated by any one owner and \$100 per year for each vessel as provided in section 701.~~

Sec. 7. 28 MRSA § 753-A, as enacted by PL 1969, c. 500, § 11, is amended to read:

§ 753-A. —airlines

Licenses for the sale of malt liquor by airlines, in their aircraft, under such regulations as the commission may prescribe, may be issued by the commission upon written application in such form as they may prescribe, and upon payment of the fee of ~~\$200 per year for each airline as provided in section 701.~~

Sec. 8. 28 MRSA § 801, as last amended by PL 1977, c. 246, § 7, is further amended to read:

§ 801. Licenses generally

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide qualified catering services, hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B and civic auditoriums on payment of the fees provided; subject to the provisions of section 252 and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a qualified catering service, club, restaurant hotel or ~~municipal~~ **civic** auditorium is operating the same, and if said qualified catering service, hotel, restaurant or club is located in an unorganized place, said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both. No licensee for the sale of liquor to be consumed on the premises where sold shall by himself, clerk, servant or agent, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises, except, subject to the provisions of law and the rules and regulations of the commission ~~hotel~~. **Hotel** licensees may sell liquor in the original packages to bona fide registered room guests.

Sec. 9. PL 1977, c. 501, § 3 is repealed as follows:

~~**Sec. 3. Transition.** The State Liquor Commission shall continue to issue special amusement permits for licensees in a municipality under Title 28, section 704, as in effect on the day before the effective date of this Act, until the municipality has adopted ordinances or established rules and regulations under this Act, but in no event shall the commission issue any permits after June 30, 1978. All special amusement permits issued by the commission prior to June 30, 1978, shall be valid for one year from their date of issue~~

STATEMENT OF FACT

The purposes of this bill are:

Section 1. Qualified catering services' licenses are not limited to the service of malt beverages only. Therefore, the removal of the word "malt" will make the sentence applicable to all privileges as intended.

Section 2. All license fees are reported, not just malt fees. This section has been revised many times and the word malt is apparently a holdover from the era of the first State Liquor Commission when only malt beverages' licenses were authorized by the Legislature.

Section 3. This particular subsection was enacted to protect persons holding liquor licenses when the drinking age was increased. There currently are no individuals that this subsection protects and can, therefor, be eliminated from the Title.

Section 4. Chapter 741 of the public laws of 1975 repealed most license fees and enacted an entire new schedule of fees. The fee for this particular license was not contained within that schedule. This \$50 was the original fee charged and there is no reason to increase or decrease this fee. Authority should be granted to collect the fee.

Section 5. This section replaces the word municipal with civic, thereby rendering the paragraph consistent with the first paragraph and the definition of this particular type establishment in Title 28, section 2.

Sections 6. and 7. There are 2 fees listed in this Title for the same type of license. These sections will repeal one of these fees. The fee being repealed is the less expensive.

Section 8. Other sections of this Title designate municipal auditoriums as civic auditoriums. Replacing municipal with civic will render this section consistent with the definition of this particular type establishment in Title 28, section 2.

Section 9. This paragraph provided a transition period whereby the State Liquor Commission was empowered to issue permits while the municipalities were preparing ordinances and procedures. This transition period is over and there is no further need for this paragraph.