

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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1979

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

15 MRSA § 3316, sub-§ 3, is enacted to read:

3. **Provision of services.** Nothing in this chapter shall prevent juveniles in the custody of the Department of Mental Health and Corrections from receiving services from the Department of Human Services.

Effective September 14, 1979

CHAPTER 319

S. P. 436 — L. D. 1367

AN ACT to Clarify Inconsistencies in the Liquor Laws.

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

Sec. 1. 28 MRSA § 2, sub-§ 13-A, 5th sentence, as enacted by PL 1977, c. 246, § 1, is amended to read:

In no case shall the commission renew any license for the sale of malt liquor under this subsection, unless they are furnished with proof that the previous year's business conformed to the income provisions of this subsection.

Sec. 2. 28 MRSA § 2, sub-§ 18, as last repealed and replaced by PL 1975, c. 741, § 1, is amended to read:

18. **Wholesaler.** "Wholesaler" shall mean and include persons licensed by the commission to engage in the purchase and resale of malt or brewed beverages and wines, or both, in the original containers, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, **except testing**, on the premises of said wholesaler.

A wholesaler may, with the written permission of the commission, designate a special area or room for the specific purpose of taste testing new vinous or malt liquor products. All such taste testing activity shall not be open to the public and shall be conducted within the special designated area only.

Sec. 3. 28 MRSA § 54, sub-§ 4, as enacted by PL 1975, c. 741, § 4, is amended to read:

4. **Annual report.** To make an annual report to the Governor of their activities and of the amount of malt liquor license fees collected together with such other information as they deem advisable or as the Governor may require.

Sec. 4. 28 MRSA § 201, sub-§ 1, as enacted by PL 1977, c. 23, § 3, is repealed.

Sec. 5. 28 MRSA § 452, last ¶ is amended to read:

A ~~refund~~ **credit** shall be granted for the excise tax imposed by this State on malt beverages or table wines sold by wholesalers to any instrumentality of the United States or any Maine National Guard state training site accredited with exemption by the commission. A ~~refund~~ **credit** shall be granted for the excise tax imposed by this State on malt beverages or table wines sold to any vessel of foreign registry. Any wholesaler selling to such an instrumentality, training site or vessel shall present proof of such sale to the commission and shall there upon receive from the Treasurer of State a ~~refund~~ **credit** of all state excise taxes paid in connection with such sale.

Sec. 6. 28 MRSA § 654, 2nd sentence, as enacted by PL 1979, c. 38, is amended to read:

Licensed Maine wholesalers appointed by them as exclusive distributors for specific brands of alcoholic beverages cannot be terminated as exclusive distributor of those specific brands of alcoholic beverages ~~simultaneously with~~ **upon the** voluntary or involuntary termination or transfer of these same brands of alcoholic beverages by these breweries, wineries, vintners, brokers and out-of-state wholesalers who obtained the certificate of approval and registered these specific labels and established prices with the Bureau of Alcoholic Beverages.

Sec. 7. 28 MRSA § 701, sub-§ 7 is enacted to read:

7. Incorporated civic organization. One event annually, spirituous, vinous and malt liquor \$50

Sec. 8. 28 MRSA § 752, last ¶, as enacted by PL 1973, c. 749, § 6, is amended to read:

Licenses granted to ~~municipal~~ **civic** auditoriums may only be used in conjunction with a function or event held on the licensed premises and the licensee must notify the Bureau of Liquor Enforcement at least 24 hours in advance of such a function or event.

Sec. 9. 28 MRSA § 753, first sentence, as amended by PL 1965, c. 144, § 2, is further amended to read:

Licenses for the sale of malt liquor by railroad companies, pullman companies or vessel companies, in their cars or boats, under such regulations as the commission may prescribe, may be issued by the commission upon a written application in such form as they may prescribe, and upon payment of the fee of ~~\$100 per year, covering all cars supplying food operated by any one owner and \$100 per year for each vessel as provided in section 701.~~

Sec. 10. 28 MRSA § 753-A, as enacted by PL 1969, c. 500, § 11, is amended to read:

§ 753-A. —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~~ **as provided in section 701.**

Sec. 11. 28 MRSA § 801, as last amended by PL 1977, c. 246, § 7, is further amended to read:

§ 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 qualified catering services, hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B and civic auditoriums on payment of the fees provided; subject to the provisions of section 252 and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a qualified catering service, club, restaurant, hotel or ~~municipal~~ **civic** auditorium is operating the same, and if said qualified catering service, 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. 12. PL 1977, c. 501, § 3 is repealed as follows:

Sec. 3. Transition. ~~The State Liquor Commission shall continue to issue special amusement permits for licensees in a municipality under Title 28, section 704, as in effect on the day before the effective date of this Act, until the municipality has adopted ordinances or established rules and regulations under this Act, but in no event shall the commission issue any permits after June 30, 1978. All special amusement permits issued by the commission prior to June 30, 1978, shall be valid for one year from their date of issue~~