

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

Legislative Document

No. 2380

S.P. 942

In Senate, March 1, 1990

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.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Representative PRIEST of Brunswick, Representative GWADOSKY of Fairfield and Senator DILLENBACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

An Act Regarding the Operation of Bottle Clubs.

(EMERGENCY)  
(AFTER DEADLINE)



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

4  
6           Whereas, current law contains no criteria regarding who may  
operate a bottle club where liquor is consumed on the premises;  
and

8  
10           Whereas, this lack of criteria allows operation of drinking  
establishments by persons who have been convicted of a Class A,  
Class B or Class C crime or other drug-related offenses and who  
12 are ineligible for a liquor license under statutory standards  
designed to protect public safety; and

14  
16           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
18 necessary for the preservation of the public peace, health and  
safety; now, therefore,

20  
22           **Be it enacted by the People of the State of Maine as follows:**

24           **Sec. 1. 28-A MRSA §161, sub-§1, ¶C,** as enacted by PL 1987, c.  
45, Pt. A, §4, is amended to read:

26           C. Any bottle club which does not register with the  
commission commits a ~~civil violation for which a forfeiture~~  
28 ~~not to exceed \$500 may be adjudged Class E crime.~~

30           **Sec. 2. 28-A MRSA §161, sub-§§1-A and 1-B** are enacted to read:

32           1-A. Disqualification. The commission may not register a  
bottle club if the commission determines that the owner or  
34 operator of the bottle club:

36           A. Is disqualified from receiving a liquor license under  
section 601, subsection 2;

38           B. Has been convicted of a Class A, Class B or Class C  
40 crime or any violation of Title 17-A, chapter 45 within 5  
42 years of applying for registration; or

44           C. Is currently serving a sentence for any violation listed  
under paragraph B.

46           The commission shall notify the bottle club in writing of its  
decision to deny registration of the bottle club under this  
48 subsection. Notwithstanding subsection 1, paragraph C, any  
person who operates a bottle club after receipt of a notice of  
50 denial of registration commits a Class D crime.

2 1-B. Appeal to Superior Court. Any person aggrieved by a  
3 commission decision to deny registration under subsection 1-A may  
4 appeal the decision to the Superior Court.

6 **Emergency clause.** In view of the emergency cited in the  
7 preamble, this Act takes effect when approved.

8  
10 **STATEMENT OF FACT**

12 This bill requires the State Liquor Commission to deny  
13 registration of a bottle club if the commission determines that  
14 any owner or operator of the bottle club is disqualified from  
15 receiving a liquor license under the Maine Revised Statutes,  
16 Title 28-A, section 601, subsection 2, or has been convicted of a  
17 Class A, Class B or Class C crime or a drug offense under Title  
18 17-A, chapter 45, during the preceding 5 years or is currently  
19 serving a sentence for any of these violations.

20 The bill makes operation of a bottle club after denial of  
21 registration a Class D crime. The bill changes the penalty for  
22 operation of an unregistered bottle club from a civil violation  
23 to a Class E crime in order to subject those who attempt to  
24 circumvent the licensing process to criminal liability.

26 The bill provides for appeal of the commission's decision  
27 denying registration to the Superior Court.  
28