

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

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1985

sociation may make a loan secured by real estate not located within the States of Maine, Connecticut, Massachusetts, New Hampshire, Rhode Island or Vermont under the following circumstances:

A. A majority of the entire membership of the board of directors shall approve any such loan; and

B. A loan made to any one individual pursuant to this subsection shall not exceed the limitations imposed under subsection 10 and the aggregate amount of the loan shall not exceed 10% of the deposits of the association.

Effective September 19, 1985.

CHAPTER 85

H.P. 789 - L.D. 1104

AN ACT Concerning Certain Fines for Persons Under the Legal Drinking Age Under the Liquor Laws.

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

28 MRSA §303, as amended by PL 1983, c. 81, is further amended to read:

§303. Credit sales; sales to certain persons restricted

No licensee by himself, clerk, servant or agent ~~shall~~ may sell or offer to sell any liquor except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members; and excepting credits extended by a hotel or class A restaurant to the holder of a credit card which authorizes such holder to charge goods or credits. No right of action ~~shall~~ may exist to collect claims for credits extended contrary to this section. Nothing herein contained ~~shall~~ may prohibit a licensee from giving credit to a purchaser for the actual price charged for packages or original containers as a credit on any sale, or from paying the amount actually charged for packages or original containers.

No licensee by himself, clerk, servant or agent ~~shall~~ may sell, offer to sell or furnish any liquor to any person on a passbook or store order, or receive from any person any goods, wares, merchandise or other articles in exchange for liquor, except only such packages or original containers as were originally purchased from such licensee by the person returning the same. No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises, ~~shall~~ may 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 20 years as defined in section 2, subsection 11. No licensee by himself, clerk, servant or agent ~~shall~~ may 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 20 years. Any licensee who accepts an order or receives payment for liquor from a minor shall be considered as in violation of this paragraph.

Any person under the age of 20 years minor who purchases any intoxicating liquor or any person under the age of 20 years minor 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, commits a civil violation for which a forfeiture may be adjudged of no less than \$100 nor more than \$300 for the first offense; not less than \$200 nor more than \$500 for the 2nd offense, none of which may be suspended; and \$500 for the 3rd and subsequent offenses, none of which may be suspended. When a person is adjudged to have committed his first offense under this section, the judge shall inform that person that the forfeitures for the 2nd and subsequent offenses are mandatory and cannot be suspended. Failure to inform the first offender that subsequent forfeitures are mandatory is not a ground for suspension of any subsequent forfeiture. If a minor is charged with illegal possession under this section,

he may not be charged with illegal transportation. No minor may be charged with more than one offense under this section in any given instance wherein in which the same set of facts is involved.

Effective September 19, 1985.

CHAPTER 86

S.P. 124 - L.D. 364

AN ACT to Allow the Use of Bid Bonds on State Highway Projects.

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

Sec. 1. 23 MRSA §453, first ¶, as amended by PL 1975, c. 771, §250, is further amended to read:

The department shall prepare all engineering plans and specifications for materials, construction and workmanship which it considers necessary for the complete construction of the bridge structure, approaches and for maintenance of traffic and, as soon as practicable after being advised that the municipal officers are authorized to raise the town's share of the estimated cost of such construction, shall requisition the county and city or town for their respective portions of the estimated cost of construction as provided in section 452, and except as otherwise provided in this section, advertise for bids for the construction of the bridge in 2 or more public newspapers printed wholly or in part in the State, and in one public newspaper printed wholly or in part in the county in which the proposed work is to be done, if any such newspaper is so printed in such county. Such advertisement shall state the place where the bidders may examine or obtain the plans and specifications, and the time and place where the bids for such work will be received by the department. Each bidder must accompany his bid with a cashier's check or a certified check, or a United States postal money order good and sufficient bid bond in favor of the State for the benefit of the department, executed by a corporate surety authorized to do business in the State, or certain securities, payable to the Treasurer of State, for an amount which the department considers sufficient to guarantee that if the work is awarded