

MAINE STATE LEGISLATURE

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EIGHTY - SIXTH LEGISLATURE

Legislative Document

No. 22

H. P. 38 House of Representatives, Jan. 12, 1933.

Referred to Committee on Temperance and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Audet of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-THREE

AN ACT to Permit the Manufacture and Sale of Non-intoxicating Malt Beverages; to Derive Revenue Therefrom; and to Create a Legal Definition of the Term "Saloon".

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

Sec. 1. **Manufacture, etc., of non-intoxicating malt beverages legalized.** The manufacture, sale, transporting, and keeping for sale of malt beverages commonly called beer, ale, and porter, provided their alcoholic strength does not exceed the percentage which shall be from time to time fixed by act of the congress of the United States as non-intoxicating, is hereby declared to be legal. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 2. **Local option.** Towns, by vote of their town meeting, and cities, by vote of their city council, shall have the right to permit the sale within their limits of such malt beverages and to raise revenue for municipal purposes by issuing licenses as herein provided.

Sec. 3. **Towns may license; excise tax.** Towns and cities which have so voted to permit the sale of non-intoxicating malt beverages may enact by-laws or ordinances, not otherwise inconsistent with law, for the licensing and regulating of such sale. Such by-laws or ordinances shall fix the amount of the annual excise tax to be required for issuing or renewing a

license, but such tax shall not exceed the sum of \$1,000 per year for one place of business; they may require proof of public convenience as to location of place of business and proof of financial responsibility of the applicant for license.

Sec. 4. **Only innkeepers and victualers to be licensed.** No license shall be issued except to a licensed victualer or innkeeper; and the revocation of the victualer's or innkeeper's license shall operate as a revocation of the malt beverage dealer's license.

Sec. 5. **Sale regulated.** No malt beverage shall be sold except with food; the food and beverage to be consumed on the premises.

Sec. 6. **Definition of a saloon.** Any place where malt beverages, of any alcoholic content whatever, is sold without food to be consumed on the premises, is hereby declared to be a liquor saloon.

Sec. 7. **Saloons declared a nuisance.** A liquor saloon is hereby declared to be a common nuisance, and the keeping or aiding in keeping of such shall be punished as provided for maintaining a common nuisance.

Sec. 8. **Licenses, how issued; regulations.** The issuing of licenses for and the regulating of breweries for the manufacture of malt beverages permitted by this act is hereby vested in the governor and executive council who shall have authority to grant or revoke licenses and to determine the amount of annual license fee to be charged, and to make all necessary rules and regulations not inconsistent with law. The revenues derived from brewers' licenses shall be paid into the general funds of the state treasury.