

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

or other legal entity was on that date in compliance with such time schedule, then no such enforcement action may be maintained, nor shall any further compliance with such time schedule be required.

Sec. 12. R. S., T. 38, § 451, sub-§ 1, amended. The 3rd paragraph from the end of subsection 1 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is amended to read as follows:

After notice to and a hearing with the affected parties, the commission ~~shall~~ may issue to any municipality, sewer district, person, firm, corporation or other legal entity, special orders directing such operating results as are necessary to achieve any of the interim goals set out in the above timetable.

Sec. 13. R. S., T. 38, § 451, sub-§ 2, amended. Subsection 2 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 1 of chapter 528 of the public laws of 1967, is amended by adding at the end the following paragraph:

The presiding member of the commission is empowered to administer oaths and affirmations to witnesses testifying at such hearings.

Effective October 1, 1969

Chapter 500

AN ACT to Revise the Liquor Laws.

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

Sec. 1. R. S., T. 17, § 851, amended. Section 851 of Title 17 of the Revised Statutes is amended to read as follows:

§ 851. Permitting children in disorderly house

Whoever admits or allows to remain in any disorderly house, house of ill fame, gambling place ~~or place where intoxicating liquors are sold~~ or other place injurious to health or morals, owned, kept, maintained, managed or controlled by him in whole or in part, any child under the age of 16 years, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days. ~~A child or children under the age of 16 years may enter places where intoxicating liquor is sold when accompanied by a parent, guardian or other adult person in charge of such child or children, with the consent of the parent or guardian of such child or children~~

Sec. 2. R. S., T. 28, § 2, sub-§ 1-A, additional. Section 2 of Title 28 of

the Revised Statutes, as amended, is further amended by adding a new subsection 1-A, to read as follows:

1-A. Airline. "Airline" shall mean any person operating regularly scheduled intrastate or interstate passenger air transportation.

Sec. 3. R. S., T. 28, § 2, sub-§ 9, amended. Subsection 9 of section 2 of Title 28 of the Revised Statutes, as amended by sections 1 and 2 of chapter 404 of the public laws of 1965, is further amended by inserting after the first sentence, a new sentence, as follows:

At least 10% of the total volume of business shall be from the sale of food.

Sec. 4. R. S., T. 28, § 2, sub-§ 22-A, amended. Subsection 22-A of section 2 of Title 28 of the Revised Statutes, as enacted by section 1 of chapter 243 of the public laws of 1965, is amended to read as follows:

22-A. Class A tavern. "Class A tavern" shall mean a reputable place operated by responsible persons of good reputation where no food is sold other than prepared packaged snacks and no business is carried on except the sale of cigarettes and tobacco products and except the sale of malt liquors at tables, booths and counters, and where no minors shall be permitted to remain on the licensed premises. **All such taverns shall comply with the rules and regulations of the Department of Health and Welfare and be licensed by same and this license fee shall be \$15.**

Sec. 4-A. R. S., T. 28, § 4, amended. The 4th paragraph of section 4 of Title 28 of the Revised Statutes, as enacted by section 1 of chapter 183 of the public laws of 1969, is amended to read as follows:

Licensed hotels, class A restaurants and clubs, as defined under section 2, shall have the right to sell liquor on Sundays between the hours of 12 noon and midnight and such sales may be made during such time by the licensee himself, a clerk, servant or agent in a municipality or unincorporated place where a majority of votes cast in the municipality or unincorporated place in a state-wide special election ~~to be held on the Tuesday following the first Monday in November in 1969~~ shall answer in the affirmative to the following local option question:

Shall this municipality or unincorporated place authorize the sale on Sunday of liquor in those licensed hotels, class A restaurants and clubs where liquor is permitted to be sold during the rest of the week?

and where there was a majority of affirmative votes cast on any local liquor option question voted upon, other than questions 1, 5 and 6, at the last election at which local liquor option questions were on the ballot in the municipality or unincorporated place.

The foregoing state-wide special election shall be held on November 4, 1969, if there is no referendum under Article IV, Part Third, Section 17 of the Constitution of Maine; if there is a referendum under the above provisions of the Constitution, which referendum ratifies this Act, the state-wide special election shall be held at the general election in November, 1970.

Subsequent to the 1969 special election or, the general election subsequent to the referendum if there is a referendum under Article IV, Part Third, Section 17 of the Constitution of Maine ratifying this Act, electors in any municipality ~~or unincorporated place~~ may place on a ballot and vote upon local option question numbered 11 in the manner provided by section 101 and electors in an unincorporated place may place on a ballot and vote upon local option question numbered 11 in the manner provided by section 103.

Sec. 4-B. R. S., T. 28, § 4, amended. Section 4 of Title 28 of the Revised Statutes, as repealed and replaced by section 1 of chapter 183 of the public laws of 1969, is amended by adding at the end, a new paragraph, as follows:

Unincorporated place shall mean for purposes of this section an unincorporated place where the total number of persons resident is 20 or more as shown by returns to the State Tax Assessor as provided by Title 36, section 1421.

Sec. 5. R. S., T. 28, § 55, sub-§ 12, amended. Subsection 12 of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

12. Pamphlet of regulations. To publish at least annually on or before August 31st or 90 days after becoming law in a convenient pamphlet form all regulations then in force and to furnish copies of such pamphlets to every licensee authorized by law to sell liquor.

Sec. 5-A. R. S., T. 28, § 103, amended. The 4th paragraph of section 103 of Title 28 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

The county commissioners or the commission shall have the authority in such unincorporated place to authorize the sale of liquor on Sunday in those licensed hotels, class A restaurants and clubs where liquor is permitted to be sold during the rest of the week.

Sec. 6. R. S., T. 28, § 156, amended. Section 156 of Title 28 of the Revised Statutes, as enacted by section 1 of chapter 177 of the public laws of 1965, is amended to read as follows:

§ 156. Closed in cases of riots, etc.

The Governor or the commission may, in cases of riots, hurricanes and floods, order any or all state liquor stores to be closed.

Sec. 7. R. S., T. 28, § 205, amended. Section 205 of Title 28 of the Revised Statutes, as enacted by section 2 of chapter 177 of the public laws of 1965, is amended to read as follows:

§ 205. Closed in cases of riots, etc.

The Governor or the commission may, in cases of riots, hurricanes and floods, order any or all licensees not to sell any liquor.

Sec. 8. R. S., T. 28, § 701, amended. The 2nd paragraph of section 701 of Title 28 of the Revised Statutes, as amended by section 54 of chapter 513

of the public laws of 1965, is further amended by inserting after the 8th line the following:

Public service — Airlines - Spirituous and vinous	500.00
Public service — Airlines - Malt liquor	200.00

Sec. 9. R. S., T. 28, § 701, amended. The 6th paragraph of section 701 of Title 28 of the Revised Statutes is amended to read as follows:

One public service license shall be sufficient to cover all steamboats ~~and~~, cars ~~and~~ aircraft operated by any one owner.

Sec. 10. R. S., T. 28, § 751-A, repealed and replaced. Section 751-A of Title 28 of the Revised Statutes, as enacted by chapter 91 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 751-A. Payment for sales in retail stores

For the purpose of receiving payment at the check-out counters for the sale of malt liquor or table wine in retail stores, the age of such employee receiving the payment shall not be under 17 years of age for malt liquor if no table wine is sold in said store or 18 years of age for malt liquor and 18 years of age for table wine if table wine is sold, provided that in any event an employee who is 21 years of age or older is present in the retail store in a supervisory capacity.

Sec. 11. R. S., T. 28, § 753-A, additional. Title 28 of the Revised Statutes is amended by adding a new section 753-A, to read as follows:

§ 753-A. Public service — airlines

Licenses for the sale of malt liquor by airlines, in their aircraft, under such regulations as the commission may prescribe, may be issued by the commission upon written application in such form as they may prescribe, and upon payment of the fee of \$200 per year for each airline.

Sec. 12. R. S., T. 28, § 801, amended. Section 801 of Title 28 of the Revised Statutes, as amended by section 3 of chapter 144 of the public laws of 1965, is further amended to read as follows:

§ 801. Licenses generally

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, vessels ~~and~~, railroad dining cars ~~and~~ airlines on payment of the fees provided; subject 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, except class A restaurants, shall be limited to malt liquor or wine, or both. No licensee for the sale of liquor to be consumed on the premises where sold shall by himself, clerk, servant or agent,

sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises, except, subject to the provisions of law and the rules and regulations of the commission, hotel licensees may sell liquor in the original packages to bona fide registered room guests.

Sec. 13. R. S., T. 28, § 802, amended. Section 802 of Title 28 of the Revised Statutes, as amended by section 4 of chapter 144 of the public laws of 1965, is further amended by inserting after the 2nd paragraph the following new paragraph:

A public service spirituous and vinous liquor and malt liquor license granted to any airline operating aircraft within the State shall authorize the holder thereof to sell spirituous and vinous liquors and malt liquors in such aircraft to be consumed in the aircraft only after leaving and before reaching airports within the State.

Sec. 14. R. S., T. 28, § 804, amended. Section 804 of Title 28 of the Revised Statutes, as amended by section 5 of chapter 144 of the public laws of 1965, is further amended to read as follows:

§ 804. Public service corporations

A public service spirituous and vinous liquor and malt liquor license shall not be issued to any railroad ~~or~~ company, vessel company or airline until the applicant therefor has filed with the commission a surety bond similar in form and amount to that required to be filed by a hotel or club licensee, except that in the case of a railroad company ~~or~~, vessel company or airline, one bond shall cover every dining car or vessel or aircraft of such company.

Sec. 15. R. S., T. 28, § 852, amended. Section 852 of Title 28 of the Revised Statutes is amended to read as follows:

§ 852. Employment of minors

No licensee for the sale of liquor to be consumed on licensed premises, except in Class A restaurants, clubs and hotel dining rooms, shall employ any person under the age of 21 years in the direct handling or selling of liquor on the premises where such liquor is sold. No licensee for the sale of liquor to be consumed on the licensed premises of class A restaurants, clubs and hotel dining rooms shall employ any person under the age of 19 years in the direct handling or selling of liquor on the premises where such liquor is sold, provided that an employee who is 21 years of age or older is present in a supervisory capacity.

Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not less than 30 days nor more than 6 months, or by both.

Sec. 16. R. S., T. 28, § 751, amended. The first paragraph of section 751 of Title 28 of the Revised Statutes, as last amended by section 24 of chapter 360 of the public laws of 1969, is further amended to read as follows:

Licenses for sale and distribution of malt liquor or table wine, or both, in

retail stores may be issued by the commission upon application and under such regulations as the commission may prescribe. No such license or licenses shall be issued to any person who is not engaged in a bona fide retail business other than the sale of malt liquors or table wine at retail and no person licensed to sell malt liquor or table wine under this section shall sell malt liquor or table wine for consumption on the premises where sold.

Sec. 17. Effective date. Section 16 of this Act shall become effective January 2, 1971.

Sec. 18. R. S., T. 28, § 751-A, amended. Section 751-A of Title 28 of the Revised Statutes, as enacted by chapter 91 of the public laws of 1967 and as amended by section 25 of chapter 360 of the public laws of 1969, is further amended to read as follows:

§ 751-A. Payment for sales in retail stores

For the purpose of receiving payment at the check-out counters for the sale of malt liquor or table wine in retail stores, the age of such employee receiving the payment shall not be under ~~18~~ 17 years of age for malt liquor and 18 years for table wine, provided that an employee who is 21 years of age or older is present in the retail store in a supervisory capacity.

Sec. 19. Effective date. Section 18 of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 20. Residents in unincorporated places. Notwithstanding the provisions of Title 21, section 246, subsection 3, of the Revised Statutes, a duly qualified voter who is a resident in a township may vote in a town within his representative district relative to the sale of liquor on Sunday for his township in the state-wide special election to be held on November 4, 1969 or at the general election in November, 1970 if there is a referendum under Article IV, Part Third, Section 17, of the Constitution of Maine ratifying the public laws of 1969, chapter 183.

Sec. 20-A. R. S., T. 28, § 1060, repealed. Section 1060 of Title 28 of the Revised Statutes, as enacted by chapter 413 of the public laws of 1965, is repealed.

Sec. 21. Effective date. The effective date of sections 4-A, 4-B, 5-A and 20 of this Act shall be the 91st day after the adjournment of this legislative session.

Sec. 22. P. L., 1969, c. 360, § 32, additional. Chapter 360 of the public laws of 1969 is amended by adding at the end a new section, as follows:

Sec. 32. Effective date. This Act shall become effective January 1, 1971.