

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 736**

H. P. 1490

House of Representatives, February 11, 1941.

Referred to the Committee on Temperance and 650 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Slosberg of Gardiner by request.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT Relating to Restaurants and Locations of Restaurants Handling  
Malt Beverages.**

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

**P. L. 1933, chapter 268, § 10, amended.** Section 10 of chapter 268 of the public laws of 1933, as amended by chapter 201 of the public laws of 1927, as amended by chapter 228 public laws of 1939, is hereby further amended to read as follows :

**‘Sec. 10. Licenses to hotel, restaurants and clubs.** No license to sell malt liquors to be consumed on the premises where sold shall be issued to any person, firm or corporation for any premises except a bona fide hotel, restaurant or club nor unless the application therefor be approved by the municipal officers of the city or town where said hotel, restaurant or club is located, and if said hotel, restaurant or club is located in an unorganized place said application shall be approved by the county commissioners of the county, within which the same is located. ~~Except as otherwise provided by law relating to part time licenses, no license shall be issued to a restaurant unless that restaurant has been in operation as such for a period of at least 6 months next prior to the application for the said license.~~ No licensee under this section of this act shall maintain a bar where malt liquors are consumed. Clubs licensed under this act shall not

sell malt liquors for consumption on the premises except to its members and their guests accompanying them. The word "club" as used in this act means a group of individuals, incorporated and which is organized and operated in a bona fide manner, solely for objects of a recreational, social, patriotic or fraternal nature and not for pecuniary gain. Licenses issued under this section shall specify the premises to which the license shall apply, and no license for such sale, **except in the business area as interpreted by the state liquor commission**, shall be granted to premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house (measured from the main entrance of said premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel) or to premises adjoining any of the same, except such premises as are used for hotel purposes or as are holding licenses for the sale of vinous and spirituous liquors at the effective date of this act, **but** provided however, that the commission may grant in **an area interpreted by the state liquor commission as not a business area**, licenses to premises which are within 300 feet of a church, chapel or parish house, measured as aforesaid and which do not adjoin any of the same, when the application therefor has the unanimous approval of the members of the state liquor commission and also the written approval of a majority of the officers or the written approval of the officer, person or pastor in charge of the church, chapel or parish house located in such section.

Any applicant aggrieved by the refusal of the municipal officers or county commissioners to approve an application as hereinbefore provided, may appeal to the state liquor commission, who shall hold a public hearing thereon in the city or town for which said license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'