

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 155

S. P. 61

House of Representatives, January 19, 1943.

Referred to Committee on Temperance in concurrence and 750 ordered printed.

HARVEY R. PEASE, Clerk.

Referred to 91st Legislature by 90th Legislature.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT to Improve the Efficiency of the Administration of the Liquor
Laws and to Safeguard State Revenues During the Present Emergency.**

Emergency preamble. Whereas, a state of war exists between the United States and Germany, Italy, Japan and other foreign countries; and

Whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Regulation of the importation of intoxicating liquors other than those consigned to wholesale malt liquor licensees. Section 1 of chapter 223 of the public laws of 1937 is hereby amended to read as follows:

'Sec. 1. Importation of liquors, regulated. No person, association, partnership or body corporate, other than the state liquor commission, shall import spirituous ~~and~~ or vinous liquors into this state. Any person importing, or causing to be shipped into the state, or transporting spirituous ~~and~~ or vinous liquors into the state, shall be punished by a fine of not

more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment; provided, however, it shall be lawful for an individual to transport into this state and to transport from place to place within the state, spirituous or vinous liquors for his personal use, in a quantity not to exceed 3 quarts. ; **provided further, that the state liquor commission, in its discretion and by its written authorization, may permit and authorize the importation of spirituous or vinous liquors into this state and the transportation of the same from place to place within this state to the following:**

(a) **To industrial establishments for use as an ingredient in the manufacture of food products, or for use as an ingredient in the manufacture of commodities which by reason of their nature cannot be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes.**

(b) **To duly licensed distillers and manufacturers of spirituous or vinous liquors in this state for use as an ingredient in distilling or manufacturing spirituous or vinous liquors.**

(c) **To and for the use of instrumentalities of the United States of America, officers' clubs and officers' messes located within areas in this state owned or leased by the United States and occupied and used by the military or naval forces of the United States, subject however, to the approval of the commanding officer in charge of the area within which any such instrumentality, officers' club or officers' mess is located.**

(d) **To and for ship stores on ships and boats of the naval forces of the United States, subject, however, to the approval of the captain or officer in charge of the ship or boat concerned.**

(e) **Said commission, in its discretion and by its written authorization, may permit and authorize the importation of wine into this state and the transportation of the same from place to place within this state to churches or to the respective pastor of any church for sacramental purposes or like religious rites.**

Spirituous or vinous liquors imported into this state and transported within this state under the provisions of subsection (c) above, shall be for the exclusive use of the military and naval forces of the United States stationed within the area to which it is first consigned or delivered and shall not be removed or transported from said area unless upon written permission of said commission, nor shall any of said liquors be sold, fur-

nished or given to any civilian person in this state either within or without said area.

Spirituous and vinous liquors imported into this state and transported within this state under the provisions of subsection (d) above, shall be for the exclusive use of the military and naval forces of the United States on board said ships and boats and shall not be sold, given or furnished to any civilian person in this state.

The state liquor commission shall have the right and power to prescribe such conditions as it deems necessary or advisable as conditions precedent to granting permission and authority to import spirituuous and vinous liquors into this state and to transport the same within this state under the provisions of subsections (a), (b), (c), (d) and (e), above, and to make rules and regulations for clarifying and carrying out said provisions, and preventing violations of the laws relating to liquor.'

Sec. 2. Taxes on wines and spirits. Section 1 of chapter 295 of the public laws of 1941 is hereby amended to read as follows:

'**Sec. 1. Consumers tax on spirituuous and vinous liquors.** All spirits and wines as defined in section 4 of chapter 300 of the public laws of 1933 shall hereafter be sold by the state at a price to be determined by the liquor commission which will produce a state liquor tax of not less than ~~61%~~ 54% based on the less carload cost f. o. b., ~~Augusta, Maine, state liquor commission warehouse,~~ excepting only that spirits and wines sold at wholesale under the provisions of section 5 of chapter 301 of the public laws of 1933, as amended, may be sold at wholesale prices established pursuant to the provisions thereof. Any increased federal taxes levied on or after ~~April 7, 1941~~ January 1, 1942 shall be ~~added to~~ included in the established selling price ~~without mark-up.~~ by a corresponding change in mark-up, so that the gross state tax revenue will not be less than the state tax revenue received prior to the increased federal tax. All net revenue derived from such tax shall be deposited to the credit of the general funds of the state.'

Sec. 3. Business hours of state stores regulated. Section 9 of chapter 300 of the public laws of 1933, as amended by chapter 147 of the public laws of 1937, is hereby further amended to read as follows:

'**Sec. 9. Business hours for state stores.** State stores shall not be open on Sundays, court holidays or on the day of the holding of a general election or state-wide primary or between the hours of ~~8 P. M. 12 o'clock mid-~~ night and 9 A. M., ~~except on Saturdays when, if open, they may be kept open until 10 P. M.,~~ and the liquor commission is hereby authorized

to regulate the opening and closing hours of each store within the provisions of this act.

No sales shall be made therein to minors, or persons under the influence of liquor.'

Sec. 4. Special provisions as to malt liquors notwithstanding majority vote under local option laws. Notwithstanding the majority of votes cast in the negative in respect to questions (3) or (4) of the local option laws, so called, in any city or town in this state within which is situated any area owned or leased by the United States of America and which area is occupied and used by the military or naval forces of the United States, the state liquor commission, in its discretion after request therefor by the commanding officer of the area, may permit licensees licensed in this state for the sale and distribution of malt liquors at wholesale, to sell, transport and deliver malt liquors to any instrumentality of the United States located within any such area, for the use of any such instrumentality or for resale by any such instrumentality to the military or naval forces of the United States located within the area where delivered, for consumption within said area. No malt liquors delivered to any such instrumentality under the provisions of this act shall be sold, given or furnished to any civilian person in this state either within or without the area where delivered and no malt liquors so delivered as aforesaid shall be removed or transported from the area where first delivered unless upon written permission of said commission.

The state liquor commission shall have the right and power to prescribe such conditions as it deems necessary or advisable as conditions precedent to granting permission to wholesalers of malt liquors to sell, transport and deliver malt liquors to said instrumentalities located within said area, and to make rules and regulations for clarifying and carrying out the provisions of this act, and preventing violations of the laws relating to liquor.

Sec. 5. Regulation of the sale of malt liquors to minors. Section 12-C of chapter 268 of the public laws of 1933, as enacted by chapter 233 of the public laws of 1937 and amended by chapter 250 of the public laws of 1941, is hereby further amended to read as follows:

'Sec. 12-C. Limitations on sales by licensees. No licensee shall sell, or offer to sell, any malt liquor, wine or spirits, except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members. No right of action shall exist to collect claims for credits extended contrary to the provisions of this section. Nothing herein contained shall prohibit a licensee from giving credit to a purchaser for the actual price

charged for packages or original containers to be returned by the original purchaser as a credit on any sale, or from refunding to a purchaser the amount actually paid by such purchaser for packages or original containers.

No licensee shall sell, offer to sell, or furnish any liquor, malt liquor, wines, or spirits to any person on a pass book or store order, or receive from any person any goods, wares, merchandise or other article in exchange for liquor, malt liquor, wines, or spirits, except only such packages or original containers as were originally purchased from such licensee by the person returning the same. No licensee shall sell, furnish, give, serve, or permit to be served any liquor, malt liquor, wine, or spirits to any person visibly intoxicated, to any insane person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits, or to any minor under the age of 18 years, ~~except that a licensee for the sale of malt liquor to be consumed on the premises shall not furnish and sell such malt liquor in conformity with such license to persons under the age of 21 years.~~

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.