

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 1727, L.D. 2415)
3 (New Title)
4 SECOND SPECIAL SESSION
5

6 ONE HUNDRED AND TWELFTH LEGISLATURE
7

8 Legislative Document

No. 2432

10 H.P. 1746

House of Representatives, May 29, 1986

11 Reported by Representative Perry from the Committee on Legal Affairs
12 and printed under Joint Rule 2. Original bill sponsored by Representative
13 Reeves of Pittston. Cosponsored by Representative Dillenback of Cumberland
and Representative Perry of Mexico.

EDWIN H. PERT, Clerk

14
15 STATE OF MAINE
16

17 IN THE YEAR OF OUR LORD
18 NINETEEN HUNDRED AND EIGHTY-SIX
19

20 AN ACT to Provide for Liquor Licensing of
21 Cruise Ships.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, tourism is important to the economy of
27 Maine; and

28 Whereas, the intent of the liquor laws is not to
29 discourage cruise lines from visiting the coast of
30 Maine; and

31 Whereas, present Maine law prohibits certificate
32 of approval holders from selling liquor at retail;
33 and

1 Whereas, Maine law does not currently provide for
2 a cruise line owned by a certificate of approval
3 holder to sell liquor at retail; and

4 Whereas, the summer tourist season has already
5 begun; and

6 Whereas, in the judgment of the Legislature,
7 these facts create an emergency within the meaning of
8 the Constitution of Maine and require the following
9 legislation as immediately necessary for the preser-
10 vation of the public peace, health and safety; now,
11 therefore,

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

14 Sec. 1. 28 MRS §307 is enacted to read:

15 §307. Vessel corporations owned by certificate of
16 approval holders

17 1. License for cruise vessel owned by certifi-
18 cate of approval holder. Notwithstanding any other
19 provision of this Title, the commission may issue a
20 license to sell malt, vinous and spirituous liquor at
21 retail under sections 753 and 802 to a vessel corpo-
22 ration owned by a certificate of approval holder and
23 operating in international and interstate commerce.
24 Local approval granted under section 802 for the sale
25 of liquor at retail to persons other than passengers
26 is limited to no more than 72 consecutive hours that
27 the cruise vessel is in port in that municipality.

28 Sec. 2. Sunset. This section is repealed on
29 September 30, 1988.

30 Emergency clause. In view of the emergency cited
31 in the preamble, this Act shall take effect when ap-
32 proved.

1

FISCAL NOTE

2 It is estimated that this new draft will result
3 in the following increase in revenues.

4

1986-87

5

General Fund

\$385

6 The projected increase in rev-
7 enues is based on an estimated
8 one cruise ship applying for
9 the license under this section
10 and paying the 6-month license
11 fee of \$385.

12

STATEMENT OF FACT

13 The purpose of this new draft is not changed
14 from that of the original bill. The new draft clari-
15 fies the language and adds a restriction to the priv-
16 ilege to sell liquor at retail.

17

18 In general, certificate of approval holders may
19 not sell liquor at retail. This new draft carves out
20 a small exception to the 3-tiered system, consisting
21 of certificate of approval holders, wholesalers and
22 retailers, to allow cruise lines owned by certificate
23 of approval holders to sell liquor at retail on their
24 ships. These cruise lines must still go through the
25 procedures that any other cruise line must go through
26 to be licensed to sell liquor at retail, including
local approval.

27

28 The new draft limits the ability of these cruise
29 lines to sell liquor to anyone other than passengers
30 while in port for more than 72 consecutive hours.
31 For example, a cruise ship which docks in Portland on
32 its way from New York to Nova Scotia must obtain per-
33 mission from Portland to sell liquor while in port.
34 Once it has this approval, the cruise ship may sell
35 liquor to the general public as well as passengers,
but only for up to 72 consecutive hours. If the ship

1 remains in port for longer than 72 hours, liquor may
2 be sold while in port only to passengers. If the
3 cruise ship then travels on to Nova Scotia, and stops
4 in Portland on the way back to New York, the ship may
5 again sell liquor to the general public for up to 72
6 consecutive hours while in port.

7 If the cruise line receives no local approval, no
8 liquor may be sold while the ship is in port.

9 State laws governing hours of sale of liquor ap-
10 ply.

11 This restriction is in answer to the concerns
12 that the cruise lines may compete for local retail
13 liquor business. Seventy-two hours will not provide
14 serious competition for the local industry, while the
15 short-term stops will still promote tourism.

16 This exception to the liquor laws is repealed by
17 its own terms on September 30, 1988. This will give
18 the Legislature time to review the efficacy and ne-
19 cessity of the exception.

20 It is necessary that this new draft become effec-
21 tive as soon as possible. There is at least one
22 cruise line, owned by a certificate of approval hold-
23 er, which is contemplating stopping in Maine ports
24 for brief visits as part of its cruises. Such a
25 cruise ship, without this new draft, may not sell li-
26 quor on board ship. This may weigh in the cruise
27 line's decision to cruise in Maine waters and stop in
28 Maine ports.

29

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