

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

In addition, the bureau may, in the name of the State, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this chapter or of the rules or permits issued under it. This action may include, but is not limited to, proceedings to revoke or suspend any bureau permit or approval taken before the Administrative Court, in accordance with Title 4, section 1151, subsection 2, and sections 1152 to 1157 or, notwithstanding the provisions of Title 5, section 10051, before the Superior Court, as part of an enforcement action brought by the bureau.

Sec. 5. 12 MRSA §680, as amended by PL 1973, c. 460, §17, is repealed and the following enacted in its place.

§680. Appeals

Any applicant for a timber-harvesting permit aggrieved by a decision of the bureau relating to timber-harvesting operations may appeal therefrom in accordance with Title 5, chapter 375, subchapter VII.

Effective July 25, 1984.

CHAPTER 755

S.P. 878 - L.D. 2379

AN ACT To Amend the Liquor Laws to Permit
the Sale of Beer and Wine at Outdoor Stadiums.

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

Sec. 1. 28 MRSA §2, sub-§8, ¶P is enacted to read:

P. "Outdoor stadium" means any commercially-operated outdoor facility with 5,000 or more seats designed or used for the playing of any sport or event, which is open to the general public, which charges a fee and which has adequate facilities for the sale and consumption of malt and vinous liquors.

Sec. 2. 28 MRSA §701-A, sub-§3, ¶I-1, as enacted by PL 1979, c. 432, §4, is amended to read:

I-1. Performing arts centers-;

Sec. 3. 28 MRSA §701-A, sub-§3, ¶¶J and K, as enacted by PL 1975, c. 741, §22, are amended to read:

J. Restaurants and;

K. Vessels-;

Sec. 4. 28 MRSA §701-A, sub-§3, ¶L, as enacted by PL 1977, c. 246, §4, is amended to read:

L. Qualified catering services-; and

Sec. 5. 28 MRSA §701-A, sub-§3, ¶M is enacted to read:

M. Outdoor stadiums.

Sec. 6. 28 MRSA §701-A, sub-§4, ¶I-1, as enacted by PL 1979, c. 432, §5, is amended to read:

I-1. Performing arts centers-;

Sec. 7. 28 MRSA §701-A, sub-§4, ¶¶K and L, as enacted by PL 1975, c. 741, §22, are amended to read:

K. Taverns and;

L. Class A taverns-;

Sec. 8. 28 MRSA §701-A, sub-§4, ¶M, as enacted by PL 1977, c. 211, §14, is amended to read:

M. Vessels-;

Sec. 9. 28 MRSA §701-A, sub-§4, ¶N, as enacted by PL 1977, c. 564, §102, is amended to read:

N. Qualified catering services-; and

Sec. 10. 28 MRSA §701-A, sub-§4, ¶O is enacted to read:

O. Outdoor stadiums.

Sec. 11. 28 MRSA §752, first ¶, as amended by PL 1979, c. 432, §6, is further amended to read:

A license to sell malt liquor to be consumed on the premises where sold may be issued to an incorporated civic organization pursuant to section 801-B. No other license to sell malt liquor to be consumed on the premises where sold shall ~~may~~ be issued to any person for any premises, except a bona fide hotel, restaurant, tavern, club, qualified catering service,

civic auditorium ~~or~~, performing arts center or outdoor stadium, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern, club, qualified catering service, civic auditorium ~~or~~, performing arts center, or outdoor stadium is located, and if such hotel, restaurant, tavern or club ~~or~~, qualified catering service or outdoor stadium is located in an unorganized place, the application shall be approved by the county commissioners of the county within which such unorganized place is located. No license ~~shall~~ may 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~~ the applicant has been a resident of the State for at least 6 months prior to filing his application, 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~~ the part-time premise is ordinarily open for business. Licenses issued under this section shall specify the premises to which the license shall apply.

Sec. 12. 28 MRSA §801, as amended by PL 1981, c. 698, §128, 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, civic auditoriums ~~and~~, performing arts centers or outdoor stadiums on payment of the fees provided; subject to the provisions of section 252-A and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which that intended licensee, if operating a qualified catering service, club, restaurant, hotel ~~or~~, civic auditorium or outdoor stadium is operating the same, and if that qualified catering service, hotel, restaurant ~~or~~, club or outdoor stadium is located in an unorganized place, that application shall be approved by the county commissioners of the county, within which that 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~~ may, 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. 28 MRSa §808 is enacted to read:

§808. Sales at outdoor stadiums

1. Issue of licenses. Licenses for the sale of malt liquor and vinous liquors to be consumed on the premises may be issued to outdoor stadiums, as defined in section 2, subsection 8, paragraph P.

2. No sales at events for children. There shall be no sales of liquor at an outdoor stadium at any event primarily involving primary or secondary school children.

3. Conditions on sales. No liquor may be sold in the spectator stands at an outdoor stadium. Liquor may be sold only by the glass in plastic or paper cups.

Sec. 14. Sunset provision. This Act shall remain in effect only until September 30, 1985, during which time the Bureau of Liquor Enforcement shall evaluate the effectiveness of this law and make a written report to the 112th Legislature.

Effective July 25, 1984.

CHAPTER 756

S.P. 787 - L.D. 2113

AN ACT Concerning Maine Farm Wineries.

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

Sec. 1. 28 MRSa §452, as amended by PL 1979, c. 663, §164, is further amended by adding after the 2nd paragraph a new paragraph to read:

Notwithstanding the provisions of this section, until July 1, 1989, the excise tax imposed on table wine containing 14.5% or less alcohol by volume produced by a licensed Maine farm winery, shall be 5¢ per gallon, or its metric equivalent, on the first