

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 91

7 H.P. 70

House of Representatives, January 16, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Remove an Absolute Restriction on
18 Law Enforcement Officials under the
19 Liquor Laws.
20

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

23 28 MRSA §201, as amended by PL 1983, c. 79, §1,
24 is further amended to read:

25 §201. Eligibility

26 No license may be issued to any natural person
27 unless such person is at least 20 years of age and is
28 a citizen of the United States and of this State. A
29 part-time license, as authorized by law, may be is-
30 sued to any natural person who is at least 20 years
31 of age and is a citizen of the United States. No li-
32 cense may be issued to a partnership or to an associ-
33 ation unless all persons having an interest therein
34 are at least 20 years of age and are citizens of the
35 United States and of this State. A part-time license,

1 as authorized by law, may be issued to a partnership
2 or association if all persons having an interest
3 therein are at least 20 years of age and are citizens
4 of the United States. No license may be issued to
5 any corporation unless it shall be incorporated under
6 the laws of this State or authorized to transact
7 business in this State. No license may be issued to
8 a corporation any of the principal officers of which
9 would not personally be eligible for a liquor license
10 because such officer had had a license for sale of
11 liquor revoked. No person, who is not at the time of
12 the offense the holder of a liquor license, convicted
13 of violating any of the laws of this State or the
14 United States with respect to manufacture, transpor-
15 tation, importation, possession or sale of intoxicat-
16 ing liquor may be granted a license for sale of li-
17 quor for a period of 5 years from the date of such
18 conviction, and no person who sells liquor of a
19 greater alcoholic content than authorized by his li-
20 cense may be considered the holder of a license for
21 the purposes of this sentence. No clerk, servant or
22 agent of a licensee, who is convicted of sale of li-
23 quor on Sunday, may himself be granted a license for
24 sale of liquor for a period not exceeding 5 years
25 from the date of such conviction. No person whose li-
26 cense for sale of liquor expires pending an appeal
27 from conviction of a violation of law forbidding sale
28 of intoxicating liquor on Sunday, by himself or his
29 clerk, servant or agent, on his licensed premises,
30 may, after subsequent final conviction of himself,
31 clerk, servant or agent be eligible for a liquor li-
32 cense for a period not exceeding 5 years from the
33 date of such final conviction. ~~No license may be is-~~
34 ~~sued in which any law enforcement official benefits~~
35 ~~financially either directly or indirectly.~~

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STATEMENT OF FACT

2 When the liquor laws were first enacted limita-
3 tions were considered necessary but with the changing
4 times these are no longer necessary. The control of
5 liquor is mostly handled at the present time adminis-
6 tratively by the State Liquor Commission. Rules have
7 replaced criminal process thereby removing possible
8 influence or interference law enforcement officials
9 might have had in the past.

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