

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 630

(Filing No. S- 169)

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 194, L.D. 630, Bill, "An Act to Amend the Liquor Laws"

Amend the bill in section 1 in subsection 6-A in paragraph C in the first line (page 1, line 12 in L.D.) by striking out the following: "or imitation liquor"

Further amend the bill by striking out all of section 3 and inserting in its place the following:

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

1. **Hours for sale of liquor.** Except as provided in paragraphs A, and B and C, licensees may sell or deliver liquor from 6 a.m. on any day until 1 a.m. of the following day.

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 12 noon.

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

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

~~C. Licensees may not sell or deliver liquor on Memorial Day before 12 noon.~~

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2 Further amend the bill by striking out all of section 4 and  
inserting in its place the following:

4 'Sec. 4. 28-A MRSA §161, sub-§§4 and 6, as enacted by PL 1987,  
6 c. 45, Pt. A, §4, are amended to read:

8 4. **Consumption or possession on premises.** A bottle club  
10 may not permit consumption or possession of imitation liquor on  
12 the bottle club premises by minors. No A bottle club may not  
14 permit consumption of liquor on the bottle club premises by  
16 minors or visibly intoxicated persons.

18 6. **Civil violations and jurisdiction.** A bottle club which  
20 that violates subsection 3, 4 ~~or~~ 5 or 7 commits a civil  
22 violation for which a forfeiture may be adjudged of not less than  
24 \$100 nor more than \$300 for the first offense; not less than \$200  
26 nor more than \$500 for the 2nd offense; and \$500 for the 3rd and  
28 subsequent offenses. The District Court has jurisdiction over  
30 the civil violations, defined in this section, under Title 17-A,  
32 section 9.'

34 Further amend the bill by striking out all of section 7.

36 Further amend the bill in section 8 in subsection 1 by  
38 striking out all of the last sentence (page 6, lines 19 to 23 in  
40 L.D.) and inserting in its place the following: 'Effective  
42 January 1, 1994, an employee who is at least 17 years of age but  
44 less than 21 years of age may serve or sell liquor only in the  
46 presence of an employee who is at least 21 years of age and is in  
48 a supervisory capacity or who was at least 18 years of age as of  
January 1, 1994 and was employed in a supervisory capacity by the  
employer before that date.'

Further amend the bill by striking out all of section 11 and  
inserting in its place the following:

'Sec. 11. 28-A MRSA §705, sub-§2, as amended by PL 1987, c.  
342, §37, is further amended to read:

2. **Prohibited sales of liquor or imitation liquor to be  
consumed off the premises.** No A licensee or licensee's employee  
or agent may not sell, furnish, give or deliver malt liquor,  
imitation liquor or wine to be consumed off the premises to:

- A. ~~---A person who is visibly intoxicated;~~
- B. ~~---A person of known intemperate habits; or~~

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2 E. A minor. Any licensee who accepts an order or receives  
payment for liquor or imitation liquor from a minor violates  
4 this paragraph.'

6 Further amend the bill by inserting after section 11 the  
following:

8 'Sec. 12. 28-A MRSA §705, sub-§2-A is enacted to read:

10 2-A. Prohibited sales of liquor to be consumed off the  
12 premises. A licensee or licensee's employee or agent may not  
sell, furnish, give or deliver malt liquor or wine to be consumed  
14 off the premises to a person who is visibly intoxicated.'

16 Further amend the bill in section 12 in subsection 3 by  
striking out all of paragraph A (page 7, line 19 in L.D.) and  
18 inserting in its place the following:

20 '~~A person who is visibly intoxicated,~~'

22 Further amend the bill by inserting after section 12 the  
following:

24 'Sec. 13. 28-A MRSA §705, sub-§3-A is enacted to read:

26 3-A. Prohibited sales of liquor to be consumed on the  
28 premises. A licensee or licensee's employee or agent may not  
sell, furnish, give, serve or permit to be served any liquor to  
30 be consumed on the premises where sold to a person who is visibly  
intoxicated.'

32 Further amend the bill by inserting after section 13 the  
following:

34 'Sec. 14. 28-A MRSA §705, sub-§5 is enacted to read:

36 5. Sale of imitation liquor to minors. A licensee or an  
38 agent or employee of a licensee may not sell, furnish, give,  
deliver, serve or permit to be served any imitation liquor to be  
40 consumed on or off the premises where sold to a minor. Any  
42 licensee who accepts an order or receives payment for imitation  
liquor from a minor violates this subsection.'

44 Further amend the bill in section 14, in paragraph A in  
subparagraph (2) in the last line (page 7, line 45 in L.D.) by  
46 striking out the following: "33.3" and inserting in its place  
the following: '33.8'

48 Further amend the bill by striking out all of sections 15  
50 and 16.

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2 Further amend the bill by striking out all of section 17 and  
inserting in its place the following:

4 'Sec. 17. 28-A MRSA §714, sub-§3, ¶¶A and B, as enacted by PL  
6 1991, c. 543, are amended to read:

8 A. Every keg of malt liquor offered for sale by an  
off-premises licensee must be tagged in a manner and with a  
10 label of a type approved by the Director of the Bureau of  
Liquor Enforcement identifying the keg. The tag must be  
12 supplied ~~and affixed to~~ for each keg, without fee, by the  
wholesaler of the keg.

14 B. The retail seller of the keg shall ~~require the purchaser~~  
16 ~~to~~ complete a form designed and approved by the Director of  
the Bureau of Liquor Enforcement and affix the label to each  
18 keg supplied to the retail seller by the distributor of the  
keg. The form must be printed and distributed, without fee,  
20 by the wholesaler of the keg. The form must include the  
name, address and date of birth of the purchaser and the  
22 identification number of the keg. The form must summarize  
the requirements of this section, the penalties for  
24 violating any provision of this section and the penalties  
for providing alcohol to a minor. The seller shall retain  
26 the form as a record subject to chapter 31.'

28 Further amend the bill in section 22 in subsection 2 by  
striking out all of the last sentence (page 9, lines 27 to 30 in  
30 L.D.) and inserting in its place the following: 'Effective  
January 1, 1994, an employee who is at least 17 years of age but  
32 less than 21 years of age may accept payment only in the presence  
of an employee who is at least 21 years of age and is in a  
34 supervisory capacity or who was at least 18 years of age on  
January 1, 1994 and was employed in a supervisory capacity by the  
36 employer before that date.'

38 Further amend the bill in section 23 in that part designated  
"§1206." in the first paragraph in the first line (page 9, line  
40 36 in L.D.) by striking out the following: "or imitation liquor"

42 Further amend the bill in section 24 in subsection 1,  
paragraph B in the 2nd line (page 9, line 48 in L.D.) by striking  
44 out the following: "the minor's own" and inserting in its place  
the following: 'ewa a'

46 Further amend the bill by striking out all of section 25.

48 Further amend the bill in section 26 by striking out all of  
50 subsection 4 and inserting in its place the following:

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2 '4. Penalties. Any person who illegally imports up to 5  
4 gallons of spirits, or causes up to 5 gallons of spirits to be  
6 shipped into the State commits a ~~Class-E-crime~~ civil violation  
8 for which a forfeiture not to exceed \$500 must be adjudged. Any  
person who illegally imports 6 or more gallons of spirits or  
causes 6 or more gallons of spirits to be shipped into the State  
commits a Class E crime.'

10 Further amend the bill in section 28 by striking out all of  
12 subsection 4 and inserting in its place the following:

14 '4. Penalties. Any person who illegally transports ~~malt~~  
16 liquor-~~er~~ up to 5 gallons of wine or up to 9 gallons of malt  
18 liquor into or within the State commits a ~~Class-E-crime~~ civil  
violation for which a forfeiture not to exceed \$500 must be  
adjudged. Any person who illegally transports 6 or more gallons  
of wine or 10 or more gallons of malt liquor into or within the  
State commits a Class E crime.'

20 Further amend the bill in section 30 in subsection 1 in  
22 paragraph A in the next to the last line (page 12, line 9 in  
L.D.) by striking out the following: "or imitation liquor"

24 Further amend the bill in section 30 in subsection 1 in  
26 paragraph B in the last line (page 12, line 14 in L.D.) by  
striking out the following: "or imitation liquor"

28 Further amend the bill in section 30 in subsection 1 in  
30 paragraph C in the next to the last line (page 12, line 17 in  
L.D.) by striking out the following: "or imitation liquor"

32 Further amend the bill in section 30 in subsection 1 by  
34 adding at the end the following:

36 'D. Procure, or in any way assist in procuring, furnish,  
38 give, sell or deliver imitation liquor for or to a minor, or  
40 allow a minor under that person's control or in a place  
under that person's control to possess or consume imitation  
liquor.'

42 Further amend the bill by inserting after section 31 the  
44 following:

46 '**Sec. 32. 28-A MRSA §2081, sub-§3,** as amended by PL 1991, c.  
797, §13, is further amended to read:

48 3. Penalties. Any person who violates subsection 1,  
50 paragraph A or B, commits a Class D crime. Any person who  
violates subsection 1, paragraph C, or D commits a Class E crime,

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2 for which a forfeiture of not more than \$500 may be adjudged. In  
the case of a person who has one previous conviction of a  
4 violation of subsection 1, paragraph A or B, within a 6-year  
period, the fine may not be less than \$500, which penalty may not  
6 be suspended. In the case of a person who has 2 or more previous  
convictions of a violation of subsection 1, paragraph A or B,  
8 within a 6-year period, the fine may not be less than \$1,000. In  
the case of a person who has no previous conviction of subsection  
10 1, paragraph A or B, within a 6-year period, the fine may not be  
less than \$500, which penalty may not be suspended if that person  
12 is convicted of a violation of subsection 1, paragraph A or B,  
involving a minor less than 14 years old.

14 Sec. 33. 28-A MRSA §2082, sub-§3, as enacted by PL 1987, c.  
45, Pt. A, §4, is amended to read:

16 3. Violation. Any person who violates this section is  
18 ~~guilty of a Class E crime~~ commits a civil violation for which a  
forfeiture of not more than \$500 may be adjudged.'

20 Further amend the bill by striking out all of sections 34  
22 and 35 and inserting in their place the following:

24 'Sec. 34. 28-A MRSA §2519, sub-§5, as enacted by PL 1991, c.  
591, Pt. L, §8, is amended to read:

26 5. Fee. The fee for enrollment in an a Bureau of Liquor  
28 Enforcement alcohol server education course is \$25 ~~\$28~~ per  
participant.

30 Sec. 35. 28-A MRSA §2519, sub-§§6 to 8 are enacted to read:

32 6. Instructor training. Each instructor providing  
34 instruction in an approved alcohol server education course shall  
biennially attend a seminar on the liquor laws of the State  
36 provided by an employee of the Bureau of Liquor Enforcement.  
There is a \$5 fee for the seminar to offset expenses incurred in  
38 carrying out this subsection. The instructor of each seminar  
provided shall supply the Bureau of Liquor Enforcement with the  
40 name, address and telephone number of each attendant.

42 7. Course accountability. The Director of the Bureau of  
Liquor Enforcement may appoint an employee of the bureau to  
44 monitor each alcohol server education course to ensure that the  
course presents proper training and meets the approved criteria.  
46 The Bureau of Liquor Enforcement shall maintain a record of the  
participants who have completed an alcohol server training  
48 course. Each instructor of an approved course shall provide the  
Director of the Bureau of Liquor Enforcement with the names,

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2 addresses, dates of birth and social security numbers of students  
3 who complete the course and the date of completion. The  
4 instructors shall forward \$3 of the \$28 enrollment fee to the  
5 Bureau of Liquor Enforcement for every name submitted. The  
6 amounts collected must be retained by the Bureau of Liquor  
7 Enforcement to cover costs incurred in carrying out this  
8 subsection.

9 **8. Alcohol server education courses; approval; suspension;**  
10 **revocation. The Commissioner of Public Safety may refuse to**  
11 **issue or renew approval for an alcohol server education course.**  
12 **The Commissioner of Public Safety may suspend or revoke approval**  
13 **for an alcohol server education course upon the recommendation of**  
14 **the advisory committee after reviewing the report of the**  
15 **monitor. The following are grounds for an action to refuse to**  
16 **issue or renew approval or to suspend or revoke approval.**

17 **A. The advisory committee finds that an alcohol server**  
18 **education course does not meet the criteria listed in**  
19 **subsection 3 or specific criteria determined by the**  
20 **committee.**

21 **B. The course, when presented, does not follow specific**  
22 **criteria determined by the advisory committee before**  
23 **issuance of approval.**

24 **C. The instructor of the course does not provide**  
25 **information or access to the monitor as required by**  
26 **subsection 7.**

27 **D. Fraud or deceit is used to obtain course approval or in**  
28 **providing the course or issuing certificates.**

29 **A person aggrieved by a decision of the Commissioner of Public**  
30 **Safety to refuse to issue or renew approval or to suspend or**  
31 **revoke approval for an alcohol server education course may,**  
32 **within 30 days of receipt of that decision, appeal the decision**  
33 **to the Administrative Court.'**

34 Further amend the bill by renumbering the sections to read  
35 consecutively.

36 Further amend the bill by inserting at the end before the  
37 statement of fact the following:

38 **FISCAL NOTE**

39 The permit fee established for "B.Y.O.B." functions will  
40 increase General Fund undedicated revenues. There will be an



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2 additional increase in General Fund revenues from the increase in  
the fee for the alcohol server course. These amounts can not be  
4 determined at this time.

6 The Department of Public Safety will incur some minor  
additional costs related to routine enforcement activities.  
8 These costs can be absorbed within the department's existing  
budgeted resources.

10 The costs associated with the Bureau of Liquor Enforcement  
12 providing a biennial seminar to alcohol server course instructors  
will be offset by the fee paid for the course. The additional  
14 dedicated revenues generated and the associated costs can not be  
determined at this time.

16 The reduction of 2 Class E crimes to civil violations in  
18 certain circumstances and the addition of some new Class E crimes  
may result in a net increase in the number of sentences served at  
20 county jails. The average cost per sentence for a Class E crime  
is \$4,188 based upon an average length of stay of 67 days.

22 The additional workload and administrative costs associated  
24 with the minimal number of new cases filed in the court system  
can be absorbed within the budgeted resources of the Judicial  
26 Department. The collection of additional fines may increase  
General Fund revenues by a minor amount.'

28 **STATEMENT OF FACT**

30 This amendment makes the following changes to the bill.

32 1. The amendment establishes penalties for selling or  
34 furnishing imitation liquor to a minor that are not contained in  
the bill or in current law and deletes those other provisions of  
36 the original bill that would have regulated imitation liquor in  
the same manner as real liquor.

38 2. The amendment restores the current legal definition of  
40 keg.

42 3. The amendment removes the prohibition on the sale of  
44 liquor on Memorial Day.

46 4. The amendment changes the number of ounces in a pitcher  
of malt liquor or a carafe of wine that may be sold to one person  
48 at one time or with a meal.

50 5. The amendment makes changes in the keg registration law.

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2 6. The amendment eliminates the section of the bill that  
4 would have regulated transportation of imitation liquor by minors  
and, instead, establishes a prohibition on the possession of  
imitation liquor by minors.

6 7. The amendment reinstates the Maine Revised Statutes,  
8 Title 28-A, section 2519, subsection 5, establishes an enrollment  
fee of \$28 for alcohol server education courses and makes other  
10 changes in the laws governing alcohol server education courses.

12 8. The amendment clarifies the penalties for illegal  
importation of spirits, malt liquor and wine.

14 This amendment also adds a fiscal note to the bill.

Reported by the Majority for the Committee on Legal Affairs.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(5/19/93) (Filing No. S-169)