

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-fifth Legislature

1951

Chapter 354

AN ACT Relating to Open Time on Rabbits in Somerset County.

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

R. S., c. 33, § 95, amended. The 2nd paragraph of section 95 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

'During the open season it shall be unlawful for any person to shoot, take, kill or have in possession more than 4 rabbits taken, shot or killed in any one day and not more than 8 rabbits so shot or killed in possession at any one time, except that in Somerset county it shall be unlawful for any person to shoot, take, kill or have in possession at any 1 time more than 2 rabbits.'

Effective August 20, 1951

Chapter 355

AN ACT Relating to the Liquor Commission.

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

R. S., c. 57, § 6, sub-§ IV-A, additional. Section 6 of chapter 57 of the revised statutes, as amended, is hereby further amended by adding thereto a new subsection, to be numbered IV-A, to read as follows:

'IV-A. The commission at all times and with respect to all policies shall neither discriminate against nor in favor of any person, firm or corporation because of his residence or non-residence in the state except as provided for in subsection IV of this section.'

Effective August 20, 1951

Chapter 356

AN ACT to Clarify Provisions of the Liquor Law.

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

Sec. 1. R. S., c. 57, § 1, amended. The 4th paragraph of section 1 of chapter 57 of the revised statutes, as amended by chapter 246 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'"Club" shall mean any reputable group of individuals incorporated and operating in a bona fide manner solely for objects of recreational, social, patriotic or fraternal nature and not for pecuniary gain. To qualify for

license or any renewal thereof under the provisions of this chapter a club shall, for at least 2 years immediately preceding application therefor, have been in continuous operation and existence, regularly occupied as owner or lessee a suitable clubhouse or quarters for use of members, held regular meetings, conducted its business through officers regularly elected, and charged and collected dues from elected members, except that any veterans' organization in the state having a charter from a national veterans' organization shall be exempt from the 2-year requirement, provided it has been established for not less than 3 months.'

Sec. 2. R. S., c. 57, § 1, amended. The 8th paragraph of section 1 of chapter 57 of the revised statutes, as amended by chapter 226 of the public laws of 1947, is hereby further amended by adding at the end thereof the following sentence:

'Increase in population as shown by the 1950 and any subsequent federal census shall not affect the eligibility for license of premises licensed prior to any such census.'

Sec. 3. R. S., c. 57, § 13, amended. The next to last paragraph of section 13 of chapter 57 of the revised statutes, as repealed and replaced by chapter 92 of the public laws of 1947, is hereby amended by adding at the end thereof the following sentence:

'In the case of wine bottlers and wineries, the license shall authorize sale and delivery of wine to holders of sacramental wine permits issued by the commission.'

Sec. 4. R. S., c. 57, § 22-D, amended. The last sentence of the 1st paragraph of section 22-D of chapter 57 of the revised statutes, as enacted by section 1 of chapter 264 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

'No applicant whose application is denied by the commission shall be eligible to apply for a liquor license of the same type again for a period of 6 months from the date of such denial unless the commission denial is overruled by the court under appeal provided by section 60-A.'

Sec. 5. R. S., c. 57, § 22-E, amended. The last 2 sentences of section 22-E of chapter 57 of the revised statutes, as enacted by section 1 of chapter 259 of the public laws of 1949, are hereby repealed and the following enacted in place thereof:

'No person, having his or its license for manufacture or sale of liquor at wholesale or retail revoked, shall be granted a license until the expiration of 5 years from the date of such revocation. No person unlicensed at the time of the offense, who is convicted of violating any of the laws of this

state or of the United States with respect to the manufacture, transportation, importation, possession or sale of intoxicating liquor, shall be granted a license for the sale of liquor for a period of 5 years from the date of such conviction. No license shall be issued to any law enforcement official who benefits either directly or indirectly.'

Sec. 6. R. S., c. 57, § 22-F, amended. The 1st 2 paragraphs of section 22-F of chapter 57 of the revised statutes, as enacted by section 1 of chapter 85 of the public laws of 1949, are hereby amended to read as follows:

'Hotel—Spirituous and vinous (in cities or towns having population of 10,000 or more)	\$600.00
Hotel—Spirituous and vinous (in cities or towns having population of less than 10,000)	300.00

Population shall be determined according to each federal decennial census as shown by any official report authorized by the federal census act and shall apply to the licensing period next following such official report.'

Sec. 7. R. S., c. 57, § 35, amended. The 1st paragraph of section 35 of chapter 57 of the revised statutes, as amended by chapter 179 of the public laws of 1945 and repealed and replaced by chapter 90 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'The commission, upon application in writing, may transfer any retail liquor license from one place to another within the same municipality; provided such transfer shall only be made with the approval of municipal officers of such municipality in all cases except retail store licenses; but no such transfer shall be made to premises for which the license could not have been originally lawfully issued.'

Sec. 8. R. S., c. 57, § 37, amended. The 1st sentence of section 37 of chapter 57 of the revised statutes is hereby amended to read as follows:

'No licensee shall permit on the 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 ~~file~~ fee of \$10.'

Sec. 9. R. S., c. 57, §§ 38, 39, repealed; § 38-A, renumbered. Sections 38 and 39 of chapter 57 of the revised statutes, as amended, are hereby repealed; and section 38-A of chapter 57 of the revised statutes, as enacted by chapter 89 of the public laws of 1947, is hereby renumbered to be section 38 of said chapter 57.

Sec. 10. R. S., c. 57, § 40, amended. The 1st sentence of section 40 of chapter 57 of the revised statutes, as amended by chapter 185 of the public laws of 1945; by section 3 of chapter 322 of the public laws of 1947; and by section 104 of chapter 349 and section 1 of chapter 419, both of the public laws of 1949, is hereby further amended to read as follows:

'Licenses for the sale of spirituous and vinous liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, steamboats and railroad dining cars on payment of the fees herein provided; subject, however, to the condition that the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant or hotel, is operating the same, 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 such unorganized place is located, and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor ~~and~~ or wine.'

Sec. 11. R. S., c. 57, § 46, amended. The 1st sentence of section 46 of chapter 57 of the revised statutes is hereby amended to read as follows:

'No spirituous or vinous license shall be granted to a hotel, club or restaurant until the applicant therefor has filed with the commission a bond to the state of Maine in the penal sum of \$1,000 as liquidated damages in case of default as hereinafter mentioned.'

Sec. 12. R. S., c. 57, § 22, amended. Section 22 of chapter 57 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new paragraph to read as follows:

'Any applicant for license aggrieved by the refusal of municipal officers or county commissioners to approve any application for license requiring their approval or a transfer of location of licensed premises under the provisions of section 35 may appeal to the commission, who shall hold a public hearing thereon in the city, town or unincorporated place where such license is applied for and, if it finds the refusal arbitrary or without justifiable cause, it may issue license or transfer notwithstanding the lack of such approval. Upon notification of appeal as herein provided, the municipal officers or county commissioners refusing approval shall certify to the commission their reasons for refusal and evidence on such appeal shall be limited to the reasons specified. The commission shall furnish the appellant with a copy of such reasons for refusal and give adequate public notice of the time and place of such hearing.'

Sec. 13. P. L., 1951, c. 13, § 1, repealed; limitation. Section 1 of chapter 13 of the public laws of 1951, heretofore passed by this legislature,

amending section 22 of chapter 57 of the revised statutes, is hereby repealed and shall not be printed as part of the session laws of 1951.

Sec. 14. P. L., 1951, c. 174, § 2, repealed; limitation. Section 2 of chapter 174 of the public laws of 1951, heretofore passed by this legislature, amending section 28 of chapter 57 of the revised statutes, is hereby repealed and shall not be printed as part of the session laws of 1951.

Sec. 15. P. L., 1951, c. 174, § 3, repealed; limitation. Section 3 of chapter 174 of the public laws of 1951, heretofore passed by this legislature, amending section 40 of chapter 57 of the revised statutes, is hereby repealed and shall not be printed as part of the session laws of 1951.

Sec. 16. R. S., c. 57, § 2, sub-§ V, repealed and replaced. Subsection V of section 2 of chapter 57 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

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

Sec. 17. R. S., c. 57, § 2, amended. The 13th and 5th paragraphs from the end of section 2 of chapter 57 of the revised statutes, as amended, are hereby further amended to read as follows:

'If a majority of the votes cast in a city or town in answer to question V are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of ~~a hotel or club~~ part-time hotels and clubs therein ~~that operates only during the months of June, July, August and September~~ for the 2 calendar years next following, subject to all provisions of law.'

'If a majority of the votes cast on question V are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of ~~a hotel or club~~ part-time hotels and clubs that ~~operates~~ operate therein ~~only during the months of June, July, August and September~~ for the 2 calendar years next following.'

Sec. 18. R. S., c. 57, § 23, amended. The 2nd paragraph of section 23 of chapter 57 of the revised statutes, as enacted by chapter 245 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Provided, however, that licenses in an unincorporated place, where no local option vote is taken under the provisions of section 21-A, shall require the approval of the county commissioners of the county.'