

# 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)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1564

H.P. 1149 House of Representatives, May 14, 1987  
Reference to the Committee on Legal Affairs suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative PERRY of Mexico.  
Cosponsored by Senator DILLENBACK of Cumberland,  
Representatives JALBERT of Lisbon and MURPHY of Berwick.

STATE OF MAINE

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

AN ACT to Make Substantive Changes in the  
Liquor Laws.

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

Sec. 1. 28-A MRSA §2, sub-§12, as enacted by PL  
1987, c. 45, §4, is repealed and the following en-  
acted in its place:

12. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol  
by volume which is produced by the fermentation  
of fruit or other agricultural products contain-  
ing sugar; or

B. Wine to which spirits have been added.

1           Sec. 2. 28-A MRSA §2, sub-§15, ¶E, as enacted by  
2 PL 1987, c. 45, §4, is repealed and the following en-  
3 acted in its place:

4           E. "Dining car" and "car" means cars in which  
5 food and liquor are served.

6           Sec. 3. 28-A MRSA §2, sub-§15, ¶F, as enacted by  
7 PL 1987, c. 45, §4, is repealed.

8           Sec. 4. 28-A MRSA §2, sub-§15, ¶H, as enacted by  
9 PL 1987, c. 45, §4, is amended to read:

10          H. "Hotel" means any reputable place operated by  
11 responsible persons of good reputation, where the  
12 public obtains sleeping accommodations for a con-  
13 sideration and where meals may be served, whether  
14 or not under one roof.

15                 (1) A hotel is considered to be serving  
16 meals when it provides on the premises one  
17 or more public dining rooms, open and  
18 serving food during the morning, afternoon  
19 and evening, and a separate kitchen in which  
20 food is regularly prepared for the public.

21                 (2) Nothing in this paragraph may be held  
22 to prevent the commission from issuing part-  
23 time licenses to bona fide part-time hotels.

24                 (3) "Hotel guest" means a person whose name  
25 and address is registered on the registry  
26 maintained by the hotel and who is the bona  
27 fide occupant of a room of the hotel. A  
28 person registering solely for the purpose of  
29 obtaining liquor is not considered a hotel  
30 guest.

31                 ~~(4) -- No group of buildings which is -- reason-~~  
32 ~~ably classified as overnight camps qualifies~~  
33 ~~as a hotel.~~

34           Sec. 5. 28-A MRSA §2, sub-§15, ¶K-1 is enacted  
35 to read:

36           K-1. "International air terminal" means the op-  
37 erator of an air terminal which can accommodate

1 airline flights either originating in or destined  
2 for foreign countries.

3 Sec. 6. 28-A MRSA §2, sub-§15, ¶T, as enacted by  
4 PL 1987, c. 45, §4, is repealed.

5 Sec. 7. 28-A MRSA §2, sub-§15, ¶T-1 is enacted  
6 to read:

7 T-1. "Tavern" means a reputable place operated  
8 by responsible persons where food may be sold and  
9 malt liquor may be sold at tables, booths and  
10 counters.

11 Sec. 8. 28-A MRSA §2, sub-§15, ¶U, as enacted by  
12 PL 1987, c. 45, §4, is repealed.

13 Sec. 9. 28-A MRSA §2, sub-§36, as enacted by PL  
14 1987, c. 45, §4, is repealed and the following en-  
15 acted in its place:

16 36. Wine. "Wine" means any liquor containing  
17 not more than 15.5% alcohol by volume which is pro-  
18 duced by the fermentation of fruit or other agricul-  
19 tural products containing sugar and to which no spir-  
20 its are added. "Wine" includes, but is not limited  
21 to, wine coolers, table wine, still wine, sparkling  
22 wine and champagne, provided that the alcohol content  
23 is not above 15.5% by volume.

24 Sec. 10. 28-A MRSA §4, sub-§1, ¶B, as enacted by  
25 PL 1987, c. 45, §4, is amended to read:

26 B. Licensees may sell liquor on January 1st of  
27 any year from 12 midnight to 2 a.m.

28 ~~(1)--In--areas--in--which--liquor--may--be--sold~~  
29 ~~except--on--Sundays,--if--January--1st--falls--on--a~~  
30 ~~Monday,--licensees--may--sell--or--deliver--liquor~~  
31 ~~between--9--p.m.--Sunday,--December--31st--and--2~~  
32 ~~a.m.--January--1st,--notwithstanding--any--local~~  
33 ~~option--decisions--to--the--contrary.~~

34 Sec. 11. 28-A MRSA §4, sub-§1, ¶C, as enacted by  
35 PL 1987, c. 45, §4, is repealed.

36 Sec. 12. 28-A MRSA §4, sub-§§7 and 8, as enacted  
37 by PL 1987, c. 45, §4, are repealed.

1           Sec. 13. 28-A MRSA §62, sub-§11, as enacted by  
2 PL 1987, c. 45, §4, is amended to read:

3           11. Oaths; subpoenas; witnesses. Any member of  
4 the commission may administer oaths and issue subpoe-  
5 nas for witnesses and subpoenas duces tecum to com-  
6 pel the production of books and papers relating to  
7 any question in dispute before the commission or to  
8 any matter involved in a hearing. Witness fees in  
9 all proceedings shall be the same as for witnesses  
10 before the Superior Court, except that, notwithstand-  
11 ing Title 16, section 253, the commission is not re-  
12 quired to pay to the witnesses the legal fees for  
13 travel and attendance before the travel and attend-  
14 ance occurs; and

15           Sec. 14. 28-A MRSA §63, sub-§3, as enacted by PL  
16 1987, c. 45, §4, is repealed and the following en-  
17 acted in its place:

18           3. Publish laws and rules. The commission shall  
19 publish a compilation containing this Title, other  
20 laws concerning liquor and all rules adopted under  
21 this Title every 4 years.

22           A. The commission shall supply a copy of the  
23 compilation to every new licensee at no charge.

24           B. The commission shall notify all licensees of  
25 changes in the law and rules within 90 days of  
26 adjournment of each regular session of the Legis-  
27 lature.

28                   (1) The commission shall supply a copy of  
29 the new laws and rules at no charge when re-  
30 quested by licensees.

31                   (2) The commission shall supply a copy of  
32 the new laws and rules to persons other than  
33 licensees for a reasonable fee.

34           C. The commission may charge a fee for the com-  
35 plication to cover the cost of producing the com-  
36 plication to persons other than licensees.

37           Sec. 15. 28-A MRSA §122, as enacted by PL 1987,  
38 c. 45, §4, is repealed and the following enacted in  
39 its place:

1        §122. Unincorporated places

2            1. No local option election. No local option  
3            election may be held in unincorporated places.

4            2. Authorization of sales. The county commis-  
5            sioners or the commission may:

6            A. Authorize or refuse to authorize the sale of  
7            liquor to be consumed on the premises where sold;  
8            and

9            B. Authorize or refuse to authorize the sale of  
10           liquor to be consumed off the premises where  
11           sold.

12           3. Approval of licenses. The county commis-  
13           ioners or the commission may refuse to approve a liquor  
14           license application on the ground that the license is  
15           not warranted for any substantial public convenience,  
16           necessity or demand.

17           **Sec. 16.** 28-A MRSA §123, as enacted by PL 1987,  
18           c. 45, §4, is repealed and the following enacted in  
19           its place:

20        §123. Local option questions

21           Either or both of the following questions may be  
22           voted on in a local option election held under sec-  
23           tion 121. Each question applies to both full-time  
24           and part-time licensed establishments.

25           1. Sale of liquor for consumption on the  
26           premises. May licenses be granted in this municipal-  
27           ity or unincorporated place for the sale of liquor to  
28           be consumed on the premises where sold?

29           2. Sale of liquor for consumption off the  
30           premises. May licenses be granted in this municipal-  
31           ity or unincorporated place for the sale of liquor to  
32           be consumed off the premises where sold?

33           **Sec. 17.** 28-A MRSA §162 is enacted to read:

34        §162. Local authority for operation of bottle clubs

1       1. Question on bottle clubs. A municipality may  
2 hold an election on the following question.

3       A. May bottle clubs, which are defined as per-  
4 sons operating, on a regular, profit or nonprofit  
5 basis, facilities for social activities in which  
6 members or guests provide their own liquor, where  
7 no liquor is sold on the bottle club premises,  
8 which maintain suitable facilities for the use of  
9 members on a regular basis or charge an admission  
10 fee to members or the general public and where  
11 members, guests or others are regularly permitted  
12 to consume liquor, be operated in this municipal-  
13 ity?

14       2. Procedure for election. The provisions of  
15 section 121 apply to elections under this section.

16       3. Results of vote. If the results of an elec-  
17 tion held under this section show that:

18       A. A majority of the votes cast in the municipi-  
19 pality on the bottle club question is in the af-  
20 firmative, bottle clubs may operate in that mu-  
21 nicipality;

22       B. A majority of the votes cast in the municipi-  
23 pality on the bottle club question is in the neg-  
24 ative, bottle clubs may not operate in that mu-  
25 nicipality; or

26       C. The vote is tied on any local option ques-  
27 tion, the law shall remain as it was before the  
28 voting.

29       4. Effective date. The vote is effective on the  
30 first day of the month following the certification of  
31 the vote to the Secretary of State.

32       5. Repeal or reconsideration. When a municipal-  
33 ity has voted to allow or not allow the operation of  
34 bottle clubs, the vote is effective until repealed by  
35 a new petition and vote as required by this section.  
36 No vote may be taken on the bottle club question more  
37 than once in any 2-year period.

1           6. Unincorporated places. The county commis-  
2           sioners or the commission may allow or not allow the  
3           operation of bottle clubs in the unincorporated  
4           place.

5           Sec. 18. 28-A MRS A §351, sub-§1, ¶A is enacted  
6           to read:

7           A. The commission may locate a state liquor  
8           store or agency liquor store within 300 feet of a  
9           church, chapel, parish house or post-secondary  
10           school when the applicant has the unanimous ap-  
11           proval of the members of the commission.

12           Sec. 19. 28-A MRS A §352, as enacted by PL 1987,  
13           c. 45, §4, is amended to read:

14           §352. Purchase of liquor in state liquor stores and  
15           agency liquor stores

16           1. All sales must be for cash; exception. Ex-  
17           cept as provided in paragraph A, all sales of liquor  
18           at state liquor stores and agency liquor stores must  
19           be for cash all persons buying liquor at state liquor  
20           stores or agency liquor stores shall pay in cash or  
21           by major credit card.

22           A. The holder of a major credit card which au-  
23           thorizes the holder to charge goods or services  
24           may pay for liquor by charging it on the card  
25           Agency liquor stores may accept payment by check.

26           Sec. 20. 28-A MRS A §353, as enacted by PL 1987,  
27           c. 45, §4, is amended to read:

28           §353. Business hours

29           State liquor stores and agency liquor stores may  
30           be open for the sale and delivery of liquor between  
31           the hours of 6 a.m. and ~~midnight~~ 1 a.m. in municipal-  
32           ities and unincorporated places ~~which have voted in~~  
33           ~~favor of~~ allow the operation of state liquor stores  
34           under ~~local option provisions~~ chapter 5. The commis-  
35           sion shall establish the hours of operation of each  
36           state liquor store.

37           Sec. 21. 28-A MRS A §453, sub-§2, ¶A, as enacted  
38           by PL 1987, c. 45, §4, is amended to read:



1 A. The commission may replace an agency liquor  
2 store ~~once-after-December-17-1979~~, if that agency  
3 liquor store:

4 (1) Was licensed before December 1, 1979;  
5 and

6 (2) Is within 10 miles of a state or agency  
7 liquor store.

8 **Sec. 22.** 28-A MRSA §457 is enacted to read:

9 §457. Transfer of agency liquor store license

10 If an agency liquor store license is transferred,  
11 the new licensee may operate the agency liquor store  
12 after notifying the commission of the transfer.

13 **Sec. 23.** 28-A MRSA §601, sub-§2, ¶F, as enacted  
14 by PL 1987, c. 45, §4, is amended to read:

15 F. A full-time law enforcement officer benefits  
16 financially either directly or indirectly;

17 **Sec. 24.** 28-A MRSA §603, as enacted by PL 1987,  
18 c. 45, §4, is repealed.

19 **Sec. 25.** 28-A MRSA §605, first ¶, as enacted by  
20 PL 1987, c. 45, §4, is amended to read:

21 Except as otherwise provided in this section, no  
22 license or any interest in a license may be sold,  
23 transferred, assigned or otherwise subject to control  
24 by any person other than the licensee. If the busi-  
25 ness or any interest in the business in connection  
26 with which a licensed activity is conducted, is sold,  
27 transferred or assigned, the license holder shall im-  
28 mediately sent to the commission his license and a  
29 sworn statement showing the name and address of the  
30 purchaser ~~or any other person directly or indirectly~~  
31 ~~interested--in-the-enterprise.~~ The commission is not  
32 required to refund any portion of the licensee fee if  
33 the license is surrendered before it expires.

34 **Sec. 26.** 28-A MRSA §605, sub-§4, as enacted by  
35 PL 1987, c. 45, §4, is amended to read:

1           4. Sale of stock of a corporate licensee. Any  
2 sale or transfer of stock of a corporate licensee  
3 which effects--a--change--of--control--of--the--licensed  
4 premises results in the sale or transfer of more than  
5 10% of the shares of stock of the corporate licensee  
6 shall be considered a transfer within the meaning of  
7 this section, and a new license must be purchased.

8           Sec. 27. 28-A MRSA §605, sub-§§5, 6, 7 and 8 are  
9 enacted to read:

10           5. Incorporation of licensee's business. The  
11 incorporation of a licensee's business or a change in  
12 the form of incorporation of a licensee's business  
13 are transfers within the meaning of this section.

14           6. Change in partnership. Addition or deletion  
15 of a partner in a partnership is a transfer within  
16 the meaning of this section.

17           7. Corporate merger or acquisition. The merger  
18 or acquisition of a licensee which is incorporated is  
19 a transfer within the meaning of this section.

20           8. Application. This section does not apply to  
21 certificate of approval holders or agency liquor  
22 stores.

23           Sec. 28. 28-A MRSA §606, sub-§1, as enacted by  
24 PL 1987, c. 45, §4, is amended to read:

25           1. All licensees must buy liquor from commis-  
26 sion; exception. Except as provided in paragraph A,  
27 all persons licensed to sell spirits shall purchase  
28 all such liquor from state liquor stores. Agency  
29 liquor stores may not sell liquor to retail licensees  
30 for resale.

31           A. This subsection does not apply to public ser-  
32 vice corporations operating interstate.

33           Sec. 29. 28-A MRSA §606, sub-§4, as enacted by  
34 PL 1987, c. 45, §4, is amended to read:

35           4. Discount for agency liquor stores. The com-  
36 mission shall sell spirits to agency liquor stores  
37 for a price of  $\pm 0\%$  8% less than the real price estab-

1 lished for the state liquor stores, ~~provided that the~~  
2 ~~discount does not apply to federal taxes levied on or~~  
3 ~~after November 17, 1941.~~

4 Sec. 30. 28-A MRS §608 is enacted to read:

5 §608. Sale of liquor by collectors

6 1. Sale of wine without a license. The commis-  
7 sion may give written permission to any person to  
8 sell liquor in the original container as collectors'  
9 items.

10 2. Approval of each sale. The commission must  
11 approve each sale made under this section.

12 Sec. 31. 28-A MRS §651, sub-§3, as enacted by  
13 PL 1987, c. 45, §4, is amended to read:

14 3. False answer given intentionally. Any person  
15 who intentionally gives an untruthful answer in an  
16 application for a liquor license ~~commits the crime of~~  
17 perjury violates Title 17-A, section 453.

18 Sec. 32. 28-A MRS §652, sub-§5, as enacted by  
19 PL 1987, c. 45, §4, is amended to read:

20 5. Filing fee. Except as provided in paragraph  
21 A, every applicant for an original or renewal ~~ma~~  
22 ~~liquor~~ license shall pay a filing fee of \$10 when  
23 filing the application.

24 A. In unincorporated places, the applicant shall  
25 pay the filing fee of \$10 to the county treasurer  
26 of the county in which unincorporated place is  
27 located. All applications for a license in unin-  
28 corporated places must be accompanied by evidence  
29 of payment of the filing fee to the county trea-  
30 surer.

31 Sec. 33. 28-A MRS §653, sub-§4, as enacted by  
32 PL 1987, c. 45, §4, is repealed.

33 Sec. 34. 28-A MRS §701, sub-§1, ¶A, as enacted  
34 by PL 1987, c. 45, §4, is repealed.

35 Sec. 35. 28-A MRS §702, as enacted by PL 1987,  
36 c. 45, §4, is repealed.

1           Sec. 36. 28-A MRSA §704, sub-§1, as enacted by  
2 PL 1987, c. 45, §4, is amended to read:

3           1. Licensee may not hire employee under 17; em-  
4 ployees who are 17. No licensee for the sale of li-  
5 quor to be consumed on licensed premises, ~~except in~~  
6 ~~Class-A-restaurants, Class-A-taverns, clubs and hotel~~  
7 ~~dining-rooms,~~ may employ any person under the age of  
8 17 years in the direct handling or selling of liquor  
9 on the premises where the liquor is sold. The li-  
10 censee may employ a person who is 17 years of age in  
11 the direct handling or selling of liquor on the  
12 premises where the liquor is sold only if an employee  
13 who is at least 18 years of age is present in a su-  
14 pervisory capacity.

15           Sec. 37. 28-A MRSA §705, sub-§1, as enacted by  
16 PL 1987, c. 45, §4, is amended to read:

17           1. Sales for cash. Except as provided in para-  
18 graph A, no licensee or licensee's employee or agent  
19 may sell or offer to sell any liquor except for cash,  
20 by check or by major credit card.

21           A. Credit may be extended:

22                   (1) By a hotel or club to bona fide regis-  
23 tered guests or members; and

24                   (2) By a hotel or Class A restaurant to the  
25 holder of a credit card which authorizes the  
26 holder to charge goods or credits.

27           B. A right of action does not exist to collect  
28 claims for credits extended contrary to this sec-  
29 tion.

30           C. This section does not prohibit a licensee  
31 from giving credit to a purchaser for the actual  
32 price charged for the beverage container deposit  
33 on the packages or original containers, as de-  
34 fined in Title 32, chapter 28, as a credit on any  
35 sale, or from paying the amount actually charged  
36 for such deposit on the packages or original con-  
37 tainers.

1 D. Except as provided in subparagraph (1), no  
2 licensee or licensee's employee or agent may  
3 sell, offer to sell or furnish any liquor to any  
4 person an a passbook or store order, or receive  
5 from any person any goods, wares, merchandise or  
6 other articles in exchange for liquor.

7 (1) This paragraph does not apply to beverage  
8 container deposits on packages or original  
9 containers that were originally purchased  
10 from that licensee by the person returning  
11 the packages or original containers.

12 **Sec. 38.** 28-A MRSA §705, sub-§2, ¶¶B and C, as  
13 enacted by PL 1987, c. 45, §4, are repealed.

14 **Sec. 39.** 28-A MRSA §705, sub-§3, ¶¶B and C, as  
15 enacted by PL 1987, c. 45, §4, are repealed.

16 **Sec. 40.** 28-A MRSA §705, sub-§4 is enacted to  
17 read:

18 4. Permitting consumption or possession by a minor  
19 on the premises. No licensee may permit a minor  
20 to consume or possess liquor on the premises.

21 **Sec. 41.** 28-A MRSA §707, sub-§2, ¶¶A and B, as  
22 enacted by PL 1987, c. 45, §4, are amended to read:

23 A. Engaged, directly or indirectly, in the manu-  
24 facture, distribution, wholesale sale, storage or  
25 transportation of liquor; or

26 B. Engaged in the manufacture, distribution,  
27 sale or transportation of any commodity, equip-  
28 ment, material or advertisement used in connec-  
29 tion with the manufacture, distribution,  
30 wholesale sale, storage or transportation of li-  
31 quor.

32 **Sec. 42.** 28-A MRSA §707, sub-§3, as enacted by  
33 PL 1987, c. 45, §4, is amended to read:

34 3. Retail licensee; interest in wholesaler or  
35 certificate of approval. No retail licensee may have  
36 any financial interest, direct or indirect, if any:

1 A. Maine manufacturer's or wholesaler's license;  
2 or

3 B. Certificate of approval issued to an out-  
4 of-state manufacturer or foreign wholesaler of  
5 malt liquor or wine.

6 Sec. 43. 28-A MRSA §707, sub-§§4 and 5, as en-  
7 acted by PL 1987, c. 45, §4, are repealed and the  
8 following enacted in their place:

9 4. Certificate of approval holder or Maine manu-  
10 facturer; interest in wholesaler or retail license.  
11 No certificate of approval holder or in-state manu-  
12 facturer may have any financial interest, direct or  
13 indirect, in any:

14 A. Maine wholesaler's license; or

15 B. Maine retail license.

16 5. Wholesale licensee; interest in certificate  
17 of approval holder, Maine manufacturer or retail li-  
18 cence. No wholesale licensee may have any financial  
19 interest, direct or indirect, in any:

20 A. Certificate of approval issued to an out-  
21 of-state manufacturer or foreign wholesaler of  
22 malt liquor;

23 B. Maine manufacturer's license; or

24 C. Maine retail license.

25 Sec. 44. 28-A MRSA §707, sub-§§6 and 7 are en-  
26 acted to read:

27 6. Minor investment. Minor investment in secu-  
28 rities of a corporation engaged in liquor business  
29 not amounting to more than 1% shall not be held to be  
30 an interest forbidden by this subsection.

31 7. Application. This section does not prohibit  
32 a wholesale licensee from receiving normal credits  
33 for the purchase of malt liquor or wine from the man-  
34 ufacturer located within or without the State.

1           Sec. 45. 28-A MRSA §708, as enacted by PL 1987,  
2 c. 45, §4, is repealed and the following enacted in  
3 its place:

4           §708. Prohibited discounts and rebates

5           1. Certificate of approval holders. No certifi-  
6 cate of approval holder may offer to wholesale li-  
7 cencees any special discounts, volume discounts, de-  
8 pletion allowances or other reduced prices or dis-  
9 counts, except bona fide price reductions under sec-  
10 tion 1408 offered to all wholesale licensees. No  
11 certificate of approval holder may offer any free  
12 merchandise, rebate or gift contingent on the pur-  
13 chase of malt liquor or wine.

14           2. Wholesale licensees. No wholesale licensee  
15 may offer to retail licensees any special discounts,  
16 volume discounts, depletion allowances or other re-  
17 duced prices or discounts, except bona fide price re-  
18 ductions under section 1408 offered to all retail li-  
19 cencees. No wholesale licensee may offer any free  
20 merchandise, rebate or gift contingent on the pur-  
21 chase of malt liquor or wine.

22           3. Retail licensees. No retail licensee may of-  
23 fer any free merchandise, rebate or gift contingent  
24 on the purchase of spirits, malt liquor or wine.

25           Sec. 46. 28-A MRSA §709, sub-§2, ¶D, as enacted  
26 by PL 1987, c. 45, §4, is amended to read:

27           D. The sale or delivery of wine, malt liquor or  
28 mixed drinks by the bottle or, carafe or pitcher  
29 when sold with meals or to more than one person;

30           Sec. 47. 28-A MRSA §710, sub-§2, as enacted by  
31 PL 1987, c. 45, §4, is amended to read:

32           2. Advertising inside of licensed premises. A  
33 licensee may display no more than one electrically  
34 lighted sign inside the licensed premises, where it  
35 may be seen from the outside, advertising the fact  
36 that the licensee has liquor for sale. The sign may  
37 not be more than 750 square inches in total area.

38           Sec. 48. 28-A MRSA §713, sub-§2, ¶A is enacted  
39 to read:

1           A. This subsection does not prohibit a wholesale  
2           licensee from collecting orders for malt liquor  
3           or wine by sales representatives calling upon re-  
4           tailers, then filing the orders at the principal  
5           place of business or warehouse or distributing  
6           center.

7           Sec. 49. 28-A MRSA §751, sub-§1, ¶C, as enacted  
8           by PL 1987, c. 45, §4, is amended to read:

9           C. The fact that the licensee paid by cash or  
10           check for all liquor bought by him at the time of  
11           or before delivery of the liquor; and

12           Sec. 50. 28-A MRSA §751, sub-§3 is enacted to  
13           read:

14           3. Retail licensee to keep records of sales sep-  
15           arate. A retail licensee shall separate liquor sales  
16           from all other sales by the licensee in the  
17           licensee's records.

18           Sec. 51. 28-A MRSA §752, sub-§1, ¶A, as enacted  
19           by PL 1987, c. 45, §4, is amended to read:

20           A. Showing that all sales and purchases are in  
21           accordance with the law relating to cash or check  
22           sales; and

23           Sec. 52. 28-A MRSA §803, sub-§1, as enacted by  
24           PL 1987, c. 45, §4, is amended to read:

25           1. Violation of law or rule. Upon discovering a  
26           violation of federal or state law, rule or regulation  
27           relating to liquor, or an infraction of a rule issued  
28           by the commission, an enforcement officer of the De-  
29           partment--of-Public-Safety the Director of the Bureau  
30           of Liquor Enforcement, or the director's designee,  
31           shall:

32           A. Report the violation to the Administrative  
33           Court Judge in a signed complaint; or

34           B. Issue warnings to the licensees involved.

35           Sec. 53. 28-A MRSA §803, sub-§2, ¶C, as enacted  
36           by PL 1987, c. 45, §4, is amended to read:



1 C. The Administrative Court Judge shall conduct  
2 the hearing in the following manner.

3 (1) The Administrative Court Judge may sub-  
4 poena and examine witnesses, administer  
5 oaths and subpoena and compel the attendance  
6 of parents and legal guardians of unemanci-  
7 pated minors.

8 (a) Notwithstanding Title 16, section  
9 253, in proceedings under this Title  
10 before the Administrative Court, the  
11 commission is not required to pay to  
12 the witnesses the legal fees for travel  
13 and attendance before the travel and  
14 attendance occur.

15 (2) Hearsay testimony is not admissible  
16 during the hearing. The licensees named in  
17 the complaint have the right to have all  
18 witnesses testify in person at the hearing.

19 (3) The Administrative Court Judge shall  
20 conduct hearings in one or more designated  
21 places which are the most convenient and ec-  
22 nomical for all parties concerned in the  
23 hearing.

24 Sec. 54. 28-A M RSA §803, sub-§2-A is enacted to  
25 read:

26 2-A. Suspension or revocation decision. The Ad-  
27 ministrative Court Judge shall issue the decision in  
28 writing within 12 days of the hearing.

29 Sec. 55. 28-A M RSA §803, sub-§6, as enacted by  
30 PL 1987, c. 45, §4, is amended to read:

31 6. Warnings. Upon the written recommendation of  
32 the enforcement--officer-of-the-Department-of-Public  
33 Safety Director of the Bureau of Liquor Enforcement,  
34 or the director's designee, the Administrative Court  
35 Judge, instead of notifying a licensee against whom a  
36 complaint is pending to appear for hearing, may send  
37 the licensee a warning. Warnings must be sent by reg-  
38 istered or certified mail and contain a copy of the  
39 complaint. A licensee to whom a warning is sent may  
40 demand a hearing by notifying the Administrative

1 Court Judge by registered or certified mail within 10  
2 days from the date the warning was mailed.

3 Sec. 56. 28-A MRSA §803, sub-§9, ¶E, as enacted  
4 by PL 1987, c. 45, §4, is repealed.

5 Sec. 57. 28-A MRSA §1001, sub-§2, ¶¶B and C, as  
6 enacted by PL 1987, c. 45, §4, are amended to read:

- 7 B. Part-time (6 months).....\$ 375; and
- 8 ~~C. Part-time (7 months).....\$ 437.50; and~~

9 Sec. 58. 28-A MRSA §1001, sub-§3, ¶F, as enacted  
10 by PL 1987, c. 45, §4, is amended to read:

- 11 F. Dining cars and passenger cars;

12 Sec. 59. 28-A MRSA §1002, sub-§2, ¶¶B and C, as  
13 enacted by PL 1987, c. 45, §4, are amended to read:

- 14 B. Part-time (6 months).....\$ 500; and
- 15 ~~C. Part-time (7 months).....\$ 583.31; and~~

16 Sec. 60. 28-A MRSA §1003, sub-§2, ¶¶B and C, as  
17 enacted by PL 1987, c. 45, §4, are amended to read:

- 18 B. Part-time (6 months).....\$ 250; and
- 19 ~~C. Part-time (7 months).....\$ 291.69; and~~

20 Sec. 61. 28-A MRSA §1003, sub-§3, ¶F, as enacted  
21 by PL 1987, c. 45, §4, is amended to read:

- 22 F. Dining cars and passenger cars;

23 Sec. 62. 28-A MRSA §1004, sub-§2, ¶¶B and C, as  
24 enacted by PL 1987, c. 45, §4, are amended to read:

- 25 B. Part-time (6 months).....\$ 100; and
- 26 ~~C. Part-time (7 months).....\$ 116.69; and~~

27 Sec. 63. 28-A MRSA §1004, sub-§3, ¶F, as enacted  
28 by PL 1987, c. 45, §4, is amended to read:

1 F. Dining cars and passenger cars;

2 **Sec. 64.** 28-A M RSA §1005, sub-§2, ¶¶B and C, as  
3 enacted by PL 1987, c. 45, §4, are amended to read:

4 B. Part-time (6 months).....\$ 100; and

5 ~~C.---Part-time-(7-months).....\$---116.69;--and~~

6 **Sec. 65.** 28-A M RSA §1005, sub-§3, ¶F, as enacted  
7 by PL 1987, c. 45, §4, is amended to read:

8 F. Dining cars and passenger cars;

9 **Sec. 66.** 28-A M RSA §1005, sub-§3, ¶¶O and P, as  
10 enacted by PL 1987, c. 45, §4, are amended to read:

11 O. Taverns; and

12 ~~P.---Class-A-taverns;--and~~

13 **Sec. 67.** 28-A M RSA §1006, sub-§2, ¶¶B and C, as  
14 enacted by PL 1987, c. 45, §4, are amended to read:

15 B. Part-time (6 months).....\$ 225; and

16 ~~C.---Part-time-(7-months).....\$---262.50;--and~~

17 **Sec. 68.** 28-A M RSA §1007, sub-§2, ¶¶B and C, as  
18 enacted by PL 1987, c. 45, §4, are amended to read:

19 B. Part-time (6 months).....\$ 62.50; and

20 ~~C.---Part-time-(7-months).....\$---72.91;--and~~

21 **Sec. 69.** 28-A M RSA §1007, sub-§3, ¶A, as enacted  
22 by PL 1987, c. 45, §4, is amended to read:

23 A. Off-premise retailers ~~and ship-chandlers~~ with  
24 a qualifying stock of groceries, compatible mer-  
25 chandise or combination of both.

26 **Sec. 70.** 28-A M RSA §1008, sub-§2, as enacted by  
27 PL 1987, c. 45, §4, is amended to read:

28 2. Fees. The fees for a Class VI-A license are  
29 as follows:

- 1 A. Full-time (one year).....\$--225 \$ 135;
- 2 B. Part-time (6 months)..\$--112.50 \$ 67.50; and
- 3 ~~C. Part-time (7 months).....\$--131.25; and~~
- 4 D. Extension (2 months) for part-time licenses
- 5 only.....\$--45 \$ 30.

6 Sec. 71. 28-A MRSA §1008, sub-§3, ¶A, as enacted  
 7 by PL 1987, c. 45, §4, is repealed and the following  
 8 enacted in its place:

9 A. Ship chandlers without a qualifying stock of  
 10 groceries, compatible merchandise or combination  
 11 of both.

12 Sec. 72. 28-A MRSA §1009, sub-§2, ¶¶A, B and C,  
 13 as enacted by PL 1987, c. 45, §4, are amended to  
 14 read:

- 15 A. Full-time (one year).....\$--125 \$ 135;
- 16 B. Part-time (6 months)...\$--62.50 \$ 67.50; and
- 17 ~~C. Part-time (7 months).....\$--72.91; and~~

18 Sec. 73. 28-A MRSA §1009, sub-§3, ¶¶A and B, as  
 19 enacted by PL 1987, c. 45, §4, are repealed and the  
 20 following enacted in their place:

21 A. Off-premise retailers with a qualifying stock  
 22 of groceries, compatible merchandise or combina-  
 23 tion of both.

24 Sec. 74. 28-A MRSA §1010, sub-§2, as enacted by  
 25 PL 1987, c. 45, §4, is amended to read:

26 2. Fees. The fees for a Class VII-A license are  
 27 as follows:

- 28 A. Full-time (one year).....\$--225 \$ 135;
- 29 B. Part-time (6 months)..\$--112.50 \$ 67.50; and
- 30 ~~C. Part-time (7 months).....\$--131.25; and~~

1 D. Extension (2 months) for part-time licenses  
2 only.....\$--45 \$ 30.

3 Sec. 75. 28-A MRSA §1010, sub-§3, ¶A, as enacted  
4 by PL 1987, c. 45, §4, is repealed and the following  
5 enacted in its place:

6 A. Ship chandlers without a qualifying stock of  
7 groceries, compatible merchandise or combination  
8 of both.

9 Sec. 76. 28-A MRSA §1011, sub-§2, ¶A, as enacted  
10 by PL 1987, c. 45, §4, is amended to read:

11 A. Full-time (one year) and part-time (5 months  
12 or 7-months).....\$2,000.

13 Sec. 77. 28-A MRSA §1051, sub-§2, as enacted by  
14 PL 1987, c. 45, §4, is amended to read:

15 2. Local approval of application for license.  
16 The initial application for the license or renewal of  
17 the license must first be approved under section 653  
18 by the municipal officers of the town or city in  
19 which the applicant's premises are located or, if the  
20 premises are located in an unincorporated place, the  
21 application must be approved by the county commis-  
22 sioners of the county within which the unincorporated  
23 place is located.

24 Sec. 78. 28-A MRSA §1052, sub-§2, as enacted by  
25 PL 1987, c. 45, §4, is amended to read:

26 2. Fee. The license fee for the off-premise cater-  
27 ing license is \$10 per calendar day of the event  
28 or gathering.

29 Sec. 79. 28-A MRSA §1052, sub-§4, as enacted by  
30 PL 1987, c. 45, §4, is amended to read:

31 4. Application. The licensee must apply for an  
32 off-premise catering license by notifying filing a  
33 written application with the commission at least 24  
34 hours before the event or gathering. The application  
35 must include the following:

36 A. Title and purpose of the event;

- 1 B. Date, time and duration;
- 2 C. Location;
- 3 D. Approximate number of persons to be accommo-  
4 dated;
- 5 E. Name and address of sponsoring person, orga-  
6 nization or association;
- 7 F. If food is to be served, the name and address  
8 of food caterer, if other than the licensee; and
- 9 G. Approval by the municipal officers, or a mu-  
10 nicipal official designated by the municipal of-  
11 ficers, of the municipality in which the proposed  
12 additional licensed premises are located, which,  
13 notwithstanding section 653, may be granted with-  
14 out public notice.

15 Sec. 80. 28-A MRSA §1052, sub-§5, as enacted by  
16 PL 1987, c. 45, §4, is amended to read:

17 5. Ruling on application. Upon receipt of the  
18 application, the commission may immediately approve  
19 or deny the application. The commission shall advise  
20 the applicant that the license and the off-premise  
21 sales license may be revoked and suspended under  
22 chapter 33.

23 Sec. 81. 28-A MRSA §1053, as enacted by PL 1987,  
24 c. 45, §4, is repealed.

25 Sec. 82. 28-A MRSA §1054, sub-§9, as enacted by  
26 PL 1987, c. 45, §4, is amended to read:

27 9. Admission. A ~~licensed-hotel, Class-A-restau-~~  
28 ~~rant, Class-A-tavern-or-restaurant--malt--liquor~~ li-  
29 censee who has been issued an amusement permit may  
30 charge admission in designated areas approved by the  
31 special amusement permit.

32 Sec. 83. 28-A MRSA §1054, sub-§11, ¶B, as en-  
33 acted by PL 1987, c. 45, §4, is amended to read:

34 B. These ordinances or regulations may specifi-  
35 cally determine:

1 (1) The location and size of premises to  
2 which the permits may apply;

3 (2) The facilities that may be required for  
4 the permitted activities on those premises;  
5 and

6 (3) The hours during which the permitted  
7 activities may take place; and

8 (4) The lighting level required, which may  
9 be lowered when the entertainment is pro-  
10 vided.

11 **Sec. 84. 28-A MRSA §1061, sub-§2, ¶B,** as enacted  
12 by PL 1987, c. 45, §4, is repealed and the following  
13 enacted in its place:

14 **B. This subsection does not apply when:**

15 (1) The minor is accompanied by a parent,  
16 legal guardian or custodian, as defined in  
17 Title 22, section 4002;

18 (2) The minor is employed under section  
19 704; or

20 (3) The licensee does not permit consump-  
21 tion of liquor on the licensed premises.

22 **Sec. 85. 28-A MRSA §1061, sub-§4,** as enacted by  
23 PL 1987, c. 45, §4, is repealed and the following en-  
24 acted in its place:

25 **4. Required number of sleeping rooms. Each hotel**  
26 **must be equipped with at least the required number of**  
27 **adequate sleeping rooms. These rooms must be in addi-**  
28 **tion to the rooms used by the owner or the employees.**

29 **A. The number of rooms required is based on the**  
30 **population of the municipality in which the hotel**  
31 **is located.**

32 (1) If the hotel is located in a municipal-  
33 ity of 3,000 or less population, the hotel  
34 must have at least 14 adequate sleeping  
35 rooms.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

(2) If the hotel is located in a municipal-  
ity of more than 3,000 but not more than  
7,500 population, the hotel must have at  
least 20 adequate sleeping rooms.

(3) If the hotel is located in a municipal-  
ity of 7,500 or more population, the hotel  
must have at least 30 adequate sleeping  
rooms.

B. Any increase in population as shown by a sub-  
sequent Federal Census does not affect the eligi-  
bility for license of premises licensed before  
that census.

Sec. 86. 28-A MRSA §1062, sub-§2, as enacted by  
PL 1987, c. 45, §4, is repealed.

Sec. 87. 28-A MRSA §1062, sub-§4 is enacted to  
read:

4. Commission determines who would probably  
qualify. The commission may issue the license if it  
determines that the applicant for a new license would  
probably meet the requirements of subsection 3.

Sec. 88. 28-A MRSA §1063, sub-§2, as enacted by  
PL 1987, c. 45, §4, is amended to read:

2. Income from sale of food requirement. Except  
as provided in section 1079, at least a minimum  
amount of annual income must be from the sale of food  
for each Class A restaurant. The income from sale of  
food requirement is based on the population of the  
municipality in which the Class A restaurant is lo-  
cated.

A. In municipalities having a population of more  
than 50,000 persons:

(1) Year-round Class A restaurants must  
have a minimum income of \$50,000 per year  
from the sale of food to the public on their  
premises; and

(2) Part-time Class A restaurants must have  
a minimum income of:



1 (a) Thirty thousand dollars from the  
2 sale of food to the public on their  
3 premises as a requirement for a part-  
4 time license not in excess of 6 consec-  
5 utive months; and

6 (b) Twenty thousand dollars from the  
7 sale of food to the public on their  
8 premises as a requirement for a part-  
9 time license not in excess of 3 consec-  
10 utive months;

11 B. In municipalities having a population of more  
12 than 30,000 but not more than 50,000 persons:

13 (1) Year-round Class A restaurants must  
14 have a minimum income of \$40,000 per year  
15 from the sale of food to the public on their  
16 premises; and

17 (2) Part-time Class A restaurants must have  
18 a minimum income of:

19 (a) Twenty-five thousand dollars from  
20 the sale of food to the public on their  
21 premises as a requirement for a part-  
22 time license not in excess of 6 consec-  
23 utive months; and

24 (b) Twenty thousand dollars from the  
25 sale of food to the public on their  
26 premises as a requirement for a part-  
27 time license not in excess of 3 consec-  
28 utive months;

29 C. In municipalities having a population of more  
30 than 20,000, but not more than 30,000 persons:

31 (1) Year-round Class A restaurants must  
32 have a minimum income of \$30,000 per year  
33 from the sale of food to the public on their  
34 premises; and

35 (2) Part-time Class A restaurants must have  
36 a minimum income of \$20,000 from the sale of  
37 food to the public on their premises as a  
38 requirement for a part-time license, not in  
39 excess of 6 consecutive months; and

1 D. In municipalities having a population of not  
2 more than 20,000 persons:

3 (1) Year-round Class A restaurants must  
4 have a minimum income of \$20,000 per year in  
5 sale of food to the public on their  
6 premises; and

7 (2) Part-time Class A restaurants must have  
8 a minimum income of \$15,000 from the sale of  
9 food to the public on their premises as a  
10 requirement for a part-time license, not in  
11 excess of 6 consecutive months.

12 Sec. 89. 28-A MRS §1065, sub-§4, as enacted by  
13 PL 1987, c. 45, §4, is repealed and the following en-  
14 acted in their place:

15 4. Minors not allowed on premises. Minors are  
16 not permitted to remain on the premises except when:

17 A. The minor is accompanied by a parent, legal  
18 guardian or custodian as defined in Title 22,  
19 section 4002; or

20 B. The licensee does not permit consumption of  
21 liquor on the premises for a specific period of  
22 time or event.

23 Sec. 90. 28-A MRS §1066, as enacted by PL 1987,  
24 c. 45, §4, is repealed.

25 Sec. 91. 28-A MRS §1066-A is enacted to read:

26 §1066-A. Taverns

27 1. Issuance of licenses. The commission may is-  
28 sue licenses under this section for the sale of malt  
29 liquor to be consumed on the premises to taverns as  
30 defined in section 2, subsection 16, paragraph T-1.

31 2. Minors not permitted on premises. Minors are  
32 not permitted to remain on the premises unless:

33 A. Accompanied by a parent, legal guardian or  
34 custodian as defined in Title 22, section 4002;  
35 or

1            B. Employed under section 702.

2            **Sec. 92.** 28-A MRSA §1067, as enacted by PL 1987,  
3            c. 45, §4, is repealed.

4            **Sec. 93.** 28-A MRSA §1070, sub-§4, as enacted by  
5            PL 1987, c. 45, §4, is amended to read:

6            4. Licensee must notify Bureau of Liquor En-  
7            forcement. The civic auditorium licensee shall notify  
8            give written notice to the Bureau of Liquor Enforce-  
9            ment at least 24 hours before a function or event.

10           **Sec. 94.** 28-A MRSA §1072, sub-§2, ¶E, as enacted  
11           by PL 1987, c. 45, §4, is amended to read:

12           E. Charged and collected dues from elected mem-  
13           bers.

14           **Sec. 95.** 28-A MRSA §1076, sub-§1, ¶A is enacted  
15           to read:

16           A. "Premises," as used in this section, means  
17           the premises where the qualified catering service  
18           is selling and serving liquor, either its princi-  
19           pal place of business or the premises where the  
20           event being catered is held.

21           **Sec. 96.** 28-A MRSA §1076, sub-§2, as enacted by  
22           PL 1987, c. 45, §4, is repealed and the following en-  
23           acted in its place:

24           2. Compliance with local option decisions. The  
25           commission may license only those qualified catering  
26           services whose principal place of business is located  
27           in municipalities which have previously voted affir-  
28           matively on questions pertaining to on-premise sales  
29           provided in chapter 5.

30           A. Every event catered by the qualified catering  
31           service must also be located in a municipality  
32           which has previously voted affirmatively on ques-  
33           tions pertaining to on-premise sales provided in  
34           chapter 5.

35           **Sec. 97.** 28-A MRSA §1076, sub-§3, as enacted by  
36           PL 1987, c. 45, §4, is repealed and the following en-  
37           acted in its place:

1           3. Income from sale of food requirement. At  
2 least a minimum amount of annual income must be from  
3 the sale of food for each qualified catering service.  
4 The income from sale of food requirement is based on  
5 the population of the municipality in which the qual-  
6 ified catering service is located.

7           A. In municipalities having a population of more  
8 than 50,000 persons:

9                   (1) Year-round qualified catering services  
10 must have a minimum income of \$50,000 a year  
11 from the sale of food to the public; and

12                   (2) Part-time qualified catering services  
13 must have a minimum income of:

14                           (a) Thirty thousand dollars from the  
15 sale of food to the public as a re-  
16 quirement for a part-time license not  
17 in excess of 6 consecutive months; and

18                           (b) Twenty thousand dollars from the  
19 sale of food to the public as a re-  
20 quirement for a part-time license not  
21 in excess of 3 consecutive months;

22           B. In municipalities having a population of more  
23 than 30,000, but not more than 50,000 persons:

24                   (1) Year-round qualified catering services  
25 must have a minimum income of \$40,000 a year  
26 from the sale of food to the public; and

27                   (2) Part-time qualified catering services  
28 must have a minimum income of:

29                           (a) Twenty-five thousand dollars from  
30 the sale of food to the public as a re-  
31 quirement for a part-time license not  
32 in excess of 6 consecutive months; and

33                           (b) Twenty thousand dollars from the  
34 sale of food to the public as a re-  
35 quirement for a part-time license not  
36 in excess of 3 consecutive months;

1 C. In municipalities having a population of more  
2 than 20,000, but not more than 30,000, persons:

3 (1) Year-round qualified catering services  
4 must have a minimum income of \$30,000 a year  
5 from the sale of food to the public; and

6 (2) Part-time qualified catering services  
7 must have a minimum income of \$20,000 from  
8 the sale of food to the public as a require-  
9 ment for a part-time license not in excess  
10 of 6 consecutive months; and

11 D. In municipalities having a population of not  
12 more than 20,000 persons:

13 (1) Year-round qualified catering ser-  
14 vices must have a minimum income of  
15 \$20,000 a year in sale of food to the  
16 public; and

17 (2) Part-time qualified catering ser-  
18 vices must have a minimum income of  
19 \$15,000 from the sale of food to the  
20 public as a requirement for a part-time  
21 license not in excess of 6 consecutive  
22 months.

23 Sec. 98. 28-A MRSA §1076, sub-§4, as enacted by  
24 PL 1987, c. 45, §4, is repealed and the following en-  
25 acted in its place:

26 4. Commission determines applicant would proba-  
27 bly qualify. The commission may issue the license if  
28 it determines that the applicant for a new license  
29 would probably qualify.

30 Sec. 99. 28-A MRSA §1077, sub-§3, ¶A, as enacted  
31 by PL 1987, c. 45, §4, is repealed and the following  
32 enacted in its place:

33 A. The license issued to a railroad corporation  
34 operating dining cars or passenger cars within  
35 the State authorizes the licensee to sell liquor  
36 to be consumed in the cars only after leaving and  
37 before reaching the terminal stops.

1           Sec. 100. 28-A MRSA §1079, as enacted by PL  
2 1987, c. 45, §4, is repealed and the following en-  
3 acted in their place:

4           §1079. International air terminals

5           1. Issuance of license to operators of air ter-  
6 minals. The commission may issue licenses under this  
7 section for the sale of spirits, wine and malt liquor  
8 to be consumed on the premises to operators of inter-  
9 national air terminals, as defined in section 2, sub-  
10 section 15, or their agent or concessionaire.

11           2. Sale of liquor. An international air terminal  
12 licensee may sell liquor during the hours permitted  
13 under section 4, subsection 1, to:

14           A. International passengers in transit; and

15           B. Other persons.

16           3. Sale of liquor to international passengers in  
17 transit. Notwithstanding section 4, subsection 1, an  
18 international air terminal licensee may sell liquor  
19 to international passengers in transit during the  
20 hours sales are prohibited under section 4, subsec-  
21 tion 1.

22           4. International passengers in transit defined.  
23 "International passenger in transit" means an airline  
24 passenger who is in transit and whose point of either  
25 origin or destination is a foreign country.

26           Sec. 101. 28-A MRSA §1201, sub-§5, ¶B, as en-  
27 acted by PL 1987, c. 45, §4, is amended to read:

28           B. The applicant proves to the satisfaction of  
29 the commission that all proper standards and re-  
30 quirements of laws and rules of the commission  
31 have been met and ~~the applicant has been~~ he is  
32 a resident of the State for at least 6 months be-  
33 fore filing his application.

34           Sec. 102. 28-A MRSA §1201, sub-§6, as enacted by  
35 PL 1987, c. 45, §4, is repealed and the following en-  
36 acted in its place:

1           6. Stock of groceries or compatible merchandise  
2 required. All off-premise retail licensees must have  
3 and maintain:

4           A. An adequate stock of groceries fit for human  
5 consumption of at least \$2,000 wholesale value;

6           B. A stock of merchandise reasonably compatible  
7 with a stock of malt liquor or wine of at least  
8 \$2,000 wholesale value; or

9           C. A combination of both groceries fit for human  
10 consumption and compatible merchandise of at  
11 least \$2,000 wholesale value.

12        Sec. 103. 28-A MRSA §1201, sub-§7, as enacted by  
13 PL 1987, c. 45, §4, is repealed and the following en-  
14 acted in its place:

15        7. Compatible merchandise. Each licensee shall  
16 display the groceries or compatible merchandise, or  
17 both, in the general sales area of the licensed  
18 premises, except that foodstuffs and other consumable  
19 products used in the preparation of food and cut  
20 flowers are not required to be displayed if they are  
21 stored elsewhere on the premises. Compatible merchan-  
22 dise:

23        A. Includes:

24           (1) Tobacco products;

25           (2) Newspapers;

26           (3) Greeting cards;

27           (4) Paper products;

28           (5) Cut flowers;

29           (6) A stock of foodstuffs and other consum-  
30 able products used on the premises in the  
31 preparation of food for consumption on or  
32 off the premises; and

33           (7) Other items equally compatible with a  
34 stock of malt liquor or wine; and

1            B. Does not include:

2            (1) Gasoline and oil;

3            (2) Used or new cars, parts or accessories;  
4            or

5            (3) Other items of stock that may be equal-  
6            ly incompatible in nature.

7            Sec. 104. 28-A MRSA §1203, as enacted by PL  
8            1987, c. 45, §4, is repealed.

9            Sec. 105. 28-A MRSA §1204 is enacted to read:

10          §1204. Ship chandlers

11            1. Issuance of licenses. The commission may is-  
12            sue licenses under this section for the sale of malt  
13            liquor and table wine to be consumed off the premises  
14            to ship chandlers, as defined in section 2, subsec-  
15            tion 15, paragraph 5.

16            2. Conditions on sales. Ship chandlers may sell  
17            malt liquor and wine only to ships which are:

18            A. Not licensed as retail licensees; and

19            B. Registered in another state or another coun-  
20            try.

21            3. Exception to off-premise retail licensee re-  
22            quirements. Notwithstanding section 1201, a licensed  
23            ship chandler is not required to have or maintain a  
24            stock of groceries, compatible merchandise or combi-  
25            nation of both.

26            Sec. 106. 28-A MRSA §1355, as enacted by PL  
27            1987, c. 45, §4, is repealed and the following en-  
28            acted in its place:

29            §1355. Manufacturer licenses

30            1. Issuance of licenses. The commission may is-  
31            sue manufacturer licenses to distill, rectify, brew  
32            or bottle spirits, wine or malt liquor to distillers,  
33            rectifiers, brewers, bottlers and wineries, as de-



1 fined in section 2, operating under federal law and  
2 federal supervision.

3 2. Small Maine breweries. The following condi-  
4 tions apply to licenses issued to small Maine brew-  
5 eries.

6 A. A holder of a small Maine brewery license may  
7 produce malt liquor containing 25% or less alco-  
8 hol by volume in an amount not to exceed 50,000  
9 gallons per year.

10 B. A holder of a small Maine brewery license may  
11 sell, on the premises during regular business  
12 hours, malt liquor produced at the brewery by the  
13 bottle, by the case or in bulk.

14 C. A holder of a small Maine brewery license may  
15 sell or deliver his product to licensed retailers  
16 and wholesalers. He may sell, on the premises for  
17 consumption off the premises, malt liquor pro-  
18 duced at the brewery by the bottle, case or in  
19 bulk to licensed retailers, including, but not  
20 limited to, off-premise retail licensees, restau-  
21 rants and clubs.

22 D. A holder of a small Maine brewery license may  
23 apply for one license for the sale of liquor for  
24 on-premise consumption for a location other than  
25 the brewery.

26 E. A holder of a small Maine brewery license may  
27 list on product labels and in its advertising the  
28 list of the ingredients and the product's average  
29 percentage of the recommended daily allowances of  
30 nutritional requirements.

31 3. Maine farm wineries. The following conditions  
32 apply to Maine farm wineries.

33 A. A holder of a Maine farm winery license may  
34 produce wines and sparkling wines in an amount  
35 not to exceed 50,000 gallons a year.

36 B. A holder of a Maine farm winery license may  
37 serve complimentary samples of wine and sell,  
38 during regular business hours, wines produced at

1        the winery by the bottle, by the case or in bulk  
2        on the premises of the winery to persons who are  
3        not minors. A holder of a Maine farm winery li-  
4        cence may serve complimentary samples of wine on  
5        Sunday after the hour of 12 noon and may sell  
6        wines on Sunday after the hour of 12 noon if the  
7        municipality in which the winery is located has  
8        authorized the sale of wines on Sunday for con-  
9        sumption off the premises under chapter 5.

10        C. A holder of a Maine farm winery license, upon  
11        application to and approval of the commission and  
12        payment of the license fee, may obtain a license  
13        for one additional location other than the winery  
14        licensed under this subsection. The holder of the  
15        license is not required to conduct any bottling  
16        or production of wine at the 2nd licensed loca-  
17        tion, but may conduct all activities which are  
18        permitted by this section at the winery.

19        D. A holder of a Maine farm winery license may  
20        sell or deliver his product to licensed retailers  
21        and wholesalers. He may sell, on the premises,  
22        wine produced at the winery by the bottle, by the  
23        case or in bulk to licensed retailers, including,  
24        but not limited to, off-premise retail licensees,  
25        restaurants and clubs.

26        Sec. 107. 28-A MRSA §1356, sub-§2, as enacted by  
27        PL 1987, c. 45, §4, is repealed.

28        Sec. 108. 28-A MRSA §1401, sub-§2, ¶B, as en-  
29        acted by PL 1987, c. 45, §4, is amended to read:

30        B. Six hundred dollars for each additional ware-  
31        house maintained by the wholesale licensee, but  
32        not located at the principal place of business.

33        Sec. 109. 28-A MRSA §1402, as enacted by Pl  
34        1987, c. 45, §4, is amended to read:

35        §1402. Taste testing of wine and malt liquor  
36        products

37        1. Taste testing on wholesale licensee's  
38        premises. With the commission's written permission, a  
39        wholesale licensee may designate a special area or

1 room on the wholesale licensee's premises for the  
2 specific purpose of taste testing new wine or malt  
3 liquor products.

4 2. Taste testing on retail licensee's premises.  
5 With the commission's written permission, a wholesale  
6 licensee may rent or lease an area or room from an  
7 on-premise retail licensee for the purpose of invit-  
8 ing retail licensees to taste test new wine or malt  
9 liquor products.

10 3. Conditions on taste-testing activity. The  
11 following conditions apply to all taste testings.

12 A. The wholesale licensee or a certificate of  
13 approval holder may provide the products for  
14 taste testing only if all taxes and premiums re-  
15 quired by this Title have been paid.

16 B. Taste-testing activity must be conducted only  
17 within the special designated area or room.

18 C. Taste-testing activity must be open only to  
19 invited retail licensees or their authorized  
20 agents and not to their family members, guests or  
21 the general public.

22 D. After the taste-testing activity is con-  
23 cluded, the wholesale licensee shall remove all  
24 products supplied for the taste-testing activity  
25 from the retail licensee's premises.

26 Sec. 110. 28-A MRSA §1403, sub-§1-A is enacted  
27 to read:

28 1-A. Wholesale licensee may purchase from whole-  
29 sale licensee. The commission may give written per-  
30 mission to a wholesale licensee to purchase malt li-  
31 quor or wine from another wholesale licensee.

32 Sec. 111. 28-A MRSA §1407, sub-§1, as enacted by  
33 PL 1987, c. 45, §4, is amended to read:

34 1. Exclusive distributors. The wholesale licens-  
35 ee appointed by the certificate of approval holder to  
36 be the exclusive distributor for specific brands of  
37 liquor cannot be terminated as exclusive distributor

1 of those specific brands upon the voluntary or  
2 involuntary termination or transfer of the same  
3 brands of liquor by the certificate of approval hold-  
4 er who registered the specific labels and established  
5 prices with the bureau. The certificate of approval  
6 holder acquiring these brands shall take the place of  
7 the certificate of approval holder who appointed the  
8 distributors and shall comply with section 1406.

9 Sec. 112. 28-A MRSA §1408, sub-§4, as enacted by  
10 PL 1987, c. 45, §4, is amended to read:

11 4. Price changes. Certificate Except as provided  
12 in paragraph A, certificate of approval holders and  
13 bottlers manufacturer's shall give written notice of  
14 price changes to the bureau and their respective  
15 wholesale licensees at least 30 days before the ef-  
16 fective date. Wholesale licensees shall give written  
17 notice of their price changes to the bureau at least  
18 15 days before the effective date. All price changes  
19 are effective on the first day of the month.

20 A. The commission may give written permission to  
21 certificate of approval holders, manufacturers or  
22 wholesale licensees to reduce the notice period  
23 for price changes in specific instances.

24 Sec. 113. 28-A MRSA c. 61 is enacted to read:

25 CHAPTER 61

26 NONRETAIL LICENSES AND FEES

27 §1551. Fees for nonretail licenses

28 1. Certificate of approval. The license fees for  
29 certificates of approval are:

30 A. For malt liquor (one year).....\$600; and

31 B. For wine (one year).....\$600.

32 2. Wholesale licenses. The license fees for  
33 wholesale licenses are:

34 A. For the sale of malt liquor (one year)..\$600;

1 B. For the storage of malt liquor (one month)...  
2 .....\$50;

3 C. For the sale of wine (one year)....\$600; and

4 D. For the storage of wine (one month)...\$ 50.

5 3. In-state manufacturers. The license fees for  
6 in-state manufacturer licenses are:

7 A. Distiller, includes bottling (one year).....  
8 .....\$1,000;

9 B. Brewery, includes bottling (one year) \$1,000;

10 C. Rectifier, includes bottling (one year).....  
11 .....\$1,000;

12 D. Bottler only (one year).....\$1,000;

13 E. Winery, includes bottling (one year)..\$1,000;

14 F. Maine farm winery, includes bottling (one  
15 year).....\$50; and

16 G. Small Maine brewery, includes bottling (one  
17 year).....\$50.

18 4. Sales representatives. The fees for sales  
19 representatives are as follows:

20 A. Sales representative of licensed manufacturer  
21 or certificate of approval holder (one year).\$10;

22 B. Sales representative of any other manufactur-  
23 er who sells to commission (one year)...\$500; and

24 C. Sales representative of wholesale licensee -  
25 no fee, but wholesale licensees must keep a cur-  
26 rent list of sales representatives on file with  
27 the commission.

28 5. Other fees. The fees for the following are:

29 A. Filing fee for license application...\$10; and

30 B. Filing fees for registering label:

1                   (1) Original registration.....\$10;

2                   (2) Change of label.....\$1; and

3                   (3) Annual renewal of label registration\$1.

4                   \$1552. Bottle club fees

5                   1. Bottle club registration. The fee for bottle  
6                   club registration is (one year).....\$50.

7                   **Sec. 114.** 28-A MRSA §1651, sub-§1, as enacted by  
8                   PL 1987, c. 45, §4, is amended to read:

9                   1. State liquor tax. Except as provided in sub-  
10                   section 2, the commission shall determine and set the  
11                   price at which to sell all spirits which will produce  
12                   a state liquor tax of not less than 75% based on the  
13                   less carload cost F.O.B. commission liquor warehouse.

14                   A. In all cases the commission may round off  
15                   costs to the next highest 5¢.

16                   B. Any increased federal taxes levied on or af-  
17                   ter November 1, 1941, shall be added to the es-  
18                   tablished price without markup.

19                   **Sec. 115.** 28-A MRSA §1652, sub-§§1 and 2, as en-  
20                   acted by PL 1987, c. 45, §4, are repealed and the  
21                   following enacted in their place:

22                   1. Excise tax on malt liquor. An excise tax is  
23                   imposed on the privilege of manufacturing and selling  
24                   malt liquor in the State. The Maine manufacturer or  
25                   importing wholesale licensee shall pay an excise tax  
26                   of 25¢ per gallon on all malt liquor sold in the  
27                   State.

28                   2. Excise tax on wine. An excise tax is imposed  
29                   on the privilege of manufacturing and selling wine in  
30                   the State. The Maine manufacturer or importing whole-  
31                   sale licensee shall pay an excise tax of 30¢ per gal-  
32                   lon on all wine other than sparkling wine manufac-  
33                   tured in or imported into the State and \$1 per gallon  
34                   on all sparkling wine manufactured in or imported in-  
35                   to the State.

1       **Sec. 116. 28-A MRSA §1901, sub-§1**, as enacted by  
2       PL 1987, c. 45, §4, is amended to read:

3       1. Sales of food containing liquor restricted.  
4       No person other than a licensee may sell at retail  
5       food products with an alcohol content greater than  
6       1/2 of 1% by volume.

7       **Sec. 117. 28-A MRSA §2077, sub-§§1 and 2**, as en-  
8       acted by PL 1987, c. 45, §4, are amended to read:

9       1. Importation of malt liquor or wine into the  
10       State. No person other than a wholesale licensee may  
11       transport or cause to be transported malt liquor or  
12       wine into the State in a quantity greater than one  
13       case 3 gallons for malt liquor and 4 quarts for wine,  
14       unless it was legally purchased in the State.

15       A. All shipments of malt liquor or wine trans-  
16       ported or caused to be transported by wholesale  
17       licensees into the State must be accompanied by  
18       an invoice, including the wholesale licensee's  
19       name and purchase number.

20       2. Transportation of malt liquor and wine within  
21       the State. No person other than a licensee may trans-  
22       port malt liquor, in a quantity greater than ~~one case~~  
23       3 gallons, or wine, in a quantity greater than 4  
24       quarts, within the State unless it was purchased from  
25       an off-premise retail licensee.

26       **Sec. 118. 28-A MRSA §2079**, as enacted by PL  
27       1987, c. 45, §4, is amended to read:

28       §2079. Aiding children in illegal possession or sale

29       Any person who personally or by his employee or  
30       agent, directly or indirectly, employs or permits any  
31       child under the age of 16 years to assist him in the  
32       illegal possession or the illegal sale of liquor com-  
33       mits a Class E crime, and shall be punished  
34       accordingly in addition to the penalties otherwise  
35       provided against the illegal possession for sale or  
36       illegal sale of liquor, ~~by a fine of not less than~~  
37       ~~\$100 or by imprisonment for not less than 60 days.~~

38       **Sec. 119. 28-A MRSA §2080** is repealed.

1           Sec. 120. 28-A MRSa §2081, sub-§1, ¶A, as en-  
2 acted by PL 1987, c. 45, §4, is amended to read:

3           A. Procure, or in any way aid or assist in pro-  
4 curing, furnish, give or deliver liquor for or to  
5 a minor or ~~an~~ visibly intoxicated person; or

6           Sec. 121. 28-A MRSa §2081, sub-§2, as enacted by  
7 PL 1987, c. 45, §4, is amended to read:

8           2. Exceptions. This section does not apply to a  
9 person who serves liquor to a minor in a the server's  
10 home in the presence of the minor's parent, legal  
11 guardian or custodian, as defined in Title 22, sec-  
12 tion 4002.

13           Sec. 122. 28-A MRSa §2203, as enacted by PL  
14 1987, c. 45, §4, is repealed and the following en-  
15 acted in its place:

16           §2203. Evidence of illegal sale

17           1. Evidence of illegal sale. Whenever an illegal  
18 sale is alleged and a delivery proved, the delivery  
19 is sufficient evidence of sale and it is not neces-  
20 sary to prove a payment.

21           2. Former conviction. In actions, complaints,  
22 indictments or other proceedings for a violation of  
23 this Title, other than for a first offense, it is not  
24 necessary to set forth particularly the record of a  
25 former conviction, but it is sufficient to allege  
26 briefly that the person has been convicted of a vio-  
27 lation of a particular provision.

28           Sec. 123. 28-A MRSa §§2204, 2205 and 2206, as  
29 enacted by PL 1987, c. 45, §4, are repealed.

30           Sec. 124. 28-A MRSa §2221, as enacted by PL  
31 1987, c. 45, §4, is repealed.

32           Sec. 125. 28-A MRSa §2221-A is enacted to read:

33           §2221-A. Forfeiture of liquor and property used in  
34 illegal manufacture, transportation and  
35 sale of liquor



1        1. Property forfeited. The following property  
2 shall be subject to forfeiture to the State and all  
3 property rights in the property shall be in the  
4 State:

5        A. All materials, products and equipment of any  
6 kind which are used, or intended for use, in man-  
7 ufacturing, transporting or selling liquor in vi-  
8 olation of this Title; and

9        B. All conveyances, including aircraft, water-  
10 craft, vehicles and vessels, which are used, or  
11 are intended for use, to transport, conceal or  
12 otherwise to facilitate the manufacturing, trans-  
13 porting or selling of liquor in violation of this  
14 Title.

15        2. Jurisdiction. Property subject to forfeiture  
16 under subsection 1, paragraph A, shall be declared  
17 forfeited by any court having jurisdiction over the  
18 property or having final jurisdiction over any relat-  
19 ed criminal proceeding brought under this chapter.

20        3. Exceptions. The court shall order forfeiture  
21 of all conveyances subject to forfeiture under sub-  
22 section 1, paragraph B, except as follows.

23        A. No conveyance used by any person as a  
24 for-hire carrier in the transaction of business  
25 as a for-hire carrier shall be forfeited unless  
26 it appears that the owner or other person in  
27 charge of the conveyance was a consenting party  
28 or privy to a violation of this Title.

29        B. No conveyance shall be forfeited by reason of  
30 any act or omission established by the owner of  
31 the conveyance to have been committed or omitted  
32 by any person other than the owner while the con-  
33 veyance was illegally in the possession of a per-  
34 son other than the owner in violation of the  
35 criminal laws of the United States, the State or  
36 of any State.

37        C. No conveyance shall be subject to forfeiture  
38 unless the owner knew or should have known that  
39 the conveyance was used in and for the illegal  
40 manufacturing, transporting or selling of liquor  
41 in violation of this Title.

1           4. Forfeiture procedure. Forfeitures under this  
2 section must be accomplished by the following procedure.  
3

4           A. A district attorney or the Attorney General  
5 may petition the Superior Court in the name of  
6 the State in the nature of a proceeding in rem to  
7 order forfeiture of property subject to forfei-  
8 ture under subsection 1, paragraph B. The peti-  
9 tion must be filed in the court having jurisdic-  
10 tion over the property.

11           B. The proceeding shall be deemed a civil suit,  
12 in which the State shall have the burden of prov-  
13 ing all material facts by a preponderance of the  
14 evidence. The owner of the property, or other  
15 person claiming under the owner, shall have the  
16 burden of proving all the exceptions set forth in  
17 subsection 3 by a preponderance of the evidence.

18           C. The court shall order the State to give no-  
19 tice by certified or registered mail or hand de-  
20 livered by a deputy sheriff to the owner of the  
21 property and to any other person who appears to  
22 have an interest in the property.

23           D. The court shall promptly, but not less than 2  
24 weeks after notice, hold a hearing on the peti-  
25 tion. At the hearing, the court shall hear evi-  
26 dence and make findings of fact and enter conclu-  
27 sions of law.

28           E. Based on the findings and conclusions, the  
29 court shall issue a final order, from which the  
30 parties have a right of appeal. The final order  
31 shall provide for disposition of the property by  
32 the State or any subdivision of the State in any  
33 manner not prohibited by law, including official  
34 use by an authorized law enforcement or other  
35 public agency, sale at public auction or by com-  
36 petitive bidding.

37           (1) The proceeds of any sale shall be used  
38 to pay the reasonable expenses of the forfei-  
39 ture proceedings, seizure, storage, main-  
40 tenance of custody, advertising and notice  
41 and to pay any bona fide mortgage on the

1 property. The balance, if any, shall be de-  
2 posited in the State Treasury, or the trea-  
3 sury of the county or municipality making  
4 the seizure.

5 5. Records. Any officer, department or agency  
6 having custody or property subject to forfeiture under  
7 subsection 1, or having disposed of the property,  
8 shall keep and maintain full and complete records  
9 concerning the property.

10 A. The records must show:

11 (1) From whom it received the property;

12 (2) Under what authority it held, received  
13 or disposed of the property;

14 (3) To whom it delivered the property;

15 (4) The date and manner of destruction or  
16 disposition of the property; and

17 (5) The exact kinds, quantities and forms  
18 of the property.

19 B. The records shall be open to inspection by  
20 all federal and state officers charged with en-  
21 forcement of federal and state liquor laws.

22 C. Persons making final disposition or destruc-  
23 tion of the property under court order shall re-  
24 port, under oath, to the court the exact circum-  
25 stances of the destruction or disposition.

26 D. The Department of Public Safety is responsi-  
27 ble for maintaining a centralized record of prop-  
28 erty seized, held by an order to the department.  
29 At least quarterly, the department shall provide  
30 a report of the disposition of property previous-  
31 ly held by the department and ordered by the  
32 court to any governmental entity to the Commis-  
33 sioner of Finance and the Office of Fiscal and  
34 Program Review for review. These records must in-  
35 clude an estimate of the fair market value of  
36 items seized.

1           6. Preliminary order. At the request of the  
2 State ex parte, the court may issue any preliminary  
3 order or process necessary to seize or secure the  
4 property for which forfeiture is sought and provide  
5 for its custody.

6           A. Process for seizure of the property shall is-  
7 sue only upon a showing of probable cause. The  
8 application for process for seizure of the prop-  
9 erty and the issuance, execution and return of  
10 the process shall be subject to the provisions of  
11 applicable Maine law.

12           B. Any property subject to forfeiture under this  
13 section may be seized upon process, except that  
14 seizure without process may be made when:

15                   (1) The seizure is incident to:

16                           (a) An arrest with probable cause;

17                           (b) A search under a valid search war-  
18 rant; or

19                           (c) An inspection under a valid admin-  
20 istrative inspection warrant;

21                   (2) The property subject to seizure has  
22 been the subject of a prior judgment in fa-  
23 vor of the State in a forfeiture proceeding  
24 under this section;

25                   (3) There is probable cause to believe that  
26 the property is directly or indirectly dan-  
27 gerous to health or safety; or

28                   (4) There is probable cause to believe the  
29 property has been used or is intended to be  
30 used in violation of this Title.

31           Sec. 126. 28-A MRSA §2222, as enacted by PL  
32 1987, c. 45, §4, is repealed.

33           Sec. 127. 28-A MRSA §2223, as enacted by PL  
34 1987, c. 45, §4, is repealed and the following en-  
35 acted in its place:

1     §2223. Dumping of evidence; prima facie evidence

2         1. Destruction of liquor is prima facie evidence  
3 that liquor was intended for illegal sale. The pour-  
4 ing out or other destruction of fluids by any person  
5 on or about the premises which are about to be or are  
6 being searched, for the purpose of preventing the  
7 seizure of those fluids by officers authorized to  
8 make the search and seizure, is prima facie evidence  
9 that the fluids poured out or destroyed were liquor  
10 intended for illegal sale.

11         2. Penalties. Any person who violates this sec-  
12 tion commits a Class E crime.

13         Sec. 128. 28-A MRSA §§2224 to 2227, as enacted  
14 by PL 1987, c. 45, §4, are repealed.

15   STATEMENT OF FACT

16         This bill arises from the Joint Standing Commit-  
17         tee on Legal Affairs' study, approved by the Legisla-  
18         tive Council, to recodify the liquor laws of the  
19         Maine Revised Statutes, Title 28. The bill makes the  
20         substantive changes which were suggested throughout  
21         the study by the committee, the Bureau of Alcoholic  
22         Beverages, the Bureau of Liquor Enforcement and oth-  
23         ers.

24         The bill amends several sections which make cer-  
25         tain activities crimes and set specific punishments  
26         by defining those crimes as the appropriate Class D  
27         or Class E crimes, as defined by Title 17-A. The  
28         judge in each case will have full discretion to im-  
29         pose the punishment appropriate for that crime.

30         Section 1 of the bill provides a more precise  
31         definition of "fortified wine."

32         Section 2 amends the definitions applying to  
33         trains and railroad companies to more accurately re-  
34         flect the use of dining cars and passenger cars in  
35         the State.

1 In section 3, the definitions of "florist" and  
2 "florist shop" are removed, as are the licensing pro-  
3 visions for florists and the definition of compatible  
4 merchandise expanded so that florists may be licensed  
5 as an off-premise retailer. This streamlines the li-  
6 censing procedures.

7 Section 4 amends the definition of "hotel" to de-  
8 lete the reference to overnight camps.

9 In sections 5 and 100, a definition of an "inter-  
10 national air terminal" and licensing provisions for  
11 international air terminals are added. The old li-  
12 censing provisions concerning sale of liquor to in-  
13 ternational passengers in transit are deleted. The  
14 new section eliminates the apparent need for the li-  
15 censee to hold 2 licenses to sell to international  
16 passengers in transit between the hours of 1 a.m. and  
17 6 a.m.

18 In sections 6 to 8 and 90, the definitions of  
19 "tavern" and "Class A tavern" are repealed, along  
20 with the separate licensing provisions for taverns  
21 and Class A taverns and replaced with a single defi-  
22 nition, "tavern." The licensing provisions are a  
23 blend of the 2 former licenses, with licensees sell-  
24 ing malt liquor and food at counters, tables and  
25 booths. No minors, except in certain circumstances,  
26 are allowed on the premises.

27 Section 9 amends the definition of "wine" to  
28 raise the cap on the percentage of alcohol which wine  
29 can contain to 15.5% alcohol by volume. The defini-  
30 tion is clarified to include the fact that the term  
31 "wine" includes still wine, table wine and such items  
32 as wine coolers, provided that the alcohol content is  
33 not above 15.5%. The term is further clarified to  
34 state that "wine" does not include wine to which  
35 spirits have been added. The resulting product in  
36 which spirits are an ingredient is included in the  
37 definition of "spirits."

38 In sections 10 to 12 the prohibition against sale  
39 of liquor before noon on Memorial Day is removed.

40 Sections 13 and 53 amend Title 28-A to allow the  
41 State Liquor Commission to pay witnesses the legal

1 fee for travel and attendance after, rather than be-  
2 fore, the witnesses incur the travel expenses and at-  
3 tend the hearing.

4 Section 14 changes the requirement concerning the  
5 publication of laws and rules. The State Liquor Com-  
6 mission must publish Title 28-A, other laws dealing  
7 with liquor and all commission rules every 4 years.  
8 The commission will supply a copy to every new li-  
9 censee at no charge and must notify all licensees of  
10 changes in the laws or rules. Copies of those changes  
11 will be supplied to licensees at no charge and to  
12 others at a reasonable fee. The commission may charge  
13 a reasonable fee for the full text of laws and rules  
14 when supplied to persons other than licensees.

15 Section 15 removes local option elections for un-  
16 incorporated places. Under current law, local option  
17 elections are not permitted when an insufficient num-  
18 ber of people signed the petition or live in the ar-  
19 ea. In such cases, the county commissioners currently  
20 make the decision whether licenses should be issued.  
21 The current system is confusing and can be burden-  
22 some. This bill allows the county commissioners or  
23 the State Liquor Commission to authorize or refuse to  
24 authorize any or all licenses in unincorporated  
25 places.

26 Section 16 simplifies local option questions into  
27 2 questions. One allows or prohibits the sale of li-  
28 quor to be consumed on the premises where it is sold,  
29 such as in restaurants and hotels. The other question  
30 allows or prohibits the sale of liquor to be consumed  
31 elsewhere. This includes convenience stores, as well  
32 as state and agency liquor stores.

33 Section 17 allows a municipality to vote on  
34 whether or not bottle clubs may be allowed to operate  
35 within its jurisdiction. A vote is not required be-  
36 fore a bottle club may operate in that municipality.

37 Section 18 allows the commission to locate a  
38 state or agency liquor store within 300 feet of a  
39 church or school if the commission unanimously  
40 agrees. This is consistent with locating other li-  
41 censees near schools and churches.

1 Section 19 clarifies that an agency liquor store  
2 may accept payment for liquor by check if it so de-  
3 sires.

4 Section 20 makes the hours which state and agency  
5 liquor stores sell liquor consistent with the hours  
6 which other licensees can sell liquor. This is par-  
7 ticularly important in cases where an agency liquor  
8 store is also licensed to sell beer and wine.

9 Section 21 removes the limitation on replacing  
10 liquor stores established before 1979 because of the  
11 problems it has created.

12 Section 22 adds a new provision which clarifies  
13 that the transferee of an agency liquor store license  
14 may operate the store after notifying the commission  
15 of the transfer.

16 The current law prohibits all law enforcement of-  
17 ficers from benefitting from a liquor license. Sec-  
18 tion 23 limits that prohibition only to full-time of-  
19 ficers. This allows part-time wardens to sell beer  
20 and wine.

21 Section 24 repeals the 7-month part-time license.  
22 Licensees may obtain a 6-month license, then add a  
23 2-month extension if necessary. If more time is  
24 needed, they can apply for a full-year license. The  
25 7-month license causes administrative problems.

26 Section 25 eliminates the vague, yet broad, re-  
27 quirement that a licensee submit the names of all  
28 persons interested, directly or indirectly, in the  
29 liquor license when the licensee transfers the li-  
30 cense. The section is also amended to clarify that  
31 the commission does not have to refund any portion of  
32 the licensee fee when the license is turned in before  
33 it expires.

34 Section 26 clarifies that a sale or transfer of  
35 the stock of a corporation holding a license is con-  
36 sidered a transfer necessitating a new license if  
37 more than 10% of the stock changes hands.

38 Section 27 clarifies that incorporation of the  
39 licensee's business is considered a transfer, neces-



1 sitating a new license. Also, changes in partners, or  
2 the acquisition of an incorporated licensee, are  
3 transfers and require a new license. The section is  
4 clarified as not applying to certificate of approval  
5 holders or agency liquor stores.

6 Section 28 clarifies that agency liquor stores  
7 may not sell liquor to licensees for resale.

8 Section 29 changes the discount at which liquor  
9 may be sold by the commission to agency liquor stores  
10 to 8%. This is a minor change, because the current  
11 10% discount does not apply to federal taxes levied  
12 on or after November 1, 1941. The 8% discount applies  
13 to all taxes so the net change is minimal.

14 Section 30 adds a new section to allow collectors  
15 to sell wine and other liquor still in the original  
16 container without a license with the commission's  
17 written permission.

18 Section 31 corrects the reference to the crime  
19 for giving untruthful answers in an application for a  
20 license. The state calls it "perjury," when it is, in  
21 fact, "unsworn falsification."

22 Current law requires only malt liquor licensees  
23 to pay a filing fee when filing an application. Sec-  
24 tion 32 makes all licensees or applicants file a \$10  
25 fee when filing an application for a new or renewal  
26 license.

27 Section 33 repeals the provision which prohibits  
28 the commission from issuing a license to any person  
29 who has moved his establishment into an unincorpo-  
30 rated place to avoid adverse local option decisions.  
31 This is an obsolete provision not needed and which is  
32 very difficult to enforce.

33 Section 34 deletes the 300-foot location restric-  
34 tion exception for premises used as hotels or clubs  
35 in 1937. This provision apparently grandfathered all  
36 existing hotels and clubs when the 300-foot restric-  
37 tion was first enacted. There are no existing records  
38 as to what were hotels or clubs in 1937. The commis-  
39 sion can still issue a license for an establishment  
40 located within 300 feet of a church or school if all

1 commission members agree, so this change will not  
2 make it impossible for such a place to be licensed.

3 Section 35 repeals the section prohibiting the  
4 licensure of clubs operated or organized for illegal  
5 purposes or in which the profits accrue to someone  
6 other than the licensed club. The current law ade-  
7 quately handles these cases.

8 Section 36 makes the provisions governing the em-  
9 ployment of persons under 17 years of age apply to  
10 all licensees equally. Current law allows Class A  
11 restaurants, Class A taverns, clubs and hotels to  
12 hire people under 17 years of age in the direct han-  
13 dling and selling of liquor.

14 Sections 37 to 39 clarify that licensees may ac-  
15 cept payment by cash, check or major credit card. In  
16 the same section, the language holding a licensee li-  
17 able for selling to a mentally ill person, a known  
18 habitual drunkard and a person of known intemperate  
19 habits is removed. These provisions made sense when  
20 society was not as mobile as it is now, but it is not  
21 fair to hold a licensee to these apparently strict  
22 liability standards.

23 Section 40 prohibits licensees from allowing mi-  
24 nors to consume or possess liquor on the licensed  
25 premises. There are currently enforcement problems  
26 when underage persons are found in licensed estab-  
27 lishments with liquor. This will make licensees re-  
28 sponsible for consumption and possession by minors.

29 Sections 41 to 44 attempt to resolve confusion  
30 over improper financial or other involvement of li-  
31 censees. Retail licensees may not receive anything of  
32 value from anyone engaged in the wholesale sale of  
33 liquor. Retail licensees may not have any financial  
34 interest in a manufacturer's or wholesaler's license,  
35 or a certificate of approval; certificate of approval  
36 holders and manufacturers may not be financially in-  
37 terested in a wholesale or retail license; and whole-  
38 sale licensees may not be financially interested in  
39 a certificate of approval, a manufacturer's license  
40 or a retail license.

1           The current law concerning licensees offering re-  
2 bates and premiums is often confusing. Section 45  
3 repeals and replaces it with prohibitions specific  
4 for the type of license held. Certificate of approval  
5 holders cannot offer special deals to wholesalers,  
6 other than approved markdowns; neither can they make  
7 any offer to anyone contingent on the purchase of  
8 malt liquor or wine. Wholesale licensees cannot offer  
9 special deals to retail licensees, other than ap-  
10 proved markdowns; nor can they make any offer to any-  
11 one contingent on the purchase of malt liquor or  
12 wine. Retail licensees cannot make any offer to any-  
13 one contingent on the purchase of spirits, wine or  
14 malt liquor.

15           Section 46 clarifies that licensees may sell malt  
16 liquor and mixed drinks in pitchers, as well as wine  
17 by the bottle or carafe, with meals or to 2 or more  
18 persons.

19           Section 47 amends current law to allow licensees  
20 to display only one sign inside the premises, to be  
21 seen outside, advertising liquor for sale. Current  
22 limits apply only to electrically lighted signs. The  
23 new law applies to all signs.

24           Current law requires that licensees must receive  
25 orders for liquor at their principal places of busi-  
26 ness before the liquor can be delivered. Section 48  
27 adds a paragraph to clarify that wholesale licensees  
28 may collect orders for malt liquor and wine through  
29 sales representatives, who must then file the orders  
30 with the principal place of business, warehouse or  
31 distributing center.

32           Section 49 allows licensees to pay for liquor by  
33 check as well as cash. The law originally allowed on-  
34 ly payment in cash, presumably to prevent wholesale  
35 licensees from extending their own credit to retail  
36 licensees. Because checks are a form of credit ex-  
37 tended by the bank, this does not change the original  
38 intent.

39           Section 50 requires retail licensees to keep  
40 records of sales of liquor separate from other sales.  
41 This makes it easier to determine volume of sales  
42 when necessary.

1 Section 51 clarifies that wholesale licensees'  
2 records must show that payment for malt liquor and  
3 wine was made in cash or by check.

4 Sections 52 and 55 correct the reference concern-  
5 ing who reports liquor law violations to the Adminis-  
6 trative Court. Currently, the Director of the Bureau  
7 of Liquor Enforcement, or his designee, makes the re-  
8 ports or issues warnings. That practice is reflected  
9 in the new language.

10 Section 54 clarifies that the Administrative  
11 Court Judge must issue the decision in writing within  
12 12 days of the hearing on the licensee's violation.

13 Section 56 repeals the restriction which makes  
14 wholesale licensees who violated State Liquor Commis-  
15 sion rules more than once in a one-year period ineli-  
16 gible for a fine in lieu of a license suspension.  
17 This restriction currently inhibits enforcement and  
18 settlement of cases.

19 Sections 57 to 76 rewrite the type of license and  
20 corresponding fees for licensees who sell liquor to  
21 be consumed off the premises where sold. Current law  
22 bases the type of license and fee on whether or not  
23 the licensee has a stock of groceries, a stock of  
24 other than groceries or no qualifying stock of goods.  
25 These sections divide off-premise retailers into 2  
26 groups: Those with a qualifying stock of groceries or  
27 compatible merchandise, or both, and those not re-  
28 quired to maintain a stock of goods. This 2nd group  
29 consists only of "ship chandlers." The license fees  
30 are adjusted to reflect these changes. The fee for  
31 off-premise licenses with a qualifying stock of gro-  
32 ceries, compatible merchandise or a combination of  
33 both is raised \$10 a year to \$135. This is actually a  
34 reduction for those off-premise retailers who cur-  
35 rently hold an "other than groceries" license, for  
36 which the fee is currently \$225 a year. Ship  
37 chandlers will also pay \$135 a year for their li-  
38 censes. The \$10 fee hike, when coupled with the \$90  
39 fee decrease, slightly increases total revenue col-  
40 lected by the Bureau of Alcoholic Beverages, assum-  
41 ing the same total number of licenses is issued. For oth-  
42 er changes concerning these licenses, see section 98.

1 Section 77 gives municipalities the option to  
2 hold public hearings on liquor license renewals and  
3 requires public hearings on new and transferred li-  
4 censes.

5 Section 78 closes a loophole which would allow  
6 off-premise catering of events of indefinite duration  
7 for only \$10. The license for an unincorporated civil  
8 organization is \$50 and may last no longer than 7  
9 days. This change makes the fee for off-premise ca-  
10 tering \$10 per calendar day.

11 Section 79 requires a licensee applying for an  
12 off-premise catering license to file a written appli-  
13 cation at least 24 hours before the event. The  
14 off-premise catering license may be approved by the  
15 municipal officers or their designees without public  
16 notice.

17 Section 80 provides that the State Liquor Commis-  
18 sion may immediately deny, as well as approve, an  
19 off-premise catering license. This is to clarify that  
20 the commission is not required to approve all appli-  
21 cations.

22 Sections 81 and 83 remove the lighting level re-  
23 quirement from being enforceable only by the Bureau  
24 of Liquor Enforcement and allows municipalities to  
25 adopt ordinances or regulations governing lighting  
26 levels as a condition of special amusement permits.

27 Section 82 allows any licensee who is issued a  
28 special amusement permit to charge admission to the  
29 designated areas. Current law limits such activity to  
30 certain on-premise retailers.

31 Sections 84 and 89 allow minors on the licensed  
32 premises of hotels and Class A lounges when the li-  
33 censee is not allowing consumption of liquor on the  
34 licensed premises. This allows such establishments to  
35 host "chemical free" events, as well as other activi-  
36 ties.

37 Current law exempts hotels established before  
38 certain dates from specific minimum room number re-  
39 quirements. These provisions grandfathered existing  
40 hotels on 2 dates that the law was enacted or

1 amended. The records are not complete concerning ho-  
2 tels licensed in 1947, plus there is no requirement  
3 that the hotels have remained in business from then  
4 until now. Section 85 deletes the exemptions. Anyone  
5 who no longer qualifies as a hotel because of this  
6 change can probably qualify for a Class A lounge li-  
7 cense.

8 Sections 86 and 87 remove requirements that res-  
9 taurants must be in operation at least 3 months to  
10 qualify for a liquor license because the same is not  
11 required for other new licenses. If the State Liquor  
12 Commission determines that an applicant for a new li-  
13 cense would probably meet the requirements for exist-  
14 ing restaurants, it may issue the license.

15 Section 88 removes the exception for internation-  
16 al air terminals from the minimum income from  
17 sale-of-foods requirement.

18 Sections 91 and 92 provide that minors may be al-  
19 lowed in taverns if accompanied by a parent or custo-  
20 dian or if employed.

21 Section 93 clarifies that the notice which civil  
22 auditoriums must give to the Bureau of Liquor En-  
23 forcement before an event must be in writing.

24 Section 94 changes one of the requirements that  
25 club dues are charged to and collected from members,  
26 not "elected" members.

27 Sections 95 and 96 clarify what is meant by  
28 "premises" in conjunction with a qualified catering  
29 service. "Premises" means the principal place of  
30 business of the licensee when he is selling and  
31 serving liquor there. If the qualified catering ser-  
32 vice is catering an event somewhere other than the  
33 principal place of business, the "premises" are the  
34 premises where the event is being held.

35 Current law requires qualified catering services  
36 to make a minimum annual income of \$50,000 for  
37 year-round businesses and \$25,000 for a part-time li-  
38 cense. Section 97 changes the minimum business re-  
39 quirement to be the same as for Class A restaurants,  
40 which varies according to population of the municipi-  
41 lity where located.

1 Section 98 clarifies that if the State Liquor  
2 Commission determines that an applicant would proba-  
3 bly qualify for a new qualified catering service li-  
4 cense, it may issue the license.

5 Section 99 corrects the reference to railroad  
6 cars operating in the State to include passenger  
7 cars, because there are very few dining cars oper-  
8 ated.

9 Section 101 deletes the requirement for  
10 off-premise retail licensees that the applicant must  
11 be a resident of the State for at least 6 months and  
12 requires that the applicant be a resident at the time  
13 of application.

14 Sections 102 and 103 modify the requirement con-  
15 cerning the stock of groceries or compatible merchan-  
16 dise. The minimum value requirement is raised from  
17 \$1,000 to \$2,000. They also clarify that the gro-  
18 ceries must be fit for human consumption to rule out  
19 instances when licensees try to meet the stock re-  
20 quirement with odd items found in grocery stores.  
21 This bill also amends the meaning of compatible mer-  
22 chandise to include the items listed in current law,  
23 plus cut flowers, rather than making compatible mer-  
24 chandise consist exclusively of those items. In addi-  
25 tion, this bill requires that the licensee display  
26 the groceries or compatible merchandise, or both, ex-  
27 cept foodstuffs used in the preparation of food and  
28 cut flowers.

29 Section 104, because cut flowers are included in  
30 the definition of "compatible merchandise," the sepa-  
31 rate florist's license is not necessary and is de-  
32 leted.

33 Section 105 enacts a new section for the licens-  
34 ing of ship chandlers. Ship chandlers may sell malt  
35 liquor and wine only to ships which are not licensed  
36 as retail licensees, because a retail licensee cannot  
37 sell to another retail licensee and to ships which  
38 are not registered in Maine, because a ship regis-  
39 tered in Maine may obtain its own retail license and  
40 buy from wholesale licensees.

1 Section 106 repeals and replaces the section on  
2 manufacturers' licenses to remove unconstitutional  
3 language concerning source fees and to streamline the  
4 provisions. License fees are moved to their own sec-  
5 tion.

6 Section 107 repeals the provision pertaining to  
7 seizure of illegal manufacturing equipment.

8 Section 108 clarifies that the additional \$600  
9 fee for warehouses of wholesale licensees is assessed  
10 on warehouses not located at the principal place of  
11 business.

12 Section 109 changes provisions concerning sam-  
13 pling or taste-testing wine and malt liquor. Current-  
14 ly, law mentions only new products. This bill allows  
15 taste-testing of malt liquor and wine products which  
16 are not necessarily new.

17 Section 110 gives the State Liquor Commission au-  
18 thority to give wholesale licensees written permis-  
19 sion to buy malt liquor or wine from another whole-  
20 sale licensee. Under current law, wholesale licensees  
21 are not permitted to buy from other wholesale licens-  
22 ees, even if unforeseen and unusual circumstances  
23 would require these purchases to fulfill their obli-  
24 gations.

25 Current law requires certificate of approval  
26 holders to give 90-days notice before the wholesale  
27 licensee may be terminated as the exclusive distribu-  
28 tor for specific brands, but only when the certifi-  
29 cate of approval holder voluntarily terminates or  
30 transfers those brands. Section 111 makes the same  
31 90-day notice period apply to involuntary termina-  
32 tions and transfers of brands as well.

33 Section 112 allows the State Liquor Commission to  
34 give written permission to certificate of approval  
35 holders and manufacturers to reduce the notice period  
36 for price changes when 30 days is too long a period.

37 Section 113 creates a new chapter to list license  
38 fees for licenses other than retail licenses, as well  
39 as other fees collected by the Bureau of Alcoholic  
40 Beverages.



1 Section 114 clarifies that the State Liquor Com-  
2 mission no longer owns or operates any liquor ware-  
3 houses.

4 Section 115 amends the excise tax provisions to  
5 remove potentially unconstitutional tax categories  
6 based on where the malt liquor or wine was produced.  
7 The tax rate is set at the current level for out-  
8 of-state produced malt liquor and wine.

9 Current law prohibits any person other than a li-  
10 censee from selling food products with an alcohol  
11 content greater than 1/2 of 1% by volume. This may be  
12 unnecessarily restricting sales by food wholesalers  
13 and distributors. Section 116 changes the provision  
14 to govern retail sale only of food products with an  
15 alcoholic content.

16 Section 117 changes the limit on how much malt  
17 liquor a person, other than a wholesale licensee, may  
18 bring into the State. Current law sets that limit at  
19 one case, which is ambiguous because there are sever-  
20 al types of cases. The limit is changed to 3 gallons,  
21 which is the equivalent of a case of 16 ounce cans.

22 Section 118 provides that a person aiding a child  
23 in the possession of liquor commits a Class E crime.

24 Section 119 repeals the section dealing with  
25 "common sellers." There is no definition of what a  
26 common seller is and other penalties are available  
27 for illegal sale of liquor.

28 Section 120 amends the provisions concerning pro-  
29 vision of liquor by someone other than a licensee. It  
30 is illegal for a nonlicensee to serve or provide li-  
31 quor to a visibly intoxicated person. This change  
32 makes the provisions consistent with the restrictions  
33 of licensees.

34 Section 121 provides that a nonlicensee may serve  
35 a minor only in that nonlicensee's home and in the  
36 presence of the minor's parent or guardian.

37 Sections 107, 122, 124, 125, 126, 127 and 128 re-  
38 peal several sections governing forfeiture and libel  
39 of liquor or property used illegally and replace them

1 with one section designed to cover those aspects,  
2 which track a similar law concerning seizure of drugs  
3 and property used in drug trafficking.

4 Sections 123 and 128 repeal several sections  
5 dealing with court proceedings which are adequately  
6 covered by other laws, the Maine Rules of Evidence,  
7 the Maine Rules of Criminal Procedure and the Maine  
8 Rules of Civil Procedure.

9

2001050587