

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of S.P. 662, L.D. 1852)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2055

S.P. 752

In Senate, February 3, 1984

Reported by Majority Report from the Committee on Legal Affairs and
printed under Joint Rule 2.

Original bill presented by Senator Danton of York.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

**AN ACT To Amend the Liquor Laws to Permit
the Sale of Beer and Wine at Outdoor Stadiums.**

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

Whereas, the construction of the Maine Guide's baseball stadium in Old Orchard Beach will be completed in April, 1984; and

Whereas, the 1984 International League schedule begins on April 10, 1984; and

Whereas, beer and wine are sold at all International League baseball parks; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preser-
3 vation of the public peace, health and safety; now,
4 therefore,

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

7 Sec. 1. 28 MRSA §2, sub-§8, ¶P is enacted to
8 read:

9 P. "Outdoor Stadium" means any commercially-op-
10 erated outdoor facility with 5,000 or more seats
11 designed or used for the playing of any sport or
12 event, which is open to the general public, which
13 charges a fee and which has adequate facilities
14 for the sale and consumption of malt and vinous
15 liquors.

16 Sec. 2. 28 MRSA §701-A, sub-§3, ¶I-1, as enacted
17 by PL 1979, c. 432, §4, is amended to read:

18 I-1. Performing arts centers-;

19 Sec. 3. 28 MRSA §701-A, sub-§3, ¶¶J and K, as
20 enacted by PL 1975, c. 741, §22, are amended to read:

21 J. Restaurants and;

22 K. Vessels-;

23 Sec. 4. 28 MRSA §701-A, sub-§3, ¶L, as enacted
24 by PL 1977, c. 246, §4, is amended to read:

25 L. Qualified catering services-; and

26 Sec. 5. 28 MRSA §701-A, sub-§3, ¶M is enacted to
27 read:

28 M. Outdoor stadiums.

29 Sec. 6. 28 MRSA §701-A, sub-§4, ¶I-1, as enacted
30 by PL 1979, c. 432, §5, is amended to read:

31 I-1. Performing arts centers-;

1 Sec. 7. 28 MRSA §701-A, sub-§4, ¶¶K and L, as
2 enacted by PL 1975, c. 741, §22, are amended to read:

3 K. Taverns and;

4 L. Class A taverns-;

5 Sec. 8. 28 MRSA §701-A, sub-§4, ¶M, as enacted
6 by PL 1977, c. 211, §14, is amended to read:

7 M. Vessels-;

8 Sec. 9. 28 MRSA §701-A, sub-§4, ¶N, as enacted
9 by PL 1977, c. 564, §102, is amended to read:

10 N. Qualified catering services-; and

11 Sec. 10. 28 MRSA §701-A, sub-§4, ¶O is enacted
12 to read:

13 O. Outdoor stadiums.

14 Sec. 11. 28 MRSA §752, first ¶, as amended by PL
15 1979, c. 432, §6, is further amended to read:

16 A license to sell malt liquor to be consumed on
17 the premises where sold may be issued to an incorpo-
18 rated civic organization pursuant to section 801-B.
19 No other license to sell malt liquor to be consumed
20 on the premises where sold ~~shall~~ may be issued to any
21 person for any premises, except a bona fide hotel,
22 restaurant, tavern, club, qualified catering service,
23 civic auditorium ~~or~~, performing arts center or out-
24 door stadium, nor unless the application therefor be
25 approved by the municipal officers of the city or
26 town where such hotel, restaurant, tavern, club,
27 qualified catering service, civic auditorium ~~or~~, per-
28 forming arts center, or outdoor stadium is located,
29 and if such hotel, restaurant, tavern or club ~~or~~ ,
30 qualified catering service or outdoor stadium is lo-
31 cated in an unorganized place, the application shall
32 be approved by the county commissioners of the county
33 within which such unorganized place is located. No
34 license ~~shall~~ may be issued to a new restaurant
35 premise, unless it has been in operation as such for
36 a period of at least 3 months next prior to the ap-
37 plication therefor or unless such applicant proves to

1 the satisfaction of the commission that all proper
2 standards and requirements of laws and rules ~~and~~
3 ~~regulations~~ of the commission have been met and ~~said~~
4 the applicant has been a resident of the State for at
5 least 6 months prior to filing his application, and
6 provided, in the case of part-time premises, that op-
7 eration next prior to time of application shall be
8 held to mean operation during the season when such
9 the part-time premise is ordinarily open for busi-
10 ness. Licenses issued under this section shall spec-
11 ify the premises to which the license shall apply.

12 Sec. 12. 28 MRSA §801, as amended by PL 1981, c.
13 698, §128, is further amended to read:

14 §801. Licenses generally

15 Licenses for the sale of spirituous and vinous
16 liquor and malt liquor to be consumed on the premises
17 where sold may be issued to clubs and to bona fide
18 qualified catering services, hotels, restaurants,
19 vessels, railroad dining cars, airlines, to incorpo-
20 rated civic organizations pursuant to section 801-B,
21 civic auditoriums ~~and~~, performing arts centers or
22 outdoor stadiums on payment of the fees provided;
23 subject to the provisions of section 252-A and to the
24 condition that the initial application therefor be
25 approved by the municipal officers of the town or
26 city in which that intended licensee, if operating a
27 qualified catering service, club, restaurant, hotel
28 ~~or~~, civic auditorium or outdoor stadium is operating
29 the same, and if that qualified catering service, ho-
30 tel, restaurant ~~or~~, club or outdoor stadium is lo-
31 cated in an unorganized place, that application shall
32 be approved by the county commissioners of the coun-
33 ty, within which that unorganized place is located,
34 and subject to the further condition that licenses
35 issued to restaurants, except class A restaurants,
36 shall be limited to malt liquor or wine, or both. No
37 licensee for the sale of liquor to be consumed on the
38 premises where sold ~~shall~~ may, by himself, clerk,
39 servant or agent, sell, give, furnish or deliver any
40 liquor to be consumed elsewhere than upon the li-
41 censed premises, except, subject to the provisions of
42 law and the rules ~~and regulations~~ of the commission,
43 hotel licensees may sell liquor in the original pack-
44 ages to bona fide registered room guests.

1 Sec. 13. 28 MRSA §808 is enacted to read:

2 §808. Sales at outdoor stadiums

3 1. Issue of licenses. Licenses for the sale of
4 malt liquor and vinous liquors to be consumed on the
5 premises may be issued to outdoor stadiums, as de-
6 defined in section 2, subsection 8, paragraph P.

7 2. No sales at events for children. There shall
8 be no sales of liquor at an outdoor stadium at any
9 event primarily involving primary or secondary school
10 children.

11 3. Conditions on sales. No liquor may be sold
12 in the spectator stands at an outdoor stadium. Li-
13 quor may be sold only by the glass in plastic or pa-
14 per cups.

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

18 STATEMENT OF FACT

19 As with the original bill, this new draft permits
20 the sale of beer and wine at commercially-operated
21 outdoor stadiums. The law now permits the sale of
22 beer and wine in civic auditoriums, airlines, golf
23 clubs, hotels, indoor ice skating rinks, indoor ten-
24 nis clubs, performing arts centers, restaurants and
25 vessels. This new draft extends the same right to
26 commercially-operated outdoor stadiums.

27 This new draft makes several changes to ensure
28 there are appropriate safeguards before alcoholic
29 beverages are sold at outdoor stadiums.

30 1. Only commercially operated stadiums with 5000
31 or more seats qualify for a license. Stadiums of
32 this size can afford to hire enough security person-
33 nel to supervise the sale and consumption of liquor.

34 2. No sales may occur at any event primarily in-
35 volving primary or secondary school children. This
36 ensures that no liquor is available if a stadium is
37 rented out for a school event.

1 3. Liquor may not be sold in the spectator
2 stands. If spectators must walk to a concession
3 stand to buy liquor they can be observed by security
4 persons and also are less likely to inadvertently
5 consume more liquor than they realize.

6 4. Liquor may be sold only by the glass in plas-
7 tic or paper cups, not in original bottles or cans.
8 Hard containers could be thrown at people in the
9 stands or break and cut spectators.

10 5. The definition of a stadium was redrafted to
11 include only sales of beer and wine, not hard liquor.

12 6. An emergency preamble was added because
13 Maine's only professional baseball team, the Maine
14 Guides, is opening its season in Old Orchard Beach
15 this spring. Beer and wine are now sold at all other
16 international league baseball parks and almost uni-
17 versally at other professional sports events. Be-
18 cause Maine now permits the sale of alcoholic beve-
19 rages at other civic and indoor sports facilities, it
20 is fair to extend the same privilege to outdoor fa-
21 cilities as well.

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