

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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CHAPTER 22

AN ACT Repealing the Requirement for Wearing Motorcycle Helmets.

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

29 MRSA § 1373, as last amended by PL 1973, c. 222, § 7, is repealed.

Effective October 24, 1977

CHAPTER 23

AN ACT Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees.

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

Sec. 1. 28 MRSA § 2, sub-§ 11, as repealed and replaced by PL 1975, c. 741, § 1, is amended to read:

11. Minor. "Minor" shall mean a person who has not attained his ~~18th~~ 20th birthday.

Sec. 2. 28 MRSA § 201, first 4 sentences, as last amended by PL 1971, c. 598, § 55, are further amended to read:

No license shall be issued to any natural person unless such person is at least ~~18~~ 20 years of age and is a citizen of the United States and of this State. A part-time or 6 months' license, as authorized by law, may be issued to any natural person who is at least ~~18~~ 20 years of age and is a citizen of the United States. No license shall be issued to a partnership or to an association unless all persons having an interest therein are at least ~~18~~ 20 years of age and are citizens of the United States and of this State. A part-time or 6 months' license, as authorized by law, may be issued to a partnership or association if all persons having an interest therein are at least ~~18~~ 20 years of age and are citizens of the United States.

Sec. 3. 28 MRSA § 201, sub-§ 1 is enacted to read:

1. Exemption. All licensees who are presently under 20 years of age and any other legal entity, including partnerships, corporations and associations of persons currently holding a liquor license at the time that this subsection becomes effective shall be exempted from the provisions raising the age for a liquor license from 18 years to 20 years of age.

Sec. 4. 28 MRSA § 251, 3rd sentence, as last amended by PL 1971, c. 598, § 56, is further amended to read:

All applications shall be signed by the owner, if a natural person, who shall be at least ~~18~~ 20 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation by an executive officer thereof or any person thereto specifically authorized by the corporation, except a bona fide prospective purchaser may apply.

Sec. 5. 28 MRSA § 303, 2nd ¶, 2nd and 3rd sentences, as last amended by PL 1971, c. 598, §§ 57 and 58, are further amended to read:

No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises, shall sell, furnish, give or deliver such malt liquor or table wine to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits or to any minor under the age of ~~18~~ 20 years. No licensee by himself, clerk, servant or agent shall sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known intemperate habits or to any minor under the age of ~~18~~ 20 years.

Sec. 6. 28 MRSA § 303, 3rd ¶, first sentence, as last amended by PL 1975, c. 100, is further amended to read:

Any person under the age of ~~18~~ 20 years who purchases any intoxicating liquor or any person under the age of ~~18~~ 20 years who consumes any intoxicating liquor or has on his or her person any intoxicating liquor in any on-sale premises, or who presents or offers to any licensee, his agent or employee any written or oral evidence of age which is false, fraudulent or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any intoxicating liquor, or who has any intoxicating liquor in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 for the first offense, not less than \$50 nor more than \$100 for the 2nd offense and \$100 for the 3rd and subsequent offenses.

Sec. 7. 28 MRSA § 1001, 1st ¶, as last amended by PL 1971, c. 598, § 62, is further amended to read:

No person under the age of ~~18~~ 20 years shall knowingly transport or knowingly permit to be transported any intoxicating liquor in a motor vehicle under his control except in the scope of his or her employment, or at the request of his or her parent or guardian.

Sec. 8. 28 MRSA § 1001, 3rd ¶, 1st sentence, as last amended by PL 1971, c. 598, § 63, is further amended to read:

No person under the age of ~~18~~ 20 years shall be convicted of any offense under this section if intoxicating liquors are found outside the passenger or driver's section of a motor vehicle under his control unless said person has actual knowledge of the presence of said liquors.

Sec. 9. 28 MRSA § 1060, 1st ¶, 1st sentence, as last amended by PL 1971, c. 622, § 89-B, is further amended to read:

Any resident of the State or nonresident in the State ~~18~~ 20 years of age or over may make application to the Liquor Commission for an adult identification card upon a form provided by the commission.

Effective October 24, 1977

CHAPTER 24

AN ACT to Clarify the Education Laws.

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

Sec. 1. 20 MRSA § 160 is amended to read:

§ 160. Regulations for issuance of certificates

Persons employed to serve as superintendents of schools shall hold state certificates of superintendence grade which shall be issued ~~under such~~ in accordance with rules and regulations ~~as may be prescribed by the commissioner~~ authorized in section 59.

Sec. 2. 20 MRSA § 161, sub-§ 5, 6th sentence is amended to read:

After a probationary period of ~~3~~ 2 years, any teacher, who receives notice in accordance with this section that his contract is not going to be renewed, may, during the 15 days following such notification, request a hearing with the school committee or governing board.

Sec. 3. 20 MRSA § 161, sub-§ 10 is amended to read:

10. Shall devote entire time to superintendence. He shall devote his entire time to superintendence in the ~~towns comprising the union or School Administrative District~~ school administrative unit which employs him. He may, without violation of this section, perform such educational service outside of ~~the towns of his union or School Administrative District~~ his administrative unit as may be performed with the approval of the commissioner and with the consent of the school committee or board of directors employing him.

Sec. 4. 20 MRSA § 302, last sentence is amended to read:

The treasurer's bond premium and fees paid members for attendance at meetings and all expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent of schools and approved by a majority of the members of the board of school directors or a finance committee of that board duly ~~appointed or~~ elected annually by that board.

Sec. 5. 20 MRSA § 306, 1st sentence is amended to read: