

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

Chapter 253

AN ACT Relating to Duties of the Liquor Commission.

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

R. S., c. 57, § 6, sub-§ VII, amended. The 2nd sentence of subsection VII of section 6 of chapter 57 of the revised statutes, as amended, is hereby repealed and the following sentences enacted in place thereof:

'In issuing or renewing licenses the commission shall give consideration to the character of any applicant, the location of the place of business, and the manner in which it has been operated. The commission may refuse to issue licenses to corporations when any of its officers, directors or stockholders do not possess the qualifications required of unincorporated persons under the provisions of this section.'

Effective August 8, 1953

Chapter 254

AN ACT Relating to Work Permits for Minors.

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

R. S., c. 25, § 18, amended. The last sentence of the last paragraph of section 18 of chapter 25 of the revised statutes is hereby amended to read as follows:

~~'A work permit when duly issued shall excuse such child from attendance at public schools; but no~~ No person shall issue such permit to any minor then in or about to enter his employment or the employment of the firm or corporation of which he is a member, stockholder, officer or employee.'

Effective August 8, 1953

Chapter 255

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. 57, § 6, sub-§ V, amended. Subsection V of section 6 of chapter 57 of the revised statutes is hereby amended to read as follows:

'V. To sell at retail in state stores in original packages and for cash, either over the counter or by shipment to points within the state, wine and spirits of all kinds for consumption off the premises at state stores to be operated under the direction of the commission.'

Sec. 2. R. S., c. 57, § 6, sub-§§ IX, XII, XIII, repealed. Subsections IX, XII and XIII of section 6 of chapter 57 of the revised statutes are hereby repealed.

Sec. 2-A. R. S., c. 57, § 7, amended. Section 7 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 7. **Non-compliance with rules and regulations.** No person shall purchase, import, transport, manufacture, possess or sell alcohol in this state unless in accordance with the rules and regulations made by the commission under authority granted by subsection II of the preceding section or pursuant to license under the provisions of section 13. Whoever violates any of such rules and regulations shall be punished by a fine of not more than \$200, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.'

Sec. 3. R. S., c. 57, § 12, amended. Section 12 of chapter 57 of the revised statutes is hereby amended to read as follows:

'Sec. 12. **Consumers tax on spirituous and vinous liquor.** All spirits and wines shall ~~hereafter~~ be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than 61% based on the less carload cost f.o.b., state liquor commission warehouse, ~~excepting only~~ except that spirits and wines sold at wholesale under the provisions of section 41, may be sold at wholesale prices established pursuant to the provisions thereof and provided further, that prices for sale of spirits and wines bought by the commission from Maine licensees to manufacture liquor under the provisions of section 13 shall be based on minimum truck load delivery prices f.o.b. warehouse as the same are filed with the public utilities commission, and provided further, that special orders by the commission for unstocked merchandise shall be priced at not less than 61% over actual cost delivered f.o.b. warehouse. In all cases the commission is authorized to round off costs to the next highest 5 cents. Any increased federal taxes levied on or after April 1, 1941 shall be added to the established price without mark-up. All net revenue derived from such tax shall be deposited to the credit of the general fund of the state.'

Sec. 3-A. R. S., c. 57, § 16, amended. The 1st sentence of the 2nd paragraph of section 16 of chapter 57 of the revised statutes is hereby amended to read as follows:

'All manufacturers or foreign wholesalers to whom certificates of approval have been granted shall furnish the commission with a copy of every invoice sent to Maine wholesale licensees, with the licensee's name and purchase number thereon.'

Sec. 3-B. R. S., c. 57, § 17, amended. Section 17 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 17. **Illegal manufacture.** Any person not licensed by the commission who manufactures for sale any liquor, and any person who sells any liquor so manufactured by him in this state, shall be punished by a fine of not less than \$100, nor more than \$1,000, and costs, and by imprisonment for not less than 2 months, nor more than 6 months, and in default of payment of fine and costs, by imprisonment for not less than 60 days, nor more than 6 months, additional.

All equipment and materials of every kind used in illegal manufacturing shall be seized by any officers seizing the liquors manufactured, and shall be libeled as is provided for the libeling of liquors and the vessels in which they are contained.'

Sec. 4. R. S., c. 57, § 22-E, amended. The last sentence 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, and as amended, is hereby further amended to read as follows:

'No license shall be issued ~~to~~ in which any law enforcement official ~~who~~ benefits financially either directly or indirectly.'

Sec. 5. R. S., c. 57, § 23, amended. The last paragraph of section 23 of chapter 57 of the revised statutes, as enacted by chapter 164 of the public laws of 1947, is hereby amended to read as follows:

'No licenses shall be issued to any retail establishment under the provisions of this section unless it has been in operation as such for a period of at least 3 months next prior to the date of the application, except that anyone who formerly held a Maine malt liquor license or who formerly was owner of a retail store within the state of Maine, shall not be subject to the provisions of this sentence.'

Sec. 6. R. S., c. 57, § 28, amended. The 2nd sentence of section 28 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

~~'Except as otherwise provided by law relating to part time licenses, no~~
No license shall be issued to a restaurant unless it has been in operation

as such for a period of at least 3 months next prior to the application therefor, provided, however, that any honorably discharged member of the armed forces of the United States who formerly held a malt beverage license or who formerly was the owner of a restaurant shall not be subject to the provisions of this sentence, and provided further in the case of part-time premises that operation next prior to time of application shall be held to mean operation during the season when such part-time premise is ordinarily open for business.'

Sec. 7. R. S., c. 57, § 35, amended. The 4th paragraph of section 35 of chapter 57 of the revised statutes, as repealed and replaced by chapter 90 of the public laws of 1947, is hereby amended to read as follows:

~~No~~ Except as provided in this section no license privilege shall be transferred or assigned, and in case of sale or transfer of the business in connection with which the licensed activities are conducted, the license holder shall immediately submit to the commission a statement, under oath, showing the name and address of the purchaser and any other person directly or indirectly interested in the enterprise.'

Sec. 8. R. S., c. 57, § 51, amended. Section 51 of chapter 57 of the revised statutes is hereby amended by adding at the end thereof a new sentence, to read as follows:

'Licensed clubs shall not sell liquor except to members and their guests accompanying them.'

Sec. 9. R. S., c. 57, § 60, sub-§ II, ¶ D, amended. Paragraph D of subsection II of section 60 of chapter 57 of the revised statutes is hereby amended to read as follows:

'D. Making sales to persons under age as prohibited by law, except that licensees selling to minors furnishing fraudulent proof of age as provided by subsection I may be held not administratively liable at the discretion of the commission.'

Sec. 10. R. S., c. 57, § 89, amended. The 5th sentence of section 89 of chapter 57 of the revised statutes is hereby amended to read as follows:

'All other liquors, and whenever by reason of the operation of any federal law or regulation it is impractical otherwise to comply with the provisions of this section, all liquors ~~except cider~~ declared forfeited by any court or magistrate under the provisions of this chapter shall, by order of the court or magistrate rendering final judgment thereon, be destroyed by any officer

competent to serve the process on which they were forfeited, and he shall make return accordingly to such court or magistrate.'

Sec. 11. R. S., c. 57, § 28, amended. The next to the last sentence of section 28 of chapter 57 of the revised statutes is hereby repealed.

Effective August 8, 1953

Chapter 256

AN ACT Relating to Unlicensed Dogs.

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

R. S., c. 88, § 12, amended. The 2nd sentence of the 1st paragraph of section 12 of chapter 88 of the revised statutes, as enacted by section 1 of chapter 343 of the public laws of 1945, is hereby repealed.

Effective August 8, 1953

Chapter 257

AN ACT Relating to the Revocation of an Insurance Agent's License.

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

R. S., c. 56, § 252-L, sub-§ II, amended. The 1st sentence of subsection II of section 252-L of chapter 56 of the revised statutes, as enacted by chapter 162 of the public laws of 1947, is hereby amended by repealing the 1st sentence thereof, and inserting in place thereof the following:

'Before any license shall be refused, except for failure to pass a required written examination, or suspended or revoked, or the renewal thereof refused hereunder, the insurance commissioner shall give at least 14 days' notice of his intention to do so to the applicant for, or holder of such license and the insurer whom he represents or who desires that he be licensed, and shall set a date when the applicant or licensee may appear to be heard and produce evidence.'

Effective August 8, 1953