

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)

(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 773

H. P. 669

House of Representatives, February 10, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify and Make Corrections in the Liquor Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of previous Legislatures have resulted in certain technical errors and inconsistencies in the Revised Statutes, Title 28; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28 MRSA § 155 is amended by adding at the end a new paragraph to read:

Any bureau employee violating this section is subject to disciplinary action by

the Director of the Bureau of Alcoholic Beverages and not by other penalties as provided by this Title.

Sec. 2. 28 MRSA § 201-A is enacted to read:

§ 201-A. Notification of license expiration

A license holder who unintentionally fails to renew any license upon its expiration date and continues to make sales of intoxicating liquor is not chargeable with illegal sales pursuant to section 1055 for a period of 7 days following the expiration date. The commission shall notify the licensee by the most expedient means available that the license has expired and all sales of intoxicating liquors shall be suspended immediately and remain suspended until such time as the license is properly renewed. A licensee that continues to make sales of intoxicating liquors after having been properly notified of the expired license shall be charged with illegal sales pursuant to section 1055.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill provides a definite penalty of disciplinary action and further directs who shall impose that penalty. Currently some incidents are processed in District Court while others are referred back to the Director of the Bureau of Alcoholic Beverages depending upon the feelings of the investigating officer.

Employees of licensees cannot be processed in District court and it is only fair that our own store employees be treated accordingly.

This bill also provides that any person convicted of a violation of Title 28, section 1055 be punished by a fine of at least \$300. In addition, that person cannot be granted another liquor license for at least 5 years from date of conviction.

At the time of arrest for illegal sale, all liquors on the premises are seized and upon order of the court are forfeited to the State; a harsh penalty for someone who might have had a lapse of memory and failed to renew his license application on time.