

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

---

PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

---

---

PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
of the  
ONE HUNDRED AND EIGHTH LEGISLATURE  
1977

---

---

or, in the absence of a chief police officer, its chief operating officer, file a notice of termination of employment of such individual with the Commissioner of Public Safety.

Effective October 24, 1977

---

## CHAPTER 210

### AN ACT Concerning Absentee Ballots for Maine Citizens Overseas.

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

Sec. 1. 21 MRSA § 1253, sub-§ 1-A is enacted to read:

1-A. Applications by voters outside the country. In the case of a voter who is temporarily outside the United States or any territory or jurisdiction thereof, a written request for an absentee ballot from the voter, the voter's spouse, a blood relative of the voter or the voter's former guardian is sufficient.

Sec. 2. 21 MRSA § 1253, sub-§ 2, 1st ¶, 2nd sentence, as last repealed and replaced by PL 1975, c. 761, § 39, is amended to read:

The clerk shall include a ballot application to be completed by the person who signed only a written request, unless the written request is sufficient as provided in subsection 1-A.

Effective October 24, 1977

---

## CHAPTER 211

### AN ACT to Clarify Certain Liquor Laws.

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

Sec. 1. 28 MRSA § 2, sub-§ 8, ¶ L, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

L. Retailer. "Retailer" shall mean and include persons licensed by the commission to engage in the purchase and resale of liquors in the original container or by the drink, for consumption on or off the premises. It shall not include wholesalers as defined in subsection 18.

Sec. 2. 28 MRSA § 2, sub-§ 10, as repealed and replaced by PL 1975, c. 741, § 1, is amended to read:

10. Malt liquors. "Malt liquors" shall mean all kinds and types of liquors as defined produced by the fermentation of malt wholly or partially or from any substitute therefor, which contain  $\frac{1}{2}$  of 1% of alcohol or less more by volume.

Sec. 3. 28 MRSA § 2, sub-§ 14, as repealed and replaced by PL 1975, c. 741, § 1, is repealed and the following enacted in its place:

14. Retail sale. "Retail sale" shall mean any single sale of liquor for on or off the premises consumption of less than 20 gallons whether in the original package or as a mixed drink for immediate consumption.

Sec. 4. 28 MRSA § 101, 4th paragraph from the end, as repealed and replaced by PL 1975, c. 741, § 5, is amended by adding at the end the following new sentence to read:

No such local option vote shall be taken on the same question more often than once in any 2-year period.

Sec. 5. 28 MRSA § 101, 3rd paragraph from the end, as repealed and replaced by PL 1975, c. 741, § 5, is amended by adding at the end the following new sentences to read:

In a municipality where a new vote is taken subsequent to July 29, 1976, the disapproval of a new privilege shall not void the existing privilege granted by a prior vote unless the petition and ballot clearly indicate that that is the intention of the petition. Such vote shall become effective the first day of the month following the certification of the vote by the Office of the Secretary of State. All licenses issued and outstanding on the effective date of the local option vote shall immediately be surrendered to the Bureau of Alcoholic Beverages by the holder. A refund shall be made for that portion of the unused fee paid.

Sec. 6. 28 MRSA § 203, sub-§ 2, 2nd sentence, is amended to read:

Personal representatives, receivers or trustees may operate the premise themselves or through a duly appointed manager for a year from the date of their appointment for the benefit of the estate but must renew the license on January 1st upon the expiration date of any year at the regular license fee, and if the license or renewal thereof is not transferred during the year from date of appointment, it shall be void and returned to the commission for cancellation.

Sec. 7. 28 MRSA § 603, 1st sentence is amended to read:

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

Sec. 8. 28 MRSA § 652, 2nd ¶, 1st, 2nd and 3rd sentences as amended by PL 1969, c. 360, § 22, are amended to read:

All purchase order forms are to be furnished by the commission and all orders are to be executed in quintuplet for unbonded wholesalers. First, the unbonded wholesaler ordering malt liquor or table wine shall mail 3 copies to the commission with a check for the amount of excise taxes required to cover the amount of the order. Thereafter, the unbonded wholesaler may mail the original copy of the order to the qualified brewery or winery or wholesaler with whom he wishes to place his order.

Sec. 9. 28 MRSA § 652, as last amended by PL 1973, c. 303, § 3, is further amended by adding after the 2nd paragraph a new paragraph to read:

Bonded Maine wholesale licensees shall use a form supplied by the commission which form shall be in triplicate. The wholesalers shall submit the original copy to the qualified brewery, winery or foreign wholesaler with whom he wishes to place his order. The bonded wholesaler shall then mail to the commission one copy of the form and retain one copy for his files.

Sec. 10. 28 MRSA § 652, last paragraph, 3rd sentence, as amended by PL 1969, c. 156, is further amended to read:

Said bond shall be equal to  $1\frac{1}{2}$  times the highest monthly excise tax paid by the wholesale licensee during the period of his prior calendar year license plus 10% of the highest month.

Sec. 11. 28 MRSA § 701, sub-§ 3, ¶ B, as enacted by PL 1975, c. 741, § 21, is amended to read:

B. Class II License, spirituous liquor only ..... ~~\$40~~ \$90

Sec. 12. 28 MRSA § 701, sub-§ 3, ¶ E, as enacted by PL 1975, c. 741, § 21, is amended to read:

E. Class V License, Club — without catering privileges —  
spirituous, vinous, and malt beverages ..... ~~\$40~~ \$90

Sec. 13. 28 MRSA § 701, as repealed and replaced by PL 1975, c. 741, § 21, is amended by adding at the end the following new paragraphs to read:

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

All full-year licenses shall be issued for one year from date of issuance and the prescribed fee shall accompany the application for the license.

Licenses may be renewed upon application therefor and payment of the annual fee, subject to commission rules and regulations.

Any licensee applying for license to operate more than one premise shall pay the fee prescribed for the type of license to be exercised at each such premise.

Sec. 14. 28 MRSA § 701-A, sub-§ 4, ¶ M is enacted to read:

M. Vessels.

Sec. 15. 28 MRSA § 752, 2nd sentence, as last amended by PL 1973, 749, §5, is further amended to read:

No other license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises, except a bona fide hotel, restaurant, tavern, club or ~~municipal~~ civic auditorium, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern, club or ~~municipal~~ civic auditorium is located, and if such hotel, restaurant, tavern or club is located in an unorganized place, the application shall be approved by the county commissioners of the county within such unorganized place is located.

Sec. 16. 28 MRSA § 801-A, sub-§ 3, ¶ G, last sentence, as amended by PL 1975, c. 122, § 2, is repealed.

Sec. 17. 28 MRSA § 803-A, 3rd ¶, as enacted by PL 1971, c. 182, is amended to read:

Any license granted under this section shall not be subject to section 4, nor shall it be subject to the food requirements contained in section 2, subsection ~~8~~ 8, paragraph K.

Effective October 24, 1977

---

## CHAPTER 212

### AN ACT to Establish 4-year Motor Vehicle Licenses for Persons under 65 Years of Age.

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

Sec. 1. 29 MRSA § 539, last sentence, is repealed.

Sec. 2. 29 MRSA § 542, first paragraph is repealed and the following enacted in its place:

For persons who have not reached their 65th birthday, all new and renewal licenses to operate motor vehicles shall expire at midnight on the license holder's 4th birthday next following the date of issuance of license. The fee for such license shall be \$10.

For persons who have reached their 65th birthday, all new and renewal licenses to operate motor vehicles shall expire at midnight on the license holder's 2nd birthday next following the date of issuance of license. The fee for such license shall be \$5.

Sec. 3. 29 MRSA § 542, is amended by adding at the end the following new paragraph: