

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1149, L.D. 1564)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1842

H.P. 1348 House of Representatives, June 12, 1987  
Reported by Representative MURPHY from the Committee on  
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored 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. 5 MRS A §88-A, sub-§1, ¶A, as enacted by  
PL 1987, c. 45, Pt. A, §1, is amended to read:

A. The application form must include, directly  
above the signature line, the following notice to  
the applicant: "I understand that knowingly sup-  
plying false information on this form is a Class  
D crime under Title 17-A, punishable by confine-  
ment of up to one-year 364 days or by monetary  
fine of up to \$500 \$1,000, or both."

1       **Sec. 2. 28-A MRSA §2, sub-§12, as enacted by PL**  
2 1987, c. 45, Pt. A, §4, is repealed and the follow-  
3 ing enacted in its place:

4       12. Fortified wine. "Fortified wine" means:

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

9       B. Wine to which spirits have been added.

10       **Sec. 3. 28-A MRSA §2, sub-§15, ¶E, as enacted by**  
11 PL 1987, c. 45, Pt. A, §4, is repealed and the fol-  
12 lowing enacted in its place:

13       E. "Dining car" and "passenger car" mean cars in  
14 which food and liquor are served.

15       **Sec. 4. 28-A MRSA §2, sub-§15, ¶F, as enacted by**  
16 PL 1987, c. 45, Pt. A, §4, is repealed.

17       **Sec. 5. 28-A MRSA §2, sub-§15, ¶H, as enacted by**  
18 PL 1987, c. 45, Pt. A, §4, is amended to read:

19       H. "Hotel" means any reputable place operated by  
20 responsible persons of good reputation, where the  
21 public obtains sleeping accommodations for a con-  
22 sideration and where meals may be served, whether  
23 or not under one roof.

24       (1) A hotel is considered to be serving  
25 meals when it provides on the premises one  
26 or more public dining rooms, open and  
27 serving food during the morning, afternoon  
28 and evening, and a separate kitchen in which  
29 food is regularly prepared for the public.

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

33       (3) "Hotel guest" means a person whose name  
34 and address is registered on the registry  
35 maintained by the hotel and who is the bona  
36 fide occupant of a room of the hotel. A

1 person registering solely for the purpose of  
2 obtaining liquor is not considered a hotel  
3 guest.

4 ~~{4}--No--group--of--buildings--which--is--reason-~~  
5 ~~ably--classified--as--overnight--camps--qualifies~~  
6 ~~as--a--hotel.~~

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

9 K-1. "International air terminal" means an air-  
10 port served by one or more bona fide internation-  
11 al air carriers.

12 Sec. 7. 28-A MRSA §2, sub-§15, ¶T, as enacted by  
13 PL 1987, c. 45, Pt. A, §4, is repealed.

14 Sec. 8. 28-A MRSA §2, sub-§15, ¶T-1 is enacted  
15 to read:

16 T-1. "Tavern" means a reputable place operated  
17 by responsible persons where food may be sold and  
18 malt liquor may be sold at tables, booths and  
19 counters.

20 Sec. 9. 28-A MRSA §2, sub-§15, ¶U, as enacted by  
21 PL 1987, c. 45, Pt. A, §4, is repealed.

22 Sec. 10. 28-A MRSA §2, sub-§18, as enacted by PL  
23 1987, c. 45, Pt. A, §4, is amended to read:

24 18. Malt liquor. "Malt liquor" means liquor  
25 produced by the fermentation of malt, wholly or par-  
26 tially, or from any malt substitute, which contains  
27 1/2 of 1% of alcohol or more by volume. "Malt li-  
28 quor" includes, but is not limited to, ale, beer,  
29 porter and stout. "Malt liquor" includes beverages  
30 made with malt liquor, but to which no spirits are  
31 added.

32 Sec. 11. 28-A MRSA §2, sub-§27, ¶A, as enacted  
33 by PL 1987, c. 45, Pt. A, §4, is amended to read:

34 A. "Off-premise retail licensee" means a person  
35 licensed to sell liquor in the---original  
36 containers sealed bottles, containers or original

1 packages to be consumed off the premises where  
2 sold.

3 Sec. 12. 28-A M RSA §2, sub-§35, as enacted by PL  
4 1987, c. 45, Pt. A, §4, is amended to read:

5 35. Wholesaler. "Wholesaler" means a person who  
6 engages in the purchase and resale of malt or brewed  
7 beverages and or wines, or both, in the original  
8 container sealed bottles, containers or original  
9 packages, as prepared for the market by the manufac-  
10 turer at the place of manufacture, but not for con-  
11 sumption, except when taste testing, on the premises  
12 of that wholesaler.

13 Sec. 13. 28-A M RSA §2, sub-§36, as enacted by PL  
14 1987, c. 45, Pt. A, §4, is repealed and the follow-  
15 ing enacted 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. 14. 28-A M RSA §4, sub-§§7 and 8, as enacted  
25 by PL 1987, c. 45, Pt. A, §4, are repealed.

26 Sec. 15. 28-A M RSA §62, sub-§11, as enacted by  
27 PL 1987, c. 45, Pt. A, §4, is amended to read:

28 11. Oaths; subpoenas; witnesses. Any member of  
29 the commission may administer oaths and issue subpoe-  
30 nas for witnesses and subpoenas duces tecum to com-  
31 pel the production of books and papers relating to  
32 any question in dispute before the commission or to  
33 any matter involved in a hearing. Witness fees in  
34 all proceedings shall be the same as for witnesses  
35 before the Superior Court and shall be paid by the  
36 commission, except that, notwithstanding Title 16,  
37 section 253, the commission is not required to pay  
38 the fees before the travel and attendance occur; and

1           Sec. 16. 28-A MRSA §63, sub-§3, as enacted by PL  
2 1987, c. 45, Pt. A, §4, is repealed and the follow-  
3 ing enacted in its place:

4           3. Publish laws and rules. The commission shall  
5 publish a compilation containing this Title, other  
6 laws concerning liquor and all rules adopted under  
7 this Title every 4 years.

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

10           B. The commission shall notify all licensees of  
11 changes in the law and rules within 90 days of  
12 adjournment of each regular session of the Legis-  
13 lature.

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

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

20           C. The commission may charge a reasonable fee  
21 for the compilation to cover the cost of produc-  
22 ing the compilation to persons other than licens-  
23 ees.

24           Sec. 17. 28-A MRSA §122, as enacted by PL 1987,  
25 c. 45, Pt. A, §4, is repealed and the following en-  
26 acted in its place:

27           §122. Unincorporated places

28                   1. No local option election. No local option  
29 election may be held in unincorporated places.

30                   2. Authorization of sales. The county commis-  
31 sioners may, after holding a public hearing:

32                   A. Authorize or refuse to authorize the sale of  
33 liquor to be consumed on the premises where sold;  
34 and

1 B. Authorize or refuse to authorize the sale of  
2 liquor to be consumed off the premises where  
3 sold.

4 3. Approval of licenses. The county commission-  
5 ers may refuse to approve a liquor license applica-  
6 tion on the ground that the license is not warranted  
7 for any substantial public convenience, necessity or  
8 demand.

9 Sec. 18. 28-A MRSA §123, as enacted by PL 1987,  
10 c. 45, Pt. A, §4, is repealed and the following en-  
11 acted in its place:

12 §123. Local option questions

13 Any one or more of the following questions may be  
14 voted on in a local option election held under sec-  
15 tion 121. Each question applies to both full-time  
16 and part-time licensed establishments.

17 1. Sale of liquor for consumption on the  
18 premises on days other than Sunday. Shall this mu-  
19 nicipality authorize the State Liquor Commission to  
20 issue licenses for the sale of liquor to be consumed  
21 on the premises of licensed establishments on days  
22 other than Sunday?

23 2. Sale of liquor for consumption off the  
24 premises on days other than Sunday. Shall this mu-  
25 nicipality authorize the State Liquor Commission to  
26 permit the operation of state liquor stores and agen-  
27 cy liquor stores and to issue licenses for the sale  
28 of liquor to be consumed off the premises of licensed  
29 establishments on days other than Sunday?

30 3. Sale of liquor for consumption on the  
31 premises on Sundays. Shall this municipality autho-  
32 rize the State Liquor Commission to issue licenses  
33 for the sale of liquor to be consumed on the premises  
34 of licensed establishments on Sundays?

35 4. Sale of liquor for consumption off the  
36 premises on Sundays. Shall this municipality autho-  
37 rize the State Liquor Commission to permit the opera-  
38 tion of state liquor stores and agency liquor stores  
39 and to issue licenses for the sale of liquor to be

1 consumed off the premises of licensed establishments  
2 on Sundays?

3 Sec. 19. 28-A M RSA §162 is enacted to read:

4 §162. Local authority for operation of bottle clubs

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

7 A. Bottle clubs are defined as persons operat-  
8 ing, on a regular, profit or nonprofit basis, fa-  
9 ilities for social activities in which members  
10 or guests provide their own liquor, where no li-  
11 quor is sold on the bottle club premises, which  
12 maintain suitable facilities for the use of mem-  
13 bers on a regular basis or charge an admission  
14 fee to members or the general public and where  
15 members, guests or others are regularly permitted  
16 to consume liquor. Shall bottle clubs be oper-  
17 ated in this municipality?

18 2. Procedure for election. The provisions of  
19 section 121 apply to elections under this section.

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

22 A. A majority of the votes cast in the munici-  
23 pality on the bottle club question is in the af-  
24 firmative, bottle clubs may operate in that mu-  
25 nicipality;

26 B. A majority of the votes cast in the munici-  
27 pality on the bottle club question is in the neg-  
28 ative, bottle clubs may not operate in that mu-  
29 nicipality; or

30 C. The vote is tied on any local option ques-  
31 tion, the law shall remain as it was before the  
32 voting.

33 4. Effective date. The vote is effective on the  
34 first day of the month following the certification of  
35 the vote to the Secretary of State.



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

7           6. Unincorporated places. The county commis-  
8 sioners, after holding a public hearing, may or may  
9 not allow the operation of bottle clubs in the unin-  
10 corporated place.

11           Sec. 20. 28-A MRSA §351, sub-§1, ¶A is enacted  
12 to read:

13           A. The commission, after holding a public hear-  
14 ing near the proposed location, may locate an  
15 agency liquor store within 300 feet of a church,  
16 chapel, parish house or post-secondary school  
17 when the location has the unanimous approval of  
18 the members of the commission.

19           Sec. 21. 28-A MRSA §352, as enacted by PL 1987,  
20 c. 45, Pt. A, §4, is amended to read:

21           §352. Purchase of liquor in state liquor stores and  
22 agency liquor stores

23           1. All sales shall be for cash; exception. Ex-  
24 cept as provided in paragraph A, all sales of liquor  
25 at state liquor stores and agency liquor stores must  
26 be for cash all persons buying liquor at state liquor  
27 stores or agency liquor stores shall pay in cash or  
28 by major credit card.

29           A. ~~The holder of a major credit card which au-~~  
30 ~~thorizes the holder to charge goods or services~~  
31 ~~may pay for liquor by charging it on the card~~  
32 Agency liquor stores may accept payment by check.

33           Sec. 22. 28-A MRSA §453, sub-§2, ¶A, as enacted  
34 by PL 1987, c. 45, Pt. A, §4, is amended to read:

35           A. The commission may replace an agency liquor  
36 store ~~once after December 17, 1979,~~ if that agency  
37 liquor store:

1 (1) Was licensed before December 1, 1979;  
2 and

3 (2) Is within 10 miles of a state or agency  
4 liquor store.

5 Sec. 23. 28-A MRSA §457 is enacted to read:

6 §457. Transfer of agency liquor store license

7 If an agency liquor store license is transferred,  
8 the new licensee may operate the agency liquor store  
9 after notifying the commission of the transfer.

10 Sec. 24. 28-A MRSA §603, as enacted by PL 1987,  
11 c. 45, Pt. A, §4, is repealed.

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

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

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

29 4. Sale of stock of a corporate licensee. Any  
30 sale or transfer of stock of a corporate licensee  
31 which effects a change of control of the licensed  
32 premises results in the sale or transfer of more than  
33 10% of the shares of stock of the corporate licensee  
34 shall be considered a transfer within the meaning of  
35 this section, and a new license must be purchased.

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

1           5. Incorporation of licensee's business. The  
2 incorporation of a licensee's business or a change in  
3 the form of incorporation of a licensee's business  
4 are transfers within the meaning of this section.

5           6. Change in partnership. Addition or deletion  
6 of a partner in a partnership is a transfer within  
7 the meaning of this section.

8           7. Corporate merger or acquisition. The merger  
9 or acquisition of a licensee which is incorporated is  
10 a transfer within the meaning of this section.

11           8. Application. This section does not apply to  
12 certificate of approval holders or agency liquor  
13 stores.

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

16           1. All licensees must buy liquor from commis-  
17 sion; exception. Except as provided in paragraph A,  
18 all persons licensed to sell spirits shall purchase  
19 all such liquor from state liquor stores. Agency  
20 liquor stores may not sell liquor to retail licensees  
21 for resale.

22           A. This subsection does not apply to public ser-  
23 vice corporations operating interstate.

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

26           4. Discount for agency liquor stores. The com-  
27 mission shall sell spirits to agency liquor stores  
28 for a price of ~~10%~~ 8% less than the real price estab-  
29 lished for the state liquor stores; ~~provided that the~~  
30 ~~discount does not apply to federal taxes levied on or~~  
31 ~~after November 17, 1941.~~

32           **Sec. 30. 28-A MRSA §651, sub-§3, as enacted by**  
33 **PL 1987, c. 45, Pt. A, §4, is amended to read:**

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

1           Sec. 31. 28-A MRSA §652, sub-§5, as enacted by  
2 PL 1987, c. 45, Pt. A, §4, is amended to read:

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

7           A. In unincorporated places, the applicant shall  
8 pay the filing fee of \$10 to the county treasurer  
9 of the county in which unincorporated place is  
10 located. All applications for a license in unin-  
11 corporated places must be accompanied by evidence  
12 of payment of the filing fee to the county trea-  
13 surer.

14           Sec. 32. 28-A MRSA §653, sub-§4, as enacted by  
15 PL 1987, c. 45, Pt. A, §4, is repealed.

16           Sec. 33. 28-A MRSA §701, sub-§1, ~~¶A~~, as enacted  
17 by PL 1987, c. 45, Pt. A, §4, is repealed.

18           Sec. 34. 28-A MRSA §702, as enacted by PL 1987,  
19 c. 45, Pt. A, §4, is repealed.

20           Sec. 35. 28-A MRSA §704, sub-§1, as enacted by  
21 PL 1987, c. 45, Pt. A, §4, is amended to read:

22           1. Licensee may not hire employee under 17; em-  
23 ployees who are 17. No licensee for the sale of li-  
24 quor to be consumed on licensed premises, ~~--except--in~~  
25 ~~Class-A-restaurants, Class-A-taverns, clubs and hotel~~  
26 ~~dining--rooms,~~ may employ any person under the age of  
27 17 years in the direct-handling serving or selling of  
28 liquor on the premises where the liquor is sold. The  
29 licensee may employ a person who is 17 years of age  
30 in the direct-handling serving or selling of liquor  
31 on the premises where the liquor is sold only if an  
32 employee who is at least 18 years of age is present  
33 in a supervisory capacity.

34           Sec. 36. 28-A MRSA §705, sub-§1, as enacted by  
35 PL 1987, c. 45, Pt. A, §4, is amended to read:

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

1 A. Credit may be extended:

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

4 (2) By a hotel or Class A restaurant to the  
5 holder of a credit card which authorizes the  
6 holder to charge goods or credits.

7 B. A right of action does not exist to collect  
8 claims for credits extended contrary to this sec-  
9 tion.

10 C. This section does not prohibit a licensee  
11 from giving credit to a purchaser for the actual  
12 price charged for the beverage container deposit  
13 on the packages or original containers, as de-  
14 fined in Title 32, chapter 28, as a credit on any  
15 sale, or from paying the amount actually charged  
16 for such deposit on the packages or original con-  
17 tainers.

18 D. Except as provided in subparagraph (1), no  
19 licensee or licensee's employee or agent may  
20 sell, offer to sell or furnish any liquor to any  
21 person on a passbook or store order, or receive  
22 from any person any goods, wares, merchandise or  
23 other articles in exchange for liquor.

24 (1) This paragraph does not apply to bever-  
25 age container deposits on packages or origi-  
26 nal containers that were originally pur-  
27 chased from that licensee by the person re-  
28 turning the packages or original containers.

29 Sec. 37. 28-A MRSA §705, sub-§2, ¶¶B and C, as  
30 enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

31 Sec. 38. 28-A MRSA §705, sub-§3, ¶¶B and C, as  
32 enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

33 Sec. 39. 28-A MRSA §705, sub-§4 is enacted to  
34 read:

35 4. Permitting consumption or possession by a mi-  
36 nor on the premises. No licensee may permit a minor  
37 to consume or possess liquor on the premises.

1           Sec. 40. 28-A MRSA §707, sub-§2, ¶¶A and B, as  
2 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
3 read:

4           A. Engaged, directly or indirectly, in the manu-  
5           facture, distribution, wholesale sale, storage or  
6           transportation of liquor; or

7           B. Engaged in the manufacture, distribution,  
8           sale or transportation of any commodity, equip-  
9           ment, material or advertisement used in connec-  
10          tion with the manufacture, distribution,  
11          wholesale sale, storage or transportation of li-  
12          quor.

13          Sec. 41. 28-A MRSA §707, sub-§3, as enacted by  
14 PL 1987, c. 45, Pt. A, §4, is amended to read:

15          3. Retail licensee; interest in wholesaler or  
16          certificate of approval. No retail licensee may have  
17          any financial interest, direct or indirect, if any:

18          A. Maine manufacturer's or wholesaler's license;  
19          or

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

23          Sec. 42. 28-A MRSA §707, sub-§§4 and 5, as en-  
24          acted by PL 1987, c. 45, Pt. A, §4, are repealed and  
25          the following enacted in their place:

26          4. Certificate of approval holder or Maine manu-  
27          facturer; interest in wholesaler or retail license.  
28          No certificate of approval holder or in-state manu-  
29          facturer may have any financial interest, direct or  
30          indirect, in any:

31          A. Maine wholesale license; or

32          B. Maine retail license.

33          5. Wholesale licensee; interest in certificate  
34          of approval holder, Maine manufacturer or retail li-  
35          cence. No wholesale licensee may have any financial  
36          interest, direct or indirect, in any:

1        A. Certificate of approval issued to an out-  
2        of-state manufacturer or foreign wholesaler of  
3        malt liquor;

4        B. Maine manufacturer license; or

5        C. Maine retail license.

6        **Sec. 43. 28-A MRSA §707, sub-§§6 and 7 are en-**  
7        **acted to read:**

8        6. Minor investment. Minor investment in secu-  
9        rities of a corporation engaged in liquor business  
10       not amounting to more than 1% shall not be held to be  
11       an interest forbidden by this subsection.

12       7. Application. This section does not prohibit  
13       a wholesale licensee from receiving normal credits  
14       for the purchase of malt liquor or wine from the man-  
15       ufacturer located within or without the State.

16       **Sec. 44. 28-A MRSA §708, as enacted by PL 1987,**  
17       **c. 45, Pt. A, §4, is repealed and the following en-**  
18       **acted in its place:**

19       §708. Prohibited discounts and rebates

20       1. Certificate of approval holders. No certifi-  
21       cate of approval holder may offer to wholesale li-  
22       censees any special discounts, volume discounts, de-  
23       pletion allowances or other reduced prices or dis-  
24       counts, except bona fide price reductions under sec-  
25       tion 1408 offered to all wholesale licensees. No  
26       certificate of approval holder may offer any free  
27       merchandise, rebate or gift contingent on the pur-  
28       chase of malt liquor or wine.

29       2. Wholesale licensees. No wholesale licensee  
30       may offer to retail licensees any special discounts,  
31       volume discounts, depletion allowances or other re-  
32       duced prices or discounts, except bona fide price re-  
33       ductions under section 1408 offered to all retail li-  
34       censees. No wholesale licensee may offer any free  
35       merchandise, rebate or gift contingent on the pur-  
36       chase of malt liquor or wine.

1           3. Retail licensees. No retail licensee may offer  
2 any free merchandise, rebate or gift contingent  
3 on the purchase of spirits, malt liquor or wine.

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

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

9           Sec. 46. 28-A MRSA §710, sub-§2, as enacted by  
10 PL 1987, c. 45, Pt. A, §4, is amended to read:

11           2. Advertising inside of licensed premises. A  
12 licensee may display no more than one electrically  
13 lighted sign inside the licensed premises, where it  
14 may be seen from the outside, advertising the fact  
15 that the licensee has liquor for sale. The sign may  
16 not be more than 750 square inches in total area.

17           Sec. 47. 28-A MRSA §713, sub-§2, ¶A is enacted  
18 to read:

19           A. This subsection does not prohibit a wholesale  
20 licensee from collecting orders for malt liquor  
21 or wine by sales representatives calling upon re-  
22 tailers, then filing the orders at the principal  
23 place of business or warehouse or distributing  
24 center.

25           Sec. 48. 28-A MRSA §751, sub-§1, ¶C, as enacted  
26 by PL 1987, c. 45, Pt. A, §4, is amended to read:

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

30           Sec. 49. 28-A MRSA §751, sub-§3 is enacted to  
31 read:

32           3. Retail licensee to keep records of sales sep-  
33 arate. A retail licensee shall separate liquor sales  
34 from all other sales by the licensee in the  
35 licensee's records.

36           Sec. 50. 28-A MRSA §752, sub-§1, ¶A, as enacted  
37 by PL 1987, c. 45, Pt. A, §4, is amended to read:



1 A. Showing that all sales and purchases are in  
2 accordance with the law relating to cash or check  
3 sales; and

4 Sec. 51. 28-A MRSA §803, sub-§1, as enacted by  
5 PL 1987, c. 45, Pt. A, §4, is amended to read:

6 1. Violation of law or rule. Upon discovering a  
7 violation of federal or state law, rule or regulation  
8 relating to liquor, or an infraction of a rule issued  
9 by the commission, an-enforcement-officer-of-the--De-  
10 partment--of-Public-Safety the Director of the Bureau  
11 of Liquor Enforcement, or the director's designee,  
12 shall:

13 A. Report the violation to the Administrative  
14 Court Judge in a signed complaint; or

15 B. Issue warnings to the licensees involved.

16 Sec. 52. 28-A MRSA §803, sub-§2, ¶C, as enacted  
17 by PL 1987, c. 45, Pt. A, §4, is amended to read:

18 C. The Administrative Court Judge shall conduct  
19 the hearing in the following manner.

20 (1) The Administrative Court Judge may sub-  
21 poena and examine witnesses, administer  
22 oaths and subpoena and compel the attendance  
23 of parents and legal guardians of unemanci-  
24 pated minors.

25 (a) The commission shall pay to the  
26 witnesses the legal fees for travel and  
27 attendance, except that, notwithstand-  
28 ing Title 16, section 253, the commis-  
29 sion is not required to pay the fees  
30 before the travel and attendance occur.

31 (2) Hearsay testimony is not admissible  
32 during the hearing. The licensees named in  
33 the complaint have the right to have all  
34 witnesses testify in person at the hearing.

35 (3) The Administrative Court Judge shall  
36 conduct hearings in one or more designated  
37 places which are the most convenient and ec-

1 onomical for all parties concerned in the  
2 hearing.

3 Sec. 53. 28-A MRSA §803, sub-§2-A is enacted to  
4 read:

5 2-A. Suspension or revocation decision. The Ad-  
6 ministrative Court Judge shall issue the decision in  
7 writing within 12 days of the hearing.

8 Sec. 54. 28-A MRSA §803, sub-§6, as enacted by  
9 PL 1987, c. 45, Pt. A, §4, is amended to read:

10 6. Warnings. Upon the written recommendation of  
11 ~~the enforcement officer of the Department of Public~~  
12 ~~Safety~~ Director of the Bureau of Liquor Enforcement,  
13 ~~or the director's designee,~~ the Administrative Court  
14 Judge, instead of notifying a licensee against whom a  
15 complaint is pending to appear for hearing, may send  
16 the licensee a warning. Warnings must be sent by reg-  
17 istered or certified mail and contain a copy of the  
18 complaint. A licensee to whom a warning is sent may  
19 demand a hearing by notifying the Administrative  
20 Court Judge by registered or certified mail within 10  
21 days from the date the warning was mailed.

22 Sec. 55. 28-A MRSA §803, sub-§9, ¶E, as enacted  
23 by PL 1987, c. 45, Pt. A, §4, is repealed.

24 Sec. 56. 28-A MRSA §1001, sub-§2, ¶¶B and C, as  
25 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
26 read:

27 B. Part-time (6 months).....\$ 375; and

28 ~~E. Part-time (7 months).....\$ 437.50; and~~

29 Sec. 57. 28-A MRSA §1001, sub-§3, ¶F, as enacted  
30 by PL 1987, c. 45, Pt. A, §4, is amended to read:

31 F. Dining cars and passenger cars;

32 Sec. 58. 28-A MRSA §1002, sub-§2, ¶¶B and C, as  
33 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
34 read:

35 B. Part-time (6 months).....\$ 500; and

1 ~~E. Part-time (7 months).....\$ 583.31; and~~

2 Sec. 59. 28-A MRSA §1003, sub-§2, ¶¶B and C, as  
3 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
4 read:

5 B. Part-time (6 months).....\$ 250; and

6 ~~E. Part-time (7 months).....\$ 291.69; and~~

7 Sec. 60. 28-A MRSA §1003, sub-§3, ¶F, as enacted  
8 by PL 1987, c. 45, Pt. A, §4, is amended to read:

9 F. Dining cars and passenger cars;

10 Sec. 61. 28-A MRSA §1004, sub-§2, ¶¶B and C, as  
11 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
12 read:

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

14 ~~E. Part-time (7 months).....\$ 116.69; and~~

15 Sec. 62. 28-A MRSA §1004, sub-§3, ¶F, as enacted  
16 by PL 1987, c. 45, Pt. A, §4, is amended to read:

17 F. Dining cars and passenger cars;

18 Sec. 63. 28-A MRSA §1005, sub-§2, ¶¶B and C, as  
19 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
20 read:

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

22 ~~E. Part-time (7 months).....\$ 116.69; and~~

23 Sec. 64. 28-A MRSA §1005, sub-§3, ¶F, as enacted  
24 by PL 1987, c. 45, Pt. A, §4, is amended to read:

25 F. Dining cars and passenger cars;

26 Sec. 65. 28-A MRSA §1005, sub-§3, ¶¶O and P, as  
27 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
28 read:

29 O. Taverns; and

1 ~~P.---Class-A-taverns,--and~~

2 **Sec. 66.** 28-A MRSA §1006, sub-§2, ¶¶B and C, as  
3 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
4 read:

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

6 ~~C.---Part-time-(7-months).....\$--262.50,--and~~

7 **Sec. 67.** 28-A MRSA §1007, sub-§2, ¶¶B and C, as  
8 enacted by PL 1987, c. 45, Pt. A, §4, are amended to  
9 read:

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

11 ~~C.---Part-time-(7-months).....\$--72.91,--and~~

12 **Sec. 68.** 28-A MRSA §1007, sub-§3, ¶A, as enacted  
13 by PL 1987, c. 45, Pt. A, §4, is amended to read:

14 A. Off-premise retailers and ship chandlers with  
15 a qualifying stock of groceries, compatible mer-  
16 chandise or combination of both.

17 **Sec. 69.** 28-A MRSA §1008, sub-§2, as enacted by  
18 PL 1987, c. 45, Pt. A, §4, is amended to read:

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

21 A. Full-time (one year).....\$--225 \$ 135;

22 B. Part-time (6 months)..\$--112.50 \$ 67.50; and

23 ~~C.---Part-time-(7-months).....\$--131.25,--and~~

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

26 **Sec. 70.** 28-A MRSA §1008, sub-§3, ¶A, as enacted  
27 by PL 1987, c. 45, Pt. A, §4, is repealed and the  
28 following enacted in its place:

29 A. Ship chandlers without a qualifying stock of  
30 groceries, compatible merchandise or combination  
31 of both.

1           Sec. 71. 28-A MRSA §1009, sub-§2, ¶¶A, B and C,  
2 as enacted by PL 1987, c. 45, Pt. A, §4, are amended  
3 to read:

4           A. Full-time (one year).....\$--~~125~~ \$ 135;

5           B. Part-time (6 months)...\$--~~62.50~~ \$ 67.50; and

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

7           Sec. 72. 28-A MRSA §1009, sub-§3, ¶¶A and B, as  
8 enacted by PL 1987, c. 45, Pt. A, §4, are repealed  
9 and the following enacted in their place:

10           A. Off-premise retailers with a qualifying stock  
11 of groceries, compatible merchandise or combina-  
12 tion of both.

13           Sec. 73. 28-A MRSA §1010, sub-§2, as enacted by  
14 PL 1987, c. 45, Pt. A, §4, is amended to read:

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

17           A. Full-time (one year).....\$--~~225~~ \$ 135;

18           B. Part-time (6 months)..\$--~~112.50~~ \$ 67.50; and

19           C. ~~Part-time (7 months).....\$--131.25~~; and

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

22           Sec. 74. 28-A MRSA §1010, sub-§3, ¶A, as enacted  
23 by PL 1987, c. 45, Pt. A, §4, is repealed and the  
24 following enacted in its place:

25           A. Ship chandlers without a qualifying stock of  
26 groceries, compatible merchandise or combination  
27 of both.

28           Sec. 75. 28-A MRSA §1011, sub-§2, ¶A, as enacted  
29 by PL 1987, c. 45, Pt. A, §4, is amended to read:

30           A. Full-time (one year) and part-time (5 6  
31 months ~~or 7 months~~).....\$2,000.

1           Sec. 76. 28-A MRSA §1052, sub-§2, as enacted by  
2 PL 1987, c. 45, Pt. A, §4, is amended to read:

3           2. Fee. The license fee for the off-premise ca-  
4 tering license is \$10 per calendar day of the event  
5 or gathering.

6           Sec. 77. 28-A MRSA §1052, sub-§4, as enacted by  
7 PL 1987, c. 45, Pt. A, §4, is amended to read:

8           4. Application. The licensee must apply for an  
9 off-premise catering license by notifying filing a  
10 written application with the commission at least 24  
11 hours before the event or gathering. The application  
12 must include the following:

13           A. Title and purpose of the event;

14           B. Date, time and duration;

15           C. Location;

16           D. Approximate, number of persons to be accommo-  
17 dated;

18           E. Name and address of sponsoring person, orga-  
19 nization or association;

20           F. If food is to be served, the name and address  
21 of food caterer, if other than the licensee; and

22           G. Approval by the municipal officers, or a mu-  
23 nicipal official designated by the municipal of-  
24 ficers, of the municipality in which the proposed  
25 additional licensed premises are located, which,  
26 notwithstanding section 653, may be granted with-  
27 out public notice.

28           Sec. 78. 28-A MRSA §1052, sub-§5, as enacted by  
29 PL 1987, c. 45, Pt. A, §4, is amended to read:

30           5. Ruling on application. Upon receipt of the  
31 application, the commission may immediately approve  
32 or deny the application. The commission shall advise  
33 the applicant that the license and the off-premise  
34 sales license may be revoked and suspended under  
35 chapter 33.

1       **Sec. 79.** 28-A MRSA §1053, as enacted by PL 1987,  
2 c. 45, Pt. A, §4, is repealed.

3       **Sec. 80.** 28-A MRSA §1054, sub-§9, as enacted by  
4 PL 1987, c. 45, Pt. A, §4, is amended to read:

5       9. Admission. A ~~licensed-hotel, Class-A--resta-~~  
6 ~~rant,--Class--A--tavern-or-restaurant-malt-liquor~~ li-  
7 censee who has been issued an amusement permit may  
8 charge admission in designated areas approved by the  
9 special amusement permit.

10       **Sec. 81.** 28-A MRSA §1054, sub-§11, ¶B, as en-  
11 acted by PL 1987, c. 45, Pt. A, §4, is amended to  
12 read:

13       B. These ordinances or regulations may specifi-  
14 cally determine:

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

17               (2) The facilities that may be required for  
18 the permitted activities on those premises;  
19 and

20               (3) The hours during which the permitted  
21 activities may take place; and

22               (4) The lighting level required, which may  
23 be lowered when the entertainment is pro-  
24 vided.

25       **Sec. 82.** 28-A MRSA §1061, sub-§2, ¶B, as enacted  
26 by PL 1987, c. 45, Pt. A, §4, is repealed and the  
27 following enacted in its place:

28       B. This subsection does not apply when:

29               (1) The minor is accompanied by a parent,  
30 legal guardian or custodian, as defined in  
31 Title 22, section 4002;

32               (2) The minor is employed under section  
33 704; or

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

1           **Sec. 83. 28-A MRSA §1061, sub-§3**, as enacted by  
2 PL 1987, c. 45, Pt. A, §4, is amended to read:

3           3. Income from sale of food requirement. At  
4 least 10% of the gross annual income must be from the  
5 sale of food for each hotel.

6           **Sec. 84. 28-A MRSA §1061, sub-§4**, as amended by  
7 PL 1987, c. 232, is repealed and the following en-  
8 acted in its place:

9           4. Required number of sleeping rooms. Each hotel  
10 must be equipped with at least the required number of  
11 adequate sleeping rooms.

12           A. The number of rooms required is based on the  
13 population of the municipality in which the hotel  
14 is located.

15                   (1) If the hotel is located in a municipal-  
16 ity of 3,000 or less population, the hotel  
17 must have at least 14 adequate sleeping  
18 rooms.

19                   (2) If the hotel is located in a municipal-  
20 ity of more than 3,000 but not more than  
21 7,500 population, the hotel must have at  
22 least 20 adequate sleeping rooms.

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

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

31           **Sec. 85. 28-A MRSA §1062, sub-§2**, as enacted by  
32 PL 1987, c. 45, Pt. A, §4, is repealed.

33           **Sec. 86. 28-A MRSA §1062, sub-§3**, as enacted by  
34 PL 1987, c. 45, Pt. A, §4, is amended to read:

35           3. Income from sale of food requirement. Except  
36 as provided in paragraph B, at least 10% of the total



1 gross annual income must be from the sale of food for  
2 both year-round and part-time restaurants.

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

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

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

11 2. Income from sale of food requirement. Except  
12 as provided in section 1079, at least a minimum  
13 amount of the gross annual income must be from the  
14 sale of food for each Class A restaurant. The income  
15 from sale of food requirement is based on the popula-  
16 tion of the municipality in which the Class A restau-  
17 rant is located.

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

20 (1) Year-round Class A restaurants must  
21 have a minimum gross annual income of  
22 \$50,000 per year from the sale of food to  
23 the public on their premises; and

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

26 (a) Thirty thousand dollars from the  
27 sale of food to the public on their  
28 premises as a requirement for a part-  
29 time license not in excess of 6 consec-  
30 utive months; and

31 (b) Twenty thousand dollars from the  
32 sale of food to the public on their  
33 premises as a requirement for a part-  
34 time license not in excess of 3 consec-  
35 utive months;

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

1 (1) Year-round Class A restaurants must  
2 have a minimum gross annual income of  
3 \$40,000 per year from the sale of food to  
4 the public on their premises; and

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

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

12 (b) Twenty thousand dollars from the  
13 sale of food to the public on their  
14 premises as a requirement for a part-  
15 time license not in excess of 3 consec-  
16 utive months;

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

19 (1) Year-round Class A restaurants must  
20 have a minimum gross annual income of  
21 \$30,000 per year from the sale of food to  
22 the public on their premises; and

23 (2) Part-time Class A restaurants must have  
24 a minimum gross annual income of \$20,000  
25 from the sale of food to the public on their  
26 premises as a requirement for a part-time  
27 license, not in excess of 6 consecutive  
28 months; and

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

31 (1) Year-round Class A restaurants must  
32 have a minimum gross annual income of  
33 \$20,000 per year in sale of food to the pub-  
34 lic on their premises; and

35 (2) Part-time Class A restaurants must have  
36 a minimum gross annual income of \$15,000  
37 from the sale of food to the public on their  
38 premises as a requirement for a part-time

1 license, not in excess of 6 consecutive  
2 months.

3 Sec. 89. 28-A M RSA §1065, sub-§3, as enacted by  
4 PL 1987, c. 45, Pt. A, §4, is amended to read:

5 3. Income from the sale of food requirement. At  
6 least 10% of the ~~total~~ gross annual income must be  
7 from the sale of food.

8 Sec. 90. 28-A M RSA §1065, sub-§4, as enacted by  
9 PL 1987, c. 45, Pt. A, §4, is repealed and the fol-  
10 lowing enacted in their place:

11 4. Minors not allowed on premises. Minors are  
12 not permitted to remain on the premises except when:

13 A. The minor is accompanied by a parent, legal  
14 guardian or custodian as defined in Title 22,  
15 section 4002; or

16 B. The licensee does not permit consumption of  
17 liquor on the premises for a specific period of  
18 time or event.

19 Sec. 91. 28-A M RSA §1065, sub-§§6 and 7, as en-  
20 acted by PL 1987, c. 45, Pt. A, §4, are repealed.

21 Sec. 92. 28-A M RSA §1066, as enacted by PL 1987,  
22 c. 45, Pt. A, §4, is repealed.

23 Sec. 93. 28-A M RSA §1066-A is enacted to read:

24 §1066-A. Taverns

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

29 2. Minors not permitted on premises. Minors are  
30 not permitted to remain on the premises unless:

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

1           B. Employed under section 702.

2           Sec. 94. 28-A MRSA §1067, as enacted by PL 1987,  
3 c. 45, Pt. A, §4, is repealed.

4           Sec. 95. 28-A MRSA §1070, sub-§4, as enacted by  
5 PL 1987, c. 45, Pt. A, §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. 96. 28-A MRSA §1072, sub-§2, ¶E, as enacted  
11 by PL 1987, c. 45, Pt. A, §4, is amended to read:

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

14          Sec. 97. 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. 98. 28-A MRSA §1076, sub-§2, as enacted by  
22 PL 1987, c. 45, Pt. A, §4, is repealed and the fol-  
23 lowing enacted 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. 99. 28-A MRSA §1076, sub-§4, as enacted by  
36 PL 1987, c. 45, Pt. A, §4, is repealed and the fol-  
37 lowing enacted in its place:

1       4. Commission determines applicant would proba-  
2 bly qualify. The commission may issue the license if  
3 it determines that the applicant for a new license  
4 would probably qualify.

5       Sec. 100. 28-A M RSA §1077, sub-§3, ¶A, as en-  
6 acted by PL 1987, c. 45, Pt. A, §4, is repealed and  
7 the following enacted in its place:

8       A. The license issued to a railroad corporation  
9 operating dining cars or passenger cars within  
10 the State authorizes the licensee to sell liquor  
11 to be consumed in the cars only after leaving and  
12 before reaching the terminal stops.

13       Sec. 101. 28-A M RSA §1079, as enacted by PL  
14 1987, c. 45, Pt. A, §4, is repealed and the following  
15 enacted in their place:

16       §1079. International air terminals

17       1. Issuance of license to operators of air ter-  
18 minals. The commission may issue licenses under this  
19 section for the sale of spirits, wine and malt liquor  
20 to be consumed on the premises to operators of inter-  
21 national air terminals, as defined in section 2, sub-  
22 section 15, or their agent or concessionaire.

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

26       A. International passengers in transit; and

27       B. Other persons.

28       3. Sale of liquor to international passengers in  
29 transit. Notwithstanding section 4, subsection 1, an  
30 international air terminal licensee may sell liquor  
31 to international passengers in transit during the  
32 hours sales are prohibited under section 4, subsec-  
33 tion 1.

34       4. International passengers in transit defined.  
35 "International passenger in transit" means an airline  
36 passenger who is in transit and whose point of either  
37 origin or destination is a foreign country.

1           Sec. 102. 28-A MRSA §1201, sub-§5, ¶B, as en-  
2 acted by PL 1987, c. 45, Pt. A, §4, is amended to  
3 read:

4           B. The applicant proves to the satisfaction of  
5 the commission that all proper standards and re-  
6 quirements of laws and rules of the commission  
7 have been met and ~~the applicant has been he is a~~  
8 resident of the State ~~for at least 6 months be-~~  
9 ~~fore filing his application.~~

10           Sec. 103. 28-A MRSA §1201, sub-§6, as enacted by  
11 PL 1987, c. 45, Pt. A, §4, is repealed and the fol-  
12 lowing enacted in its place:

13           6. Stock of groceries or compatible merchandise  
14 required. All off-premise retail licensees must have  
15 and maintain:

16           A. An adequate stock of groceries fit for human  
17 consumption of at least \$1,000 wholesale value;

18           B. A stock of merchandise reasonably compatible  
19 with a stock of malt liquor or wine of at least  
20 \$1,000 wholesale value; or

21           C. A combination of both groceries fit for human  
22 consumption and compatible merchandise of at  
23 least \$1,000 wholesale value.

24           Sec. 104. 28-A MRSA §1201, sub-§7, as enacted by  
25 PL 1987, c. 45, Pt. A, §4, is repealed and the fol-  
26 lowing enacted in its place:

27           7. Compatible merchandise. Each licensee shall  
28 display the groceries or compatible merchandise, or  
29 both, in the general sales area of the licensed  
30 premises, except that foodstuffs and other consumable  
31 products used in the preparation of food and cut  
32 flowers and potted flowers are not required to be  
33 displayed if they are stored elsewhere on the  
34 premises. Compatible merchandise:

35           A. Includes:

36           (1) Tobacco products;

- 1           (2) Newspapers;
- 2           (3) Greeting cards;
- 3           (4) Paper products;
- 4           (5) Cut flowers and potted flowers;
- 5           (6) A stock of foodstuffs and other consum-
- 6           able products used on the premises in the
- 7           preparation of food for consumption on or
- 8           off the premises; and
- 9           (7) Other items equally compatible with a
- 10          stock of malt liquor or wine; and

11          B. Does not include:

- 12           (1) Gasoline and oil;
- 13           (2) Used or new cars, parts or accessories;
- 14           or
- 15           (3) Other items of stock that may be equal-
- 16           ly incompatible in nature.

17          Sec. 105. 28-A MRSA §1203, as enacted by PL  
18          1987, c. 45, Pt. A, §4, is repealed.

19          Sec. 106. 28-A MRSA §1204 is enacted to read:

20          §1204. Ship chandlers

21           1. Issuance of licenses. The commission may is-  
22           sue licenses under this section for the sale of malt  
23           liquor and table wine to be consumed off the premises  
24           to ship chandlers, as defined in section 2, subsec-  
25           tion 15, paragraph S.

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

- 28           A. Not licensed as retail licensees; and
- 29           B. Registered in another state or another coun-
- 30           try.

1           3. Exception to off-premise retail licensee re-  
2 quirements. Notwithstanding section 1201, a licensed  
3 ship chandler is not required to have or maintain a  
4 stock of groceries, compatible merchandise or combi-  
5 nation of both.

6           Sec. 107. 28-A MRSA §1355, as enacted by PL  
7 1987, c. 45, Pt. A, §4, is repealed and the following  
8 enacted in its place:

9           §1355. Manufacturer licenses

10           1. Issuance of licenses. The commission may is-  
11 sue manufacturer licenses to distill, rectify, brew  
12 or bottle spirits, wine or malt liquor to distillers,  
13 rectifiers, brewers, bottlers and wineries, as de-  
14 finied in section 2, operating under federal law and  
15 federal supervision.

16           2. Small Maine breweries. The following condi-  
17 tions apply to licenses issued to small Maine brew-  
18 eries.

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

23           B. A holder of a small Maine brewery license may  
24 sell, on the premises during regular business  
25 hours, malt liquor produced at the brewery by the  
26 bottle, by the case or in bulk.

27           C. A holder of a small Maine brewery license may  
28 sell or deliver his product to licensed retailers  
29 and wholesalers. He may sell, on the premises for  
30 consumption off the premises, malt liquor pro-  
31 duced at the brewery by the bottle, case or in  
32 bulk to licensed retailers, including, but not  
33 limited to, off-premise retail licensees, restau-  
34 rants and clubs.

35           D. A holder of a small Maine brewery license may  
36 apply for one license for the sale of liquor for  
37 on-premise consumption for a location other than  
38 the brewery.



1 E. A holder of a small Maine brewery license may  
2 list on product labels and in its advertising the  
3 list of the ingredients and the product's average  
4 percentage of the recommended daily allowances of  
5 nutritional requirements.

6 3. Maine farm wineries. The following conditions  
7 apply to Maine farm wineries.

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

11 B. A holder of a Maine farm winery license may  
12 serve complimentary samples of wine and sell,  
13 during regular business hours, wines produced at  
14 the winery by the bottle, by the case or in bulk  
15 on the premises of the winery to persons who are  
16 not minors. A holder of a Maine farm winery li-  
17 cence may serve complimentary samples of wine on  
18 Sunday after the hour of 12 noon and may sell  
19 wines on Sunday after the hour of 12 noon if the  
20 municipality in which the winery is located has  
21 authorized the sale of wines on Sunday for con-  
22 sumption off the premises under chapter 5.

23 C. A holder of a Maine farm winery license, upon  
24 application to and approval of the commission and  
25 payment of the license fee, may obtain a license  
26 for one additional location other than the winery  
27 licensed under this subsection. The holder of the  
28 license is not required to conduct any bottling  
29 or production of wine at the 2nd licensed loca-  
30 tion, but may conduct all activities which are  
31 permitted by this section at the winery.

32 D. A holder of a Maine farm winery license may  
33 sell or deliver his product to licensed retailers  
34 and wholesalers. He may sell, on the premises,  
35 wine produced at the winery by the bottle, by the  
36 case or in bulk to licensed retailers, including,  
37 but not limited to, off-premise retail licensees,  
38 restaurants and clubs.

39 **Sec. 108. 28-A MRSA §1356, sub-§2, as enacted by**  
40 **PL 1987, c. 45, Pt. A, §4, is repealed.**

1           **Sec. 109.** 28-A MRSA §1401, sub-§2, ¶B, as en-  
2 acted by PL 1987, c. 45, Pt. A, §4, is amended to  
3 read:

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

7           **Sec. 110.** 28-A MRSA §1402, as enacted by PL  
8 1987, c. 45, Pt. A, §4, is amended to read:

9           §1402. Taste testing of wine and malt liquor  
10           products

11           1. Taste testing on wholesale licensee's  
12 premises. With the commission's written permission, a  
13 wholesale licensee may designate a special area or  
14 room on the wholesale licensee's premises for the  
15 specific purpose of taste testing new wine or malt  
16 liquor products.

17           2. Taste testing on retail licensee's premises.  
18 With the commission's written permission, a wholesale  
19 licensee may rent or lease an area or room from an  
20 on-premise retail licensee for the purpose of invit-  
21 ing retail licensees to taste test new wine or malt  
22 liquor products.

23           3. Conditions on taste-testing activity. The  
24 following conditions apply to all taste testings.

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

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

31           C. Taste-testing activity must be open only to  
32 invited retail licensees or their authorized  
33 agents and not to their family members, guests or  
34 the general public.

35           D. After the taste-testing activity is con-  
36 cluded, the wholesale licensee shall remove all  
37 products supplied for the taste-testing activity  
38 from the retail licensee's premises.

1       **Sec. 111. 28-A MRSA §1403, sub-§1-A** is enacted  
2 to read:

3           1-A. Wholesale licensee may purchase from whole-  
4 sale licensee. The commission may give written per-  
5 mission to a wholesale licensee to purchase malt li-  
6 quor or wine from another wholesale licensee.

7       **Sec. 112. 28-A MRSA §1407, sub-§1**, as enacted by  
8 PL 1987, c. 45, Pt. A, §4, is amended to read:

9           1. Exclusive distributors. The Except as pro-  
10 vided in section 1454, the wholesale licensee ap-  
11 pointed by the certificate of approval holder to be  
12 the exclusive distributor for specific brands of li-  
13 quor cannot be terminated as exclusive distributor of  
14 those specific brands upon the voluntary or  
15 involuntary termination or transfer of the same  
16 brands of liquor by the certificate of approval hold-  
17 er who registered the specific labels and established  
18 prices with the bureau. The certificate of approval  
19 holder acquiring these brands shall take the place of  
20 the certificate of approval holder who appointed the  
21 distributors and shall comply with section 1406.

22       **Sec. 113. 28-A MRSA §1408, sub-§4**, as enacted by  
23 PL 1987, c. 45, Pt. A, §4, is amended to read:

24           4. Price changes. Certificate Except as provided  
25 in paragraph A, certificate of approval holders and  
26 bottlers manufacturer's shall give written notice of  
27 price changes to the bureau and their respective  
28 wholesale licensees at least 30 days before the ef-  
29 fective date. Wholesale licensees shall give written  
30 notice of their price changes to the bureau at least  
31 15 days before the effective date. All price changes  
32 are effective on the first day of the month.

33           A. The commission may give written permission to  
34 certificate of approval holders, manufacturers or  
35 wholesale licensees to reduce the notice period  
36 for price changes in specific instances.

37       **Sec. 114. 28-A MRSA c. 61** is enacted to read:

38   CHAPTER 61



1 A. Sales representative of manufacturer or cer-  
2 tificate of approval holder (one year).....\$10.

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

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

5 B. Filing fees for registering label:

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

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

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

9 \$1552. Bottle club fees

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

12 **Sec. 115. 28-A MRSA §1651, sub-§1, as enacted by**  
13 **PL 1987, c. 45, Pt. A, §4, is amended to read:**

14 1. State liquor tax. Except as provided in sub-  
15 section 2, the commission shall determine and set the  
16 price at which to sell all spirits which will produce  
17 a state liquor tax of not less than 75% based on the  
18 less-carhead cost F.O.B. commission liquor warehouse.

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

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

24 **Sec. 116. 28-A MRSA §1652, sub-§§1 and 2, as en-**  
25 **acted by PL 1987, c. 45, Pt. A, §4, are repealed and**  
26 **the following enacted in their place:**

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

1           2. Excise tax on wine. An excise tax is imposed  
2 on the privilege of manufacturing and selling wine in  
3 the State. The Maine manufacturer or importing whole-  
4 sale licensee shall pay an excise tax of 30¢ per gal-  
5 lon on all wine other than sparkling wine manufac-  
6 tured in or imported into the State and \$1 per gallon  
7 on all sparkling wine manufactured in or imported in-  
8 to the State.

9           **Sec. 117. 28-A MRSA §1901, sub-§1, as enacted by**  
10 **PL 1987, c. 45, Pt. A, §4, is amended to read:**

11           1. Sales of food containing liquor restricted.  
12 No person other than a licensee may sell at retail  
13 food products with an alcohol content greater than  
14 1/2 of 1% by volume.

15           **Sec. 118. 28-A MRSA §2051, sub-§1, ¶D, as en-**  
16 **acted by PL 1987, c. 45, Pt. A, §4, is amended to**  
17 **read:**

18           D. Present or offer to any licensee, the  
19 licensee's agent or employee any written or oral  
20 evidence of age which is false, fraudulent or not  
21 actually his own, for the purpose of:

22                   (1) Ordering, purchasing, attempting to  
23 purchase or otherwise procuring or attempt-  
24 ing to procure, the serving of any liquor;  
25 or

26                   (2) To gain access to a licensed premise  
27 when minors are not allowed; or

28           **Sec. 119. 28-A MRSA §2051, sub-§1, ¶¶D-1 and D-2**  
29 **are enacted to read:**

30           D-1. Have in his possession a false identifica-  
31 tion card;

32           D-2. Sell, furnish or give a false identifica-  
33 tion card to a minor; or

34           **Sec. 120. 28-A MRSA §2053, sub-§4, as enacted by**  
35 **PL 1987, c. 45, Pt. A, §4, is amended to read:**

1           4. Exclusive penalty. The penalty provided in  
2 this section is the exclusive penalty for violating  
3 section 2052, and is not in conflict with Title 15,  
4 Part 6, but is additional to the ~~criminal-offense~~  
5 civil violation defined in section 2051.

6           **Sec. 121. 28-A MRSA §2077, sub-§§1 and 2, as en-**  
7 **acted by PL 1987, c. 45, Pt. A, §4, are amended to**  
8 **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. 122. 28-A MRSA §2079, as enacted by PL**  
27 **1987, c. 45, Pt. A, §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. 123. 28-A MRSA §2080 is repealed.**

1           Sec. 124. 28-A MRSA §2081, sub-§1, ¶A, as en-  
2 acted by PL 1987, c. 45, Pt. A, §4, is amended to  
3 read:

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

7           Sec. 125. 28-A MRSA §2203, as enacted by PL  
8 1987, c. 45, Pt. A, §4, is repealed and the following  
9 enacted in its place:

10       §2203. Evidence of illegal sale

11           1. Evidence of illegal sale. Whenever an illegal  
12 sale is alleged and a delivery proved, the delivery  
13 is sufficient evidence of sale and it is not neces-  
14 sary to prove a payment.

15           2. Former conviction. In actions, complaints,  
16 indictments or other proceedings for a violation of  
17 this Title, other than for a first offense, it is not  
18 necessary to set forth particularly the record of a  
19 former conviction, but it is sufficient to allege  
20 briefly that the person has been convicted of a vio-  
21 lation of a particular provision.

22           Sec. 126. 28-A MRSA §§2204, 2205 and 2206, as  
23 enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

24           Sec. 127. 28-A MRSA §2221, as enacted by PL  
25 1987, c. 45, Pt. A, §4, is repealed.

26           Sec. 128. 28-A MRSA §2221-A is enacted to read:

27       \* §2221-A. Forfeiture of liquor and property used in  
28 illegal manufacture, transportation and  
29 sale of liquor

30           1. Property forfeited. The following property  
31 shall be subject to forfeiture to the State and all  
32 property rights in the property shall be in the  
33 State:

34           A. All materials, products and equipment of any  
35 kind which are used, or intended for use, in man-  
36 ufacturing, transporting or selling liquor in vi-  
37 olation of this Title; and



1 B. All conveyances, including aircraft, water-  
2 craft, vehicles and vessels, which are used, or  
3 are intended for use, to transport, conceal or  
4 otherwise to facilitate the manufacturing, trans-  
5 porting or selling of liquor in violation of this  
6 Title.

7 2. Jurisdiction. Property subject to forfeiture  
8 under subsection 1, paragraph A, shall be declared  
9 forfeited by any court having jurisdiction over the  
10 property or having final jurisdiction over any relat-  
11 ed criminal proceeding brought under this chapter.

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

15 A. No conveyance used by any person as a  
16 for-hire carrier in the transaction of business  
17 as a for-hire carrier shall be forfeited unless  
18 it appears that the owner or other person in  
19 charge of the conveyance was a consenting party  
20 or privy to a violation of this Title.

21 B. No conveyance shall be forfeited by reason of  
22 any act or omission established by the owner of  
23 the conveyance to have been committed or omitted  
24 by any person other than the owner while the con-  
25 veyance was illegally in the possession of a per-  
26 son other than the owner in violation of the  
27 criminal laws of the United States, the State or  
28 of any State.

29 C. No conveyance shall be subject to forfeiture  
30 unless the owner knew or should have known that  
31 the conveyance was used in and for the illegal  
32 manufacturing, transporting or selling of liquor  
33 in violation of this Title.

34 4. Forfeiture procedure. Forfeitures under this  
35 section must be accomplished by the following proce-  
36 dure.

37 A. A district attorney or the Attorney General  
38 may petition the Superior Court in the name of  
39 the State in the nature of a proceeding in rem to  
40 order forfeiture of property subject to forfei-

1 ture under subsection 1, paragraph B. The peti-  
2 tion must be filed in the court having jurisdic-  
3 tion over the property.

4 B. The proceeding shall be deemed a civil suit,  
5 in which the State shall have the burden of prov-  
6 ing all material facts by a preponderance of the  
7 evidence. The owner of the property, or other  
8 person claiming under the owner, shall have the  
9 burden of proving all the exceptions set forth in  
10 subsection 3 by a preponderance of the evidence.

11 C. The court shall order the State to give no-  
12 tice by certified or registered mail or hand de-  
13 livered by a deputy sheriff to the owner of the  
14 property and to any other person who appears to  
15 have an interest in the property.

16 D. The court shall promptly, but not less than 2  
17 weeks after notice, hold a hearing on the peti-  
18 tion. At the hearing, the court shall hear evi-  
19 dence and make findings of fact and enter conclu-  
20 sions of law.

21 E. Based on the findings and conclusions, the  
22 court shall issue a final order, from which the  
23 parties have a right of appeal. The final order  
24 shall provide for disposition of the property by  
25 the State or any subdivision of the State in any  
26 manner not prohibited by law, including official  
27 use by an authorized law enforcement or other  
28 public agency, sale at public auction or by com-  
29 petitive bidding.

30 (1) The proceeds of any sale shall be used  
31 to pay the reasonable expenses of the for-  
32 feiture proceedings, seizure, storage, main-  
33 tenance of custody, advertising and notice  
34 and to pay any bona fide mortgage on the  
35 property. The balance, if any, shall be de-  
36 posited in the State Treasury, or the trea-  
37 sury of the county or municipality making  
38 the seizure.

39 5. Records. Any officer, department or agency  
40 having custody or property subject to forfeiture un-  
41 der subsection 1, or having disposed of the property,

1 shall keep and maintain full and complete records  
2 concerning the property.

3 A. The records must show:

4 (1) From whom it received the property;

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

7 (3) To whom it delivered the property;

8 (4) The date and manner of destruction or  
9 disposition of the property; and

10 (5) The exact kinds, quantities and forms  
11 of the property.

12 B. The records shall be open to inspection by  
13 all federal and state officers charged with en-  
14 forcement of federal and state liquor laws.

15 C. Persons making final disposition or destruc-  
16 tion of the property under court order shall re-  
17 port, under oath, to the court the exact circum-  
18 stances of the destruction or disposition.

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

30 6. Preliminary order. At the request of the  
31 State ex parte, the court may issue any preliminary  
32 order or process necessary to seize or secure the  
33 property for which forfeiture is sought and provide  
34 for its custody.

35 A. Process for seizure of the property shall is-  
36 sue only upon a showing of probable cause. The

1 application for process for seizure of the prop-  
2 erty and the issuance, execution and return of  
3 the process shall be subject to the provisions of  
4 applicable Maine law.

5 B. Any property subject to forfeiture under this  
6 section may be seized upon process, except that  
7 seizure without process may be made when:

8 (1) The seizure is incident to:

9 (a) An arrest with probable cause;

10 (b) A search under a valid search war-  
11 rant; or

12 (c) An inspection under a valid admin-  
13 istrative inspection warrant;

14 (2) The property subject to seizure has  
15 been the subject of a prior judgment in fa-  
16 vor of the State in a forfeiture proceeding  
17 under this section;

18 (3) There is probable cause to believe that  
19 the property is directly or indirectly dan-  
20 gerous to health or safety; or

21 (4) There is probable cause to believe the  
22 property has been used or is intended to be  
23 used in violation of this Title.

24 Sec. 129. 28-A MRS.A §2222, as enacted by PL  
25 1987, c. 45, Pt. A, §4, is repealed.

26 Sec. 130. 28-A MRS.A §2223, as enacted by PL  
27 1987, c. 45, Pt. A, §4, is repealed and the following  
28 enacted in its place:

29 §2223. Dumping of evidence; prima facie evidence

30 1. Destruction of liquor is prima facie evidence  
31 that liquor was intended for illegal sale. The pour-  
32 ing out or other destruction of fluids by any person  
33 on or about the premises which are about to be or are  
34 being searched, for the purpose of preventing the  
35 seizure of those fluids by officers authorized to

1 make the search and seizure, is prima facie evidence  
2 that the fluids poured out or destroyed were liquor  
3 intended for illegal sale.

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

6 Sec. 131. 28-A MRSA §§2224 to 2227, as enacted  
7 by PL 1987, c. 45, Pt. A, §4, are repealed.

8 FISCAL NOTE

9 It is estimated that this new draft will result  
10 in the following increase in General Fund revenue.

	<u>1987-88</u>	<u>1988-89</u>	
11			
12	General Fund	\$20,900	\$27,875

13 The increase in General Fund revenue is based on  
14 an increase in license fees, filing fees and excise  
15 taxes.

16 STATEMENT OF FACT

17 This new draft arises from the Joint Standing  
18 Committee on Legal Affairs' study, approved by the  
19 Legislative Council, to recodify the liquor laws of  
20 the Maine Revised Statutes, Title 28. The new draft  
21 makes the substantive changes which were suggested  
22 throughout the study by the committee, the Bureau of  
23 Alcoholic Beverages, the Bureau of Liquor Enforcement  
24 and others.

25 The new draft amends several sections which make  
26 certain activities crimes and sets specific punish-  
27 ments by defining those crimes as the appropriate  
28 Class D or Class E crimes, as defined by Title 17-A.  
29 The judge in each case will have full discretion to  
30 impose the punishment appropriate for that crime.

31 Section 1 of the new draft corrects the punish-  
32 ment for the Class D crime of supplying false infor-  
33 mation on the application form for an identification  
34 card.

1 Section 2 of the new draft provides a more pre-  
2 cise definition of "fortified wine."

3 Section 3 amends the definitions applying to  
4 trains and railroad companies to more accurately re-  
5 flect the use of dining cars and passenger cars in  
6 the State.

7 In section 4, the definitions of "florist" and  
8 "florist shop" are removed, as are the licensing pro-  
9 visions for florists and the definition of compatible  
10 merchandise expanded so that florists may be licensed  
11 as an off-premise retailer. This streamlines the li-  
12 censing procedures.

13 Section 5 amends the definition of "hotel" to de-  
14 lete the reference to overnight camps.

15 In sections 6 and 101, a definition of an "inter-  
16 national air terminal" and licensing provisions for  
17 international air terminals are added. The old li-  
18 censing provisions concerning sale of liquor to in-  
19 ternational passengers in transit are deleted. The  
20 new section eliminates the apparent need for the li-  
21 censee to hold 2 licenses to sell to international  
22 passengers in transit between the hours of 1 a.m. and  
23 6 a.m.

24 In sections 7 to 9 and 92 to 94, the definitions  
25 of "tavern" and "Class A tavern" are repealed, along  
26 with the separate licensing provisions for taverns  
27 and Class A taverns and replaced with a single defi-  
28 nition, "tavern." The licensing provisions are a  
29 blend of the 2 former licenses, with licensees sell-  
30 ing malt liquor and food at counters, tables and  
31 booths. No minors, except in certain circumstances,  
32 are allowed on the premises.

33 Section 10 amends the definition of malt liquor  
34 to avoid conflicts when a beverage contains both  
35 spirits and malt liquor. This clarifies that if the  
36 beverage contains both, it is not considered malt li-  
37 quor, but spirits.

38 Sections 11 and 12 make the language consistent  
39 for the sale of liquor to be consumed off the  
40 premises.

1 Section 13 amends the definition of "wine" to  
2 raise the cap on the percentage of alcohol, which  
3 wine may contain up to 15.5% alcohol by volume. The  
4 definition is clarified to include the fact that the  
5 term "wine" includes still wine, table wine and such  
6 items as wine coolers, provided that the alcohol con-  
7 tent is not above 15.5%. The term is further clar-  
8 ified to state that "wine" does not include wine to  
9 which spirits have been added. The resulting product  
10 in which spirits are an ingredient is included in the  
11 definition of "spirits."

12 Section 14 repeals duplicative penalties for Sun-  
13 day sale of liquor.

14 Sections 15 and 52 amend Title 28-A to allow the  
15 State Liquor Commission to pay witnesses the legal  
16 fee for travel and attendance after, rather than be-  
17 fore, the witnesses incur the travel expenses and at-  
18 tend the hearing.

19 Section 16 changes the requirement concerning the  
20 publication of laws and rules. The State Liquor Com-  
21 mission shall publish Title 28-A, other laws dealing  
22 with liquor and all commission rules every 4 years.  
23 The commission shall supply a copy to every new li-  
24 censee at no charge and shall notify all licensees of  
25 changes in the laws or rules. Copies of those changes  
26 shall be supplied to licensees at no charge and to  
27 others at a reasonable fee. The commission may charge  
28 a reasonable fee for the full text of laws and rules  
29 when supplied to persons other than licensees.

30 Section 17 removes local option elections for un-  
31 incorporated places. Under current law, local option  
32 elections are not permitted when an insufficient num-  
33 ber of people signed the petition or live in the ar-  
34 ea. In such cases, the county commissioners currently  
35 make the decision whether licenses should be issued.  
36 The current system is confusing and may be burden-  
37 some. This new draft allows the county commissioners  
38 to authorize or refuse to authorize any or all li-  
39 censes in unincorporated places after holding a pub-  
40 lic hearing.

41 Section 18 simplifies local option questions into  
42 4 questions, one each for: On-premise sales Monday -

1 Saturday; off-premise sales Monday - Saturday; on-  
2 premise sales Sunday; and off-premise sales Sunday.

3 Section 19 allows a municipality to vote on  
4 whether or not bottle clubs may be allowed to operate  
5 within its jurisdiction. A vote is not required be-  
6 fore a bottle club may operate in that municipality.

7 Section 20 allows the commission to locate an  
8 agency liquor store within 300 feet of a church or  
9 school if the commission unanimously agrees. This is  
10 consistent with locating other licensees near schools  
11 and churches.

12 Section 21 clarifies that an agency liquor store  
13 may accept payment for liquor by check if it so de-  
14 sires.

15 Section 22 removes the limitation on replacing  
16 liquor stores established before 1979 because of the  
17 problems it has created.

18 Section 23 adds a new provision which clarifies  
19 that the transferee of an agency liquor store license  
20 may operate the store after notifying the commission  
21 of the transfer.

22 Section 24 repeals the 7-month part-time license.  
23 Licensees may obtain a 6-month license, then add a  
24 2-month extension if necessary. If more time is  
25 needed, they can apply for a full-year license. The  
26 7-month license causes administrative problems.

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

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



1 Section 27 clarifies that incorporation of the  
2 licensee's business is considered a transfer, neces-  
3 sitating a new license. Also, changes in partners, or  
4 the acquisition of an incorporated licensee, are  
5 transfers and require a new license. The section is  
6 clarified as not applying to certificate of approval  
7 holders or agency liquor stores.

8 Section 28 clarifies that agency liquor stores  
9 may not sell liquor to licensees for resale.

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

16 Section 30 corrects the reference to the crime  
17 for giving untruthful answers in an application for a  
18 license. The State calls it "perjury," when it is, in  
19 fact, "unsworn falsification."

20 Current law requires only malt liquor licensees  
21 to pay a filing fee when filing an application. Sec-  
22 tion 31 makes all licensees or applicants file a \$10  
23 fee when filing an application for a new or renewal  
24 license.

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

31 Section 33 deletes the 300-foot location restric-  
32 tion exception for premises used as hotels or clubs  
33 in 1937. This provision apparently grandfathered all  
34 existing hotels and clubs when the 300-foot restric-  
35 tion was first enacted. There are no existing records  
36 as to what were hotels or clubs in 1937. The commis-  
37 sion may still issue a license for an establishment  
38 located within 300 feet of a church or school if all  
39 commission members agree, so this change will not  
40 make it impossible for such a place to be licensed.

1 Section 34 repeals the section prohibiting the  
2 licensure of clubs operated or organized for illegal  
3 purposes or in which the profits accrue to someone  
4 other than the licensed club. The current law ade-  
5 quately handles these cases.

6 Section 35 makes the provisions governing the em-  
7 ployment of persons under 17 years of age apply to  
8 all licensees equally. This allows licensees to hire  
9 people who are 17 years of age to serve and sell li-  
10 quor if a supervisor is 18 years or older.

11 Sections 36 to 38 clarify that licensees may ac-  
12 cept payment by cash, check or major credit card. In  
13 the same sections, the language holding a licensee  
14 liable for selling to a mentally ill person, a known  
15 habitual drunkard and a person of known intemperate  
16 habits is removed. These provisions made sense when  
17 society was not as mobile as it is now, but it is not  
18 fair to hold a licensee to these apparently strict  
19 liability standards.

20 Section 39 prohibits licensees from allowing mi-  
21 nors to consume or possess liquor on the licensed  
22 premises. There are currently enforcement problems  
23 when underage persons are found in licensed estab-  
24 lishments with liquor. This will make licensees re-  
25 sponsible for consumption and possession by minors.

26 Sections 40 to 43 attempt to resolve confusion  
27 over improper financial or other involvement of li-  
28 censees. Retail licensees may not receive anything of  
29 value from anyone engaged in the wholesale sale of  
30 liquor. Retail licensees may not have any financial  
31 interest in a manufacturer's or wholesaler's license,  
32 or a certificate of approval; certificate of approval  
33 holders and manufacturers may not be financially in-  
34 terested in a wholesale or retail license; and whole-  
35 sale licensees may not be financially interested in  
36 a certificate of approval, a manufacturer's license  
37 or a retail license.

38 The current law concerning licensees offering re-  
39 bates and premiums is often confusing. Section 44  
40 repeals and replaces it with prohibitions specific  
41 for the type of license held. Certificate of approval  
42 holders may not offer special deals to wholesalers,

1 other than approved markdowns; neither may they make  
2 any offer to anyone contingent on the purchase of  
3 malt liquor or wine. Wholesale licensees may not offer  
4 special deals to retail licensees, other than approved  
5 markdowns; nor may they make any offer to anyone  
6 contingent on the purchase of malt liquor or  
7 wine. Retail licensees may not make any offer to anyone  
8 contingent on the purchase of spirits, wine or  
9 malt liquor.

10 Section 45 clarifies that licensees may sell malt  
11 liquor and mixed drinks in pitchers, as well as wine  
12 by the bottle or carafe, with meals or to 2 or more  
13 persons.

14 Section 46 amends current law to allow licensees  
15 to display only one sign inside the premises, to be  
16 seen outside, advertising liquor for sale. Current  
17 limits apply only to electrically lighted signs. The  
18 new law applies to all signs.

19 Current law requires that licensees must receive  
20 orders for liquor at their principal places of business  
21 before the liquor may be delivered. Section 47  
22 adds a paragraph to clarify that wholesale licensees  
23 may collect orders for malt liquor and wine through  
24 sales representatives, who must then file the orders  
25 with the principal place of business, warehouse or  
26 distributing center.

27 Section 48 allows licensees to pay for liquor by  
28 check as well as cash. The law originally allowed only  
29 payment in cash, presumably to prevent wholesale  
30 licensees from extending their own credit to retail  
31 licensees. Because checks are a form of credit extended  
32 by the bank, this does not change the original  
33 intent.

34 Section 49 requires retail licensees to keep  
35 records of sales of liquor separate from other sales.  
36 This makes it easier to determine volume of sales  
37 when necessary.

38 Section 50 clarifies that wholesale licensees'  
39 records must show that payment for malt liquor and  
40 wine was made in cash or by check.

1 Sections 51 and 54 correct the reference concern-  
2 ing who reports liquor law violations to the Adminis-  
3 trative Court. Currently, the Director of the Bureau  
4 of Liquor Enforcement, or his designee, makes the re-  
5 ports or issues warnings. That practice is reflected  
6 in the new language.

7 Section 53 clarifies that the Administrative  
8 Court Judge must issue the decision in writing within  
9 12 days of the hearing on the licensee's violation.

10 Section 55 repeals the restriction which makes  
11 wholesale licensees who violated State Liquor Commis-  
12 sion rules more than once in a one-year period ineli-  
13 gible for a fine in lieu of a license suspension.  
14 This restriction currently inhibits enforcement and  
15 settlement of cases.

16 Sections 56 to 75 rewrite the type of license and  
17 corresponding fees for licensees who sell liquor to  
18 be consumed off the premises where sold. Current law  
19 bases the type of license and fee on whether or not  
20 the licensee has a stock of groceries, a stock of  
21 other than groceries or no qualifying stock of goods.  
22 These sections divide off-premise retailers into 2  
23 groups: Those with a qualifying stock of groceries or  
24 compatible merchandise, or both, and those not re-  
25 quired to maintain a stock of goods. This 2nd group  
26 consists only of "ship chandlers." The license fees  
27 are adjusted to reflect these changes. The fee for  
28 off-premise licenses with a qualifying stock of gro-  
29 ceries, compatible merchandise or a combination of  
30 both is raised \$10 a year to \$135. This is actually a  
31 reduction for those off-premise retailers who cur-  
32 rently hold an "other than groceries" license, for  
33 which the fee is currently \$225 a year. Ship  
34 chandlers will also pay \$135 a year for their li-  
35 censes. The \$10 fee hike, when coupled with the \$90  
36 fee decrease, slightly increases total revenue col-  
37 lected by the Bureau of Alcoholic Beverages, assuming  
38 the same total number of licenses is issued. For oth-  
39 er changes concerning these licenses, see section 98.

40 Section 76 closes a loophole which would allow  
41 off-premise catering of events of indefinite duration  
42 for only \$10. This change makes the fee for  
43 off-premise catering \$10 per calendar day.

1 Section 77 requires a licensee applying for an  
2 off-premise catering license to file a written appli-  
3 cation at least 24 hours before the event. The  
4 off-premise catering license may be approved by the  
5 municipal officers or their designees without public  
6 notice.

7 Section 78 provides that the State Liquor Commis-  
8 sion may immediately deny, as well as approve, an  
9 off-premise catering license. This is to clarify that  
10 the commission is not required to approve all appli-  
11 cations.

12 Sections 79 and 81 remove the lighting level re-  
13 quirement from being enforceable only by the Bureau  
14 of Liquor Enforcement and allows municipalities to  
15 adopt ordinances or regulations governing lighting  
16 levels as a condition of special amusement permits.

17 Section 81 allows any licensee who is issued a  
18 special amusement permit to charge admission to the  
19 designated areas. Current law limits such activity to  
20 certain on-premise retailers.

21 Sections 82 and 90 allow minors on the licensed  
22 premises of hotels and Class A lounges when the li-  
23 censee is not allowing consumption of liquor on the  
24 licensed premises. This allows such establishments to  
25 host "chemical free" events, as well as other activi-  
26 ties.

27 Sections 83 and 86 to 89 clarify that the minimum  
28 food sales requirement is based on gross annual in-  
29 come.

30 Current law exempts hotels established before  
31 certain dates from specific minimum room number re-  
32 quirements. These provisions grandfathered existing  
33 hotels on 2 dates that the law was enacted or  
34 amended. The records are not complete concerning ho-  
35 tels licensed in 1947, plus there is no requirement  
36 that the hotels have remained in business from then  
37 until now.

38 Section 84 deletes the exemptions. Anyone who no  
39 longer qualifies as running a hotel because of this  
40 change may probably qualify for a Class A lounge li-  
41 cense.

1           Sections 85 and 87 remove requirements that res-  
2           taurants must be in operation at least 3 months to  
3           qualify for a liquor license because the same is not  
4           required for other new licenses. If the State Liquor  
5           Commission determines that an applicant for a new li-  
6           cense would probably meet the requirements for exist-  
7           ing restaurants, it may issue the license.

8           Section 88 removes the exception for internation-  
9           al air terminals from the minimum income from  
10          sale-of-foods requirement.

11          Section 90 allows minors in Class A lounges when  
12          no liquor is permitted to be consumed.

13          Section 91 removes the sunset on Class A lounges.

14          Sections 93 provides that minors may be allowed  
15          in taverns if accompanied by a parent or custodian or  
16          if employed there.

17          Section 95 clarifies that the notice which civic  
18          auditoriums must give to the Bureau of Liquor En-  
19          forcement before an event must be in writing.

20          Section 96 changes one of the requirements that  
21          club dues are charged to and collected from members,  
22          not "elected" members.

23          Sections 97 and 98 clarify what is meant by  
24          "premises" in conjunction with a qualified catering  
25          service. "Premises" means the principal place of  
26          business of the licensee when he is selling and  
27          serving liquor there. If the qualified catering ser-  
28          vice is catering an event somewhere other than the  
29          principal place of business, the "premises" are the  
30          premises where the event is being held.

31          Section 99 clarifies that if the State Liquor  
32          Commission determines that an applicant would proba-  
33          bly qualify for a new qualified catering service li-  
34          cense, it may issue the license.

35          Section 100 corrects the reference to railroad  
36          cars operating in the State to include passenger  
37          cars, because there are very few dining cars oper-  
38          ated.

1 Section 102 deletes the requirement for  
2 off-premise retail licensees that the applicant must  
3 be a resident of the State for at least 6 months and  
4 requires that the applicant be a resident at the time  
5 of application.

6 Sections 103 and 104 modify the requirement con-  
7 cerning the stock of groceries or compatible merchan-  
8 dise. They clarify that the groceries must be fit  
9 for human consumption to rule out instances when li-  
10 censees try to meet the stock requirement with odd  
11 items found in grocery stores. This new draft also  
12 amends the meaning of compatible merchandise to in-  
13 clude the items listed in current law, plus cut flow-  
14 ers and potted flowers, rather than making compatible  
15 merchandise consist exclusively of those items. In  
16 addition, this new draft requires that the licensee  
17 display the groceries or compatible merchandise, or  
18 both, except foodstuffs used in the preparation of  
19 food and cut flowers.

20 Section 105, because cut flowers and potted flow-  
21 ers are included in the definition of "compatible  
22 merchandise," the separate florist's license is not  
23 necessary and is deleted.

24 Section 106 enacts a new section for the licens-  
25 ing of ship chandlers. Ship chandlers may sell malt  
26 liquor and wine only to ships which are not licensed  
27 as retail licensees, because a retail licensee may  
28 not sell to another retail licensee and to ships  
29 which are not registered in Maine, because a ship  
30 registered in Maine may obtain its own retail license  
31 and buy from wholesale licensees.

32 Section 107 repeals and replaces the section on  
33 manufacturer licenses to remove unconstitutional lan-  
34 guage concerning source fees and to streamline the  
35 provisions. License fees are moved to their own sec-  
36 tion.

37 Section 108 repeals the provision pertaining to  
38 seizure of illegal manufacturing equipment.

39 Section 109 clarifies that the additional \$600  
40 fee for warehouses of wholesale licensees is assessed  
41 on warehouses not located at the principal place of  
42 business.

1 Section 110 changes provisions concerning sam-  
2 pling or taste testing of wine and malt liquor. Cur-  
3 rently, law mentions only new products. This new  
4 draft allows taste-testing of malt liquor and wine  
5 products which are not necessarily new.

6 Section 111 gives the State Liquor Commission au-  
7 thority to give wholesale licensees written permis-  
8 sion to buy malt liquor or wine from another whole-  
9 sale licensee. Under current law, wholesale licensees  
10 are not permitted to buy from other wholesale licens-  
11 ees, even if unforeseen and unusual circumstances  
12 would require these purchases to fulfill their obli-  
13 gations.

14 Current law requires certificate of approval  
15 holders to give 90 days notice before the wholesale  
16 licensee may be terminated as the exclusive distribu-  
17 tor for specific brands, but only when the certifi-  
18 cate of approval holder voluntarily terminates or  
19 transfers those brands. Section 112 makes the same  
20 90-day notice period apply to involuntary termina-  
21 tions and transfers of brands as well.

22 Section 113 allows the State Liquor Commission to  
23 give written permission to certificate of approval  
24 holders and manufacturers to reduce the notice period  
25 for price changes when 30 days is too long a period.

26 Section 114 creates a new chapter to list license  
27 fees for licenses other than retail licenses, as well  
28 as other fees collected by the Bureau of Alcoholic  
29 Beverages.

30 Section 115 clarifies that the State Liquor Com-  
31 mission no longer owns or operates any liquor ware-  
32 houses, and removes an outdated freight term.

33 Section 116 amends the excise tax provisions to  
34 remove potentially unconstitutional tax categories  
35 based on where the malt liquor or wine was produced.  
36 The tax rate is set at the current level for out-  
37 of-state produced malt liquor and wine.

38 Current law prohibits any person other than a li-  
39 censee from selling food products with an alcohol  
40 content greater than 1/2 of 1% by volume. This may be



1 unnecessarily restricting sales by food wholesalers  
2 and distributors. Section 117 changes the provision  
3 to govern retail sale only of food products with an  
4 alcoholic content.

5 Sections 118 and 119 insert language from Title  
6 28 which was inadvertantly omitted when the Title was  
7 recodified.

8 Section 120 corrects a reference to a civil vio-  
9 lation. It was incorrectly termed a crime.

10 Section 121 changes the limit on how much malt  
11 liquor a person, other than a wholesale licensee, may  
12 bring into the State. Current law sets that limit at  
13 one case, which is ambiguous because there are sever-  
14 al types of cases. The limit is changed to 3 gallons,  
15 which is the equivalent of a case of 16 ounce cans.

16 Section 122 provides that a person aiding a child  
17 in the possession of liquor commits a Class E crime.

18 Section 123 repeals the section dealing with  
19 "common sellers." There is no definition of what a  
20 common seller is and other penalties are available  
21 for illegal sale of liquor.

22 Section 124 amends the provisions concerning pro-  
23 vision of liquor by someone other than a licensee. It  
24 is illegal for a nonlicensee to serve or provide li-  
25 quor to a visibly intoxicated person. This change  
26 makes the provisions consistent with the restrictions  
27 of licensees.

28 Sections 125 and 127 to 130 repeal several sec-  
29 tions governing forfeiture and libel of liquor or  
30 property used illegally and replace them with one  
31 section designed to cover those aspects, which track  
32 a similar law concerning seizure of drugs and proper-  
33 ty used in drug trafficking.

1           Sections 126 and 131 repeal several sections  
2 dealing with court proceedings which are adequately  
3 covered by other laws, the Maine Rules of Evidence,  
4 the Maine Rules of Criminal Procedure and the Maine  
5 Rules of Civil Procedure.

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