

### (EMERGENCY) (After Deadline) FIRST REGULAR SESSION

# ONE HUNDRED AND THIRTEENTH LEGISLATURE

## Legislative Document

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NO. 1869

H.P. 1365 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

EDWIN H. PERT, Clerk Presented by Representative VOSE of Eastport. Cosponsored by Senator RANDALL of Washington.

#### STATE OF MAINE

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

### AN ACT to Temporarily Allow the Sale of Liquor on Sunday in Restaurants in Certain Municipalities.

**Emergency preamble**. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many liquor licensees have been selling liquor on Sunday in municipalities which have never voted on local option questions concerning sale of liquor on Sundays; and

Whereas, municipalities have permitted these liquor sales; and

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1 Whereas, neither the licensees, the municipali-2 ties nor anyone else was aware that such sales were 3 not legal; and

4 Whereas, many of these businesses rely greatly on 5 the summer tourist season for their existence and 6 these same businesses have for years innocently sold 7 liquor on Sunday; and

8 Whereas, to prohibit these businesses from engag-9 ing in the sale of liquor, which they have in good 10 faith engaged in for years, will seriously damage 11 their viability this summer; and

12 Whereas, in the judgment of the Legislature, 13 these facts create an emergency within the meaning of 14 the Constitution of Maine and require the following 15 legislation as immediately necessary for the preser-16 vation of the public peace, health and safety; now, 17 therefore,

18 Be it enacted by the People of the State of Maine as 19 follows:

20 28 MRSA §104 is enacted to read:

21 §104. Interim sale of liquor on Sunday

22 <u>1. Application. This section applies only to a</u> 23 licensee which:

A. Is located in a municipality which has not
voted against the sale of liquor to be consumed
on the premises on Sunday since 1970;

27B. Has sold liquor on Sunday for at least 228years as of June 1, 1987; and

29 C. Has not been convicted as of June 1, 1987, of
30 the illegal sale of liquor on Sunday in violation
31 of local option provisions in that municipality.

32	2. Interim sales on Sunday. Notwithstanding any
33	other law, a licensee may continue to sell liquor to
34	be consumed on the premises on Sunday until August
.35	15, 1987, after the following requirements have been
36	met:

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The municipal officers vote affirmatively to Α. allow the continued sale of liquor on Sunday in that municipality until August 15, 1987; and

municipal clerk files with the bureau a The в. copy of the record of the vote of the municipal officers taken under paragraph A. 1 Bach

Repeal. This section is repealed on August з. 1987. 16,

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· 9 · ii Emergency clause. In view of the emergency cited 10 in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is to continue the viability of businesses which rely on tourists' patronage and which have been selling liquor on Sunday to be consumed on the premises on Sunday when the municipality has never voted against the Sunday sale of liquor. There are many restaurants in various cities and towns across the State which have been innocently selling liquor on Sunday, not knowing that it was prohibited because the municipality has never voted on whether to allow Sunday sale of liquor. The municipal officers of these municipalities have also been unaware of the situation.

This bill will allow the sales to continue with approval of the municipal officers until August the 15, 1987. The municipal officers must vote to allow sales to continue and the municipal clerk must the notify the Bureau of Alcoholic Beverages that the municipal officers have so voted before the licensee may continue to sell on Sunday. This will allow enough time for those licensees interested in selling liquor on Sunday to petition the municipality to hold an election on the local option question concerning sale of liquor to be consumed on the premises on Sun-This will not penalize those businesses which day. have sold liquor in good faith but, unfortunately, in violation of the law because no one was aware no local option vote had been taken.

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1 One factor apparently leading to the confusion 2 over whether Sunday sales are permitted by the munic-3 ipality is that the liquor license itself has not in-4 dicated whether Sunday sales are permitted. The Bu-5 reau of Alcoholic Beverages will now indicate on the 6 license if sales may not be made on Sunday, based on 7 the bureau's records of local option election re-8 sults.

9 Because this section will no longer be necessary 10 after August 15th, it is repealed on August 16, 1987.

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