

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
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AUGUSTA, MAINE
1937

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

be construed as in any way repealing, amending, invalidating or abrogating the provisions of chapter 106 of the public laws of 1933. The holder of such permit, its or his agents or servants, shall at all times be subject to the provisions of said chapter.

Approved April 17, 1937.

Chapter 199

AN ACT Regulating Sale of Liquor Near National Homes.

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

Sale of intoxicating liquor within 2 miles of national home. Whoever sells or gives away any ale, beer, wine, cider, or other intoxicating liquors at any place within 2 miles outside of the boundary line of the lands occupied by any home, retreat or asylum for disabled volunteer soldiers, or soldiers and sailors, which has been or may hereafter be established by the government of the United States, upon conviction shall pay a fine of not less than \$25 nor more than \$100, and in addition thereto shall be imprisoned for a term of 30 days; and on conviction of the owner or keeper thereof the place wherein such intoxicating liquors shall have been sold or given away shall be, by order of the court wherein such conviction is made, within 10 days thereafter, closed and abated as a nuisance. And it is hereby made the duty of the prosecuting attorney of the county in which any such institution is or may be located to prosecute all offenders against the provisions of this act.

Approved April 17, 1937.

Chapter 200

AN ACT Relating to Lobster Fishermen's Licenses.

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

P. L., 1933, c. 2, § 73, amended. Section 73 of chapter 2 of the public laws of 1933 as amended by chapter 199 of the public laws of 1933 is hereby amended by adding in the 12th line thereof after the words: "a resident of the state of Maine" the words ' and provided further, that no such license issued shall entitle the holder thereof to use any pots, traps, boats, trawls or other contrivances used for the catching or taking of lobsters within the waters adjacent to the county of York, unless the commissioner

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of sea and shore fisheries is satisfied that the applicant therefor has the bona fide intention of becoming a legal resident of said county of York.'

Approved April 17, 1937.

Chapter 201

AN ACT Relating to Malt Liquors.

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

P. L., 1933, c. 268, § 10, amended. Section 10 of chapter 268 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 10. Licenses to hotels, restaurants and clubs. No license to sell malt ~~beverages~~ 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. **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 prior to the application for the said license.** No licensee under this section of this act shall maintain a bar where malt ~~beverages~~ liquors are consumed. Clubs licensed under this act shall not sell malt ~~beverages~~ 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 shall be granted to premises within a radius of 300 feet of a public or private school, 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.

Any applicant aggrieved by the refusal to approve an application as hereinbefore provided, may appeal to the state ~~licensing board~~ **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.'

Approved April 17, 1937.