

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

January 5, 1977 to July 25, 1977

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PUBLIC LAWS
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For the purposes of reviewing nominations pursuant to this section, the joint standing committee shall have the power to administer oaths and to take testimony under oath. Notwithstanding the provisions of section 165, subsection 7, the Legislature or the Legislative Council during any time when the Legislature is not in session, may grant to any joint standing committee reviewing a nomination any of the powers set out in section 165, subsection 7.

Effective October 24, 1977

CHAPTER 292

AN ACT to Repeal Certain Laws Relating to Alcoholic Beverages.

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

Sec. 1. 28 MRSA § 101, first ¶, as repealed and replaced by PL 1975, c. 741, § 5, is repealed and the following enacted in its place:

The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the time of holding any primary, special statewide or general election, to vote upon any one or all of the following questions:

Sec. 2. 28 MRSA § 101, 5th ¶ from the end, as repealed and replaced by PL 1975, c. 741, § 5, is repealed.

Sec. 3. 28 MRSA § 101, as last repealed and replaced by PL 1975, c. 741, § 5, is amended by adding at the end the following new paragraphs:

Where a city or town has voted in favor of accepting or not accepting the ballot questions, that vote shall be effective until repealed according to the procedure in the following paragraph.

A new vote may be held in a municipality upon one or more of the ballot questions, upon receipt of a petition of electors resident in that municipality, in writing addressed to the municipal officers and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last statewide election in that municipality, which petition shall be filed with the municipal officers 120 days prior to any general, primary or special statewide election. The ballots for that municipality shall carry questions in accordance with the petition and shall be prepared by the municipality.

Sec. 4. 28 MRSA § 751, 3rd ¶, as last amended by PL 1969, c. 360, § 24, is further amended to read:

No licenses shall be issued to any new retail premise under 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, or unless such applicant proves to the satisfaction of the commission that all proper standards and requirements of laws and rules and regulations of the commission have been met and said applicant has been a resident of the State for at least 6 months prior to filing his application ~~except that anyone who formerly held a Maine malt liquor or table wine license or who formerly was owner of a retail store within the State of Maine, shall not be subject to this sentence.~~

Sec. 5. 28 MRSA § 752, 1st ¶, 3rd and 4th sentences are amended to read: No license shall be issued to a new restaurant premise unless it has been in operation as such for a period of at least 3 months next prior to the application therefor or unless such applicant proves to the satisfaction of the commission that all proper standards and requirements of laws and rules and regulations of the commission have been met and said applicant has been a resident of the State for at least 6 months prior to filing his application ~~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 this section,~~ and provided 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. 6. 28 MRSA § 1058, as last amended by PL 1969, c. 180, is further amended to read:

§ 1058. Furnishing liquor to certain persons prohibited

Whoever, other than a licensee or his agent within the scope of their employment, knowingly procures or in any way aids or assists in procuring liquor or whoever furnishes, gives or delivers liquor to a minor who may not legally purchase liquor for himself or for any intoxicated person, ~~pauper, mentally ill person or person of known intemperate habits~~ except that this provision shall not apply to liquor served to a minor in a home in the presence of his parent or guardian, shall be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months, or by both.

Sec. 7. 28 MRSA § 1151, as amended by PL 1973, c. 567, § 20, is repealed.

Sec. 8. 28 MRSA § 1152, as amended by PL 1973, c. 567, § 20, is repealed.

Sec. 9. 28 MRSA § 1153 is repealed.

Sec. 10. 28 MRSA § 1154, as amended by PL 1973, c. 567, § 20, is repealed.

Sec. 11. 28 MRSA § 1209 is repealed.

Effective October 24, 1977

CHAPTER 293

AN ACT to Amend the Method of Collecting Municipal Costs in the Abatement of Malfunctioning Domestic Sewage Disposal Units.