

MAINE STATE LEGISLATURE

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

2 SECOND REGULAR SESSION

3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE

5

6 Legislative Document

No. 2379

7

8 S.P. 878

In Senate, March 27, 1984

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

Original bill presented by Senator Danton of York.

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JOY J. O'BRIEN, Secretary of the Senate

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STATE OF MAINE

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IN THE YEAR OF OUR LORD

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NINETEEN HUNDRED AND EIGHTY-FOUR

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

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

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

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

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

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1 I-1. Performing arts centers-;

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

4 J. Restaurants and;

5 K. Vessels-;

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

8 L. Qualified catering services-; and

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

11 M. Outdoor stadiums.

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

14 I-1. Performing arts centers-;

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

17 K. Taverns and;

18 L. Class A taverns-;

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

21 M. Vessels-;

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

24 N. Qualified catering services-; and

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

27 O. Outdoor stadiums.

28 Sec. 11. 28 MRSA §752, first ¶, as amended by PL
29 1979, c. 432, §6, is further amended to read:

1 A license to sell malt liquor to be consumed on
2 the premises where sold may be issued to an incorpo-
3 rated civic organization pursuant to section 801-B.
4 No other license to sell malt liquor to be consumed
5 on the premises where sold ~~shall~~ may be issued to any
6 person for any premises, except a bona fide hotel,
7 restaurant, tavern, club, qualified catering service,
8 civic auditorium ~~or~~, performing arts center or out-
9 door stadium, nor unless the application therefor be
10 approved by the municipal officers of the city or
11 town where such hotel, restaurant, tavern, club,
12 qualified catering service, civic auditorium ~~or~~, per-
13 forming arts center, or outdoor stadium is located,
14 and if such hotel, restaurant, tavern or club ~~or~~,
15 qualified catering service or outdoor stadium is lo-
16 cated in an unorganized place, the application shall
17 be approved by the county commissioners of the county
18 within which such unorganized place is located. No
19 license ~~shall~~ may be issued to a new restaurant
20 premise, unless it has been in operation as such for
21 a period of at least 3 months next prior to the ap-
22 plication therefor or unless such applicant proves to
23 the satisfaction of the commission that all proper
24 standards and requirements of laws and rules ~~and~~
25 ~~regulations~~ of the commission have been met and ~~said~~
26 the applicant has been a resident of the State for at
27 least 6 months prior to filing his application, and
28 provided, in the case of part-time premises, that op-
29 eration next prior to time of application shall be
30 held to mean operation during the season when ~~such~~
31 the part-time premise is ordinarily open for busi-
32 ness. Licenses issued under this section shall spec-
33 ify the premises to which the license shall apply.

34 Sec. 12. 28 MRSA §801, as amended by PL 1981, c.
35 698, §128, is further amended to read:

36 §801. Licenses generally

37 Licenses for the sale of spirituous and vinous
38 liquor and malt liquor to be consumed on the premises
39 where sold may be issued to clubs and to bona fide
40 qualified catering services, hotels, restaurants,
41 vessels, railroad dining cars, airlines, to incorpo-
42 rated civic organizations pursuant to section 801-B,
43 civic auditoriums ~~and~~, performing arts centers or
44 outdoor stadiums on payment of the fees provided;

1 subject to the provisions of section 252-A and to the
2 condition that the initial application therefor be
3 approved by the municipal officers of the town or
4 city in which that intended licensee, if operating a
5 qualified catering service, club, restaurant, hotel
6 ~~or~~ civic auditorium or outdoor stadium is operating
7 the same, and if that qualified catering service, ho-
8 tel, restaurant ~~or~~ club or outdoor stadium is lo-
9 cated in an unorganized place, that application shall
10 be approved by the county commissioners of the coun-
11 ty, within which that unorganized place is located,
12 and subject to the further condition that licenses
13 issued to restaurants, except class A restaurants,
14 shall be limited to malt liquor or wine, or both. No
15 licensee for the sale of liquor to be consumed on the
16 premises where sold ~~shall~~ may, by himself, clerk,
17 servant or agent, sell, give, furnish or deliver any
18 liquor to be consumed elsewhere than upon the li-
19 censed premises, except, subject to the provisions of
20 law and the rules ~~and regulations~~ of the commission,
21 hotel licensees may sell liquor in the original pack-
22 ages to bona fide registered room guests.

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

24 §808. Sales at outdoor stadiums

25 1. Issue of licenses. Licenses for the sale of
26 malt liquor and vinous liquors to be consumed on the
27 premises may be issued to outdoor stadiums, as de-
28 finied in section 2, subsection 8, paragraph P.

29 2. No sales at events for children. There shall
30 be no sales of liquor at an outdoor stadium at any
31 event primarily involving primary or secondary school
32 children.

33 3. Conditions on sales. No liquor may be sold
34 in the spectator stands at an outdoor stadium. Li-
35 quor may be sold only by the glass in plastic or pa-
36 per cups.

37 Sec. 14. Sunset provision. This Act shall re-
38 main in effect only until September 30, 1985, during
39 which time the Bureau of Liquor Enforcement shall
40 evaluate the effectiveness of this law and make a
41 written report to the 112th Legislature.

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STATEMENT OF FACT

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

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

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1. Only commercially operated stadiums with 5,000 or more seats qualify for a license. Stadiums of this size can afford to hire enough security personnel to supervise the sale and consumption of liquor.

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2. No sales may occur at any event primarily involving primary or secondary school children. This ensures that no liquor is available if a stadium is rented out for a school event.

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

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4. Liquor may be sold only by the glass in plastic or paper cups, not in original bottles or cans. Hard containers could be thrown at people in the stands or break and cut spectators.

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

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6. A sunset provision was added so that this new draft will remain in effect only until September 30, 1985. During that time, the Bureau of Liquor Enforcement must evaluate the effectiveness of this law and make a written report to the 112th Legislature.

There is no emergency preamble or emergency clause on this new draft, so it will go into effect 90 days after the Legislature adjourns. The bureau will evaluate the law's operation during the remainder of the season and report back to the Legislature when it convenes the following winter. At that time, the Legislature may reevaluate this law, using the bureau's report and other information and decide whether to let it expire as of September 30, 1985, or to enact further legislation based on a partial season's experience with the law.

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