

MAINE STATE LEGISLATURE

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

Legislative Document

No. 685

S. P. 254
Referred to Committee on Liquor Control. Sent down for concurrence and ordered printed.

In Senate, February 10, 1955.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Crabtree of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT to Clarify the Liquor Laws.

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

Sec. 1. R. S., c. 61, § 1, amended. The 11th paragraph of section 1 of chapter 61 of the revised statutes which relates to the definition of "licensee" is hereby repealed and the following enacted in place thereof:

"Licensee" shall mean the person to whom a license of any kind is issued by the Commission.'

Sec. 2. R. S., c. 61, § 1, amended. Section 1 of chapter 61 of the revised statutes is hereby amended by adding after the 12th paragraph thereof, which relates to the definition of "liquor," the following paragraph:

"Malt liquors" shall mean all kinds and types of liquors as herein defined produced by the fermentation of malt wholly or partially or from any substitute therefor.'

Sec. 3. R. S., c. 61, § 2, repealed and replaced. Section 2 of chapter 61 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 2. Local option. The aldermen of cities, the selectmen of towns and the assessors of plantations are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for the calling and holding of biennial meetings of said inhabitants for the election of Senators and Representatives, at the time of holding such biennial meeting to give in their votes upon the following questions:

I. Shall state stores for the sale of liquor be operated by permission of the State Liquor Commission in this city or town?

II. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises?

III. Shall licenses be granted in this city or town for sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises?

IV. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of taverns?

V. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) not to be consumed on the premises?

Upon receipt of a petition of electors resident in that city or town in writing addressed to the Secretary of State and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that city or town, which petition shall be filed with the Secretary of State on or before the 1st day of July preceding the day of the biennial election, the ballots for that city or town shall carry in accordance with the petition any or all of the following additional questions:

VI. Shall licenses be granted in this city or town for sale herein of wines and spirits to be consumed on the premises of part-time hotels and clubs?

VII. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises of a club only?

VIII. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of a club only?

The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots in manner and form as prescribed in section 5 of chapter 5 for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said chapter 5.

The inhabitants of the several cities, towns and plantations shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No," and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature, and the Governor and Council shall canvass the same and the result shall be determined as provided in section 52 of chapter 5.

If a majority of the votes cast in any city or town in answer to any local option question is in the affirmative, the Commission may issue licenses of the type authorized by such affirmative vote in such city or town for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in any city or town in answer to any local option question is in the negative, no licenses for sale of the type denied by such negative vote shall be issued in such city or town for the 2 calendar years next following.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Upon this ballot no other referendum question shall be printed.'

Sec. 4. R. S., c. 61, § 21, amended. Section 21 of chapter 61 of the revised statutes is hereby amended by repealing the 2nd paragraph thereof and enacting in place thereof the following:

'All purchase order forms are to be furnished by the Commission and all orders are to be executed in quintuplet. First, the wholesaler ordering malt liquor shall mail 3 copies to the Commission with a check for the amount of excise taxes required to cover the amount of the order. Thereafter, the wholesaler may mail the original copy of the order to the qualified brewery or wholesaler with whom he wishes to place his order. On receipt of the 3 copies and check for excise taxes, the Commission shall promptly receipt 2 copies and return one copy to the wholesaler and send one to the brewery or foreign wholesaler designated to receive the order and no brewery or foreign wholesaler shall ship or release malt liquor for delivery in Maine until notified by the Commission that the excise tax has been paid thereon in accordance with the provisions of this section.'

Sec. 5. R. S., c. 61, § 28, amended. The last 2 paragraphs of section 28 of chapter 61 of the revised statutes are hereby repealed and the following enacted in place thereof:

'Every applicant for a license for sale of liquor to be consumed on the premises where sold shall include in his application a description of the premises for which he desires license and shall further set forth such other material information, description or plan of that part of the premises where it is proposed to keep or sell liquor as the Commission may require.'

Sec. 6. R. S., c. 61, § 31, amended. The 3rd paragraph of section 31 of chapter 61 of the revised statutes is hereby amended to read as follows:

'Any club maintaining a ~~public~~ dining room and catering either privately or for functions to a group of nonmembers of the club, also any club with dining rooms letting rooms to nonmembers, must pay the same fee as required by a hotel located in the same municipality.'

Sec. 7. R. S., c. 61, § 31, amended. The last paragraph of section 31 of chapter 61 of the revised statutes is hereby amended to read as follows:

'Every applicant for an original or renewal malt liquor license shall remit with his application a filing fee of \$10, except in unorganized places the filing fee of \$10 shall be paid to the county treasurer of the county in which the unincorporated place is located, and all such applications for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.'

Sec. 8. R. S., c. 61, § 31, amended. Section 31 of chapter 61 of the revised statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

'Any licensee applying for license to operate more than one premise shall pay the fee prescribed for the type of license to be exercised at each such premise.'

Sec. 9. R. S., c. 61, § 31-A, additional. Chapter 61 of the revised statutes is hereby amended by adding thereto a new section to be numbered 31-A, to read as follows:

'Sec. 31-A. Payments to the Commission by check. The Commission may accept personal checks of licensees and persons applying for license for fees, excise taxes and permits authorized to be collected by them under the provisions of this chapter and for liquor sold to licensees through its wholesale store. If any such checks are not honored on presentation by the State, the Commission shall withhold licenses not issued and immediately take back licenses already issued voiding them until such check, together with all costs of check failure, have been paid by the person paying by such personal check. The Commission may further order that all payments made to it by such person for a period not to exceed 1 year shall be only by cash, certified check or money order.'

Sec. 10. R. S., c. 61, § 32, amended. Section 32 of chapter 61 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

'All retail store licensees must have and maintain an adequate stock of merchandise reasonably compatible with a stock of liquor in no case less than \$1,000 wholesale value.'

Sec. 11. R. S., c. 61, § 40, amended. Section 40 of chapter 61 of the revised statutes is hereby amended to read as follows:

'Sec. 40. Music, dancing or entertainment on licensed premises. No licensee for sale of liquor to be consumed on his licensed premises shall permit, on ~~the~~ his licensed premises, ~~or premises contiguous or adjacent thereto, under his control~~ any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Commission a special amusement permit for which he shall pay to the Commission a fee of \$10. The Commission is authorized to make whatever rules and regulations governing such dancing and entertainment as it deems necessary. Such permit shall be valid only for the license year of the existing license ~~for the sale of malt liquor~~. The Commission shall not issue such a permit unless the applicant shall have first obtained the approval of the municipal officers of the municipality in which the licensed premises are situated.'

Sec. 12. R. S., c. 61, § 50, amended. The 1st paragraph of section 50 of chapter 61 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Every retail licensee shall keep, in each premise for which he has a license, complete records separate and apart from records relating to any other transactions engaged in by the licensee showing the date of all purchases, the actual prices paid therefor and the fact that the licensee paid cash for all liquor bought by him at the time of or prior to delivery of such liquor together with the name and address of every person from whom such liquor was purchased. In the case of wholesalers records shall be kept in the principal licensed establishment of the wholesale licensee showing that all sales and purchases are in accordance with the law relating to cash sales including detailed accounts of all its transac-

tions with brewers, other wholesalers and retailers. All such records shall be open to the Commission or its representatives at any time and the Commission or its representatives shall have the right to make copies thereof which may be used as evidence of violations of this section.'

Sec. 13. R. S., c. 61, § 56, sub-§ I, amended. The last sentence of subsection I of section 56 of chapter 61 of the revised statutes is hereby amended to read as follows:

'Licensees ordered in for hearing as herein provided shall bring with them their licenses but the notice of hearing shall authorize the licensee to operate the licensed business the day of the said hearing, and all penalties imposed by the Commission shall start the day following the hearing, **except that revocations shall start at the time such revocation is imposed by the Commission.**'

Sec. 14. R. S., c. 61, § 25, repealed. Section 25 of chapter 61 of the revised statutes is hereby repealed, as follows:

~~'Sec. 25. Notice of application for license published. No new license for the sale of liquor shall be issued, except licenses for sale of malt liquor, until notice of application for same has been published by the commission in the official state paper and a 10 day period has elapsed from the date of such publication.'~~