

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
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1987

PUBLIC LAWS

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establish a fund to compensate those persons.

3. Report. The Office of Policy and Legal Analysis shall report the results of the survey described in subsection 2 and any recommendations to the joint standing committee of the Legislature having jurisdiction over insurance by January 15, 1990.

Sec. 6. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>SECRETARY OF STATE, DEPARTMENT OF</u>		
Administration — Motor Vehicles		
Positions	(4)	(4)
Personal Services	\$38,337	\$76,673
All Other	3,526	6,698
Capital Expenditures	5,000	
 Total	 \$46,863	 \$83,371
Provides funds for 3 Clerk Typist II's; one Clerk Typist III; and general operating expenses to assist with the anticipated administrative responsibilities.		

Sec. 7. Effective date. This Act shall take effect on January 1, 1988.

Effective January 1, 1988.

CHAPTER 342

H.P. 1348 — L.D. 1842

AN ACT to Make Substantive Changes in the Liquor Laws.

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

Sec. 1. 5 MRSA §88-A, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §1, is amended to read:

A. The application form must include, directly above the signature line, the following notice to the applicant: "I understand that knowingly supplying false information on this form is a Class D crime under Title 17-A, punishable by confinement of up to one year 364 days or by monetary fine of up to \$500 \$1,000, or both."

Sec. 2. 28-A MRSA §2, sub-§12, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

12. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by

volume which is produced by the fermentation of fruit or other agricultural products containing sugar; or

B. Wine to which spirits have been added.

Sec. 3. 28-A MRSA §2, sub-§15, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

E. "Dining car" and "passenger car" mean cars in which food and liquor are served.

Sec. 4. 28-A MRSA §2, sub-§15, ¶F, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 5. 28-A MRSA §2, sub-§15, ¶H, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

H. "Hotel" means any reputable place operated by responsible persons of good reputation, where the public obtains sleeping accommodations for a consideration and where meals may be served, whether or not under one roof.

(1) A hotel is considered to be serving meals when it provides on the premises one or more public dining rooms, open and serving food during the morning, afternoon and evening, and a separate kitchen in which food is regularly prepared for the public.

(2) Nothing in this paragraph may be held to prevent the commission from issuing part-time licenses to bona fide part-time hotels.

(3) "Hotel guest" means a person whose name and address is registered on the registry maintained by the hotel and who is the bona fide occupant of a room of the hotel. A person registering solely for the purpose of obtaining liquor is not considered a hotel guest.

~~(4) No group of buildings which is reasonably classified as overnight camps qualifies as a hotel.~~

Sec. 6. 28-A MRSA §2, sub-§15, ¶K-1 is enacted to read:

K-1. "International air terminal" means an airport served by one or more bona fide international air carriers.

Sec. 7. 28-A MRSA §2, sub-§15, ¶T, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 8. 28-A MRSA §2, sub-§15, ¶T-1 is enacted to read:

T-1. "Tavern" means a reputable place operated by responsible persons where food may be sold and malt liquor may be sold at tables, booths and counters.

Sec. 9. 28-A MRSA §2, sub-§15, ¶U, as enacted by

PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 10. 28-A MRSA §2, sub-§18, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

18. Malt liquor. "Malt liquor" means liquor produced by the fermentation of malt, wholly or partially, or from any malt substitute, which contains 1/2 of 1% of alcohol or more by volume. "Malt liquor" includes, but is not limited to, ale, beer, porter and stout. "Malt liquor" includes beverages made with malt liquor, but to which no spirits are added.

Sec. 11. 28-A MRSA §2, sub-§27, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. "Off-premise retail licensee" means a person licensed to sell liquor in the original containers sealed bottles, containers or original packages to be consumed off the premises where sold.

Sec. 12. 28-A MRSA §2, sub-§35, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

35. Wholesaler. "Wholesaler" means a person who engages in the purchase and resale of malt or brewed beverages and or wines, or both, in the original container sealed bottles, containers or original packages, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, except when taste testing, on the premises of that wholesaler.

Sec. 13. 28-A MRSA §2, sub-§36, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

36. Wine. "Wine" means any liquor containing not more than 15.5% alcohol by volume which is produced by the fermentation of fruit or other agricultural products containing sugar and to which no spirits are added. "Wine" includes, but is not limited to, wine coolers, table wine, still wine, sparkling wine and champagne, provided that the alcohol content is not above 15.5% by volume.

Sec. 14. 28-A MRSA §4, sub-§§7 and 8, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

Sec. 15. 28-A MRSA §62, sub-§11, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

11. Oaths; subpoenas; witnesses. Any member of the commission may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any question in dispute before the commission or to any matter involved in a hearing. Witness fees in all proceedings shall be the same as for witnesses before the Superior Court and shall be paid by the commission, except that, notwithstanding Title 16, section 253, the commission is not required to pay the fees before the travel and attendance occur; and

Sec. 16. 28-A MRSA §63, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

3. Publish laws and rules. The commission shall publish a compilation containing this Title, other laws concerning liquor and all rules adopted under this Title every 4 years.

A. The commission shall supply a copy of the compilation to every new licensee at no charge.

B. The commission shall notify all licensees of changes in the law and rules within 90 days of adjournment of each regular session of the Legislature.

(1) The commission shall supply a copy of the new laws and rules at no charge when requested by licensees.

(2) The commission shall supply a copy of the new laws and rules to persons other than licensees for a reasonable fee.

C. The commission may charge a reasonable fee for the compilation to cover the cost of producing the compilation to persons other than licensees.

Sec. 17. 28-A MRSA §122, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§122. Unincorporated places

1. No local option election. No local option election may be held in unincorporated places.

2. Authorization of sales. The county commissioners may, after holding a public hearing:

A. Authorize or refuse to authorize the sale of liquor to be consumed on the premises where sold; and

B. Authorize or refuse to authorize the sale of liquor to be consumed off the premises where sold.

3. Approval of licenses. The county commissioners may refuse to approve a liquor license application on the ground that the license is not warranted for any substantial public convenience, necessity or demand.

Sec. 18. 28-A MRSA §123, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§123. Local option questions

Any one or more of the following questions may be voted on in a local option election held under section 121. Each question applies to both full-time and part-time licensed establishments.

1. Sale of liquor for consumption on the premises on days other than Sunday. Shall this municipality authorize the State Liquor Commission to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sunday?

2. Sale of liquor for consumption off the premises on days other than Sunday. Shall this municipality authorize the State Liquor Commission to permit the operation of state liquor stores and agency liquor stores and to issue licenses for the sale of liquor to be consumed off the premises of licensed establishments on days other than Sunday?

3. Sale of liquor for consumption on the premises on Sundays. Shall this municipality authorize the State Liquor Commission to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays?

4. Sale of liquor for consumption off the premises on Sundays. Shall this municipality authorize the State Liquor Commission to permit the operation of state liquor stores and agency liquor stores and to issue licenses for the sale of liquor to be consumed off the premises of licensed establishments on Sundays?

Sec. 19. 28-A MRSA §162 is enacted to read:

§162. Local authority for operation of bottle clubs

1. Question on bottle clubs. A municipality may hold an election on the following question.

A. Bottle clubs are defined as persons operating, on a regular, profit or nonprofit basis, facilities for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintain suitable facilities for the use of members on a regular basis or charge an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor. Shall bottle clubs be operated in this municipality?

2. Procedure for election. The provisions of section 121 apply to elections under this section.

3. Results of vote. If the results of an election held under this section show that:

A. A majority of the votes cast in the municipality on the bottle club question is in the affirmative, bottle clubs may operate in that municipality;

B. A majority of the votes cast in the municipality on the bottle club question is in the negative, bottle clubs may not operate in that municipality; or

C. The vote is tied on any local option question, the law shall remain as it was before the voting.

4. Effective date. The vote is effective on the first day of the month following the certification of the vote to the Secretary of State.

5. Repeal or reconsideration. When a municipality has voted to allow or not allow the operation of bottle clubs, the vote is effective until repealed by a new petition and vote as required by this section. No vote may be taken on the bottle club question more than once in any 2-year period.

6. Unincorporated places. The county commissioners, after holding a public hearing, may or may not allow the operation of bottle clubs in the unincorporated place.

Sec. 20. 28-A MRSA §351, sub-§1, ¶A is enacted to read:

A. The commission, after holding a public hearing near the proposed location, may locate an agency liquor store within 300 feet of a church, chapel, parish house or post-secondary school when the location has the unanimous approval of the members of the commission.

Sec. 21. 28-A MRSA §352, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§352. Purchase of liquor in state liquor stores and agency liquor stores

1. All sales shall be for cash; exception. Except as provided in paragraph A, all sales of liquor at state liquor stores and agency liquor stores must be for cash all persons buying liquor at state liquor stores or agency liquor stores shall pay in cash or by major credit card.

A. The holder of a major credit card which authorizes the holder to charge goods or services may pay for liquor by charging it on the card. Agency liquor stores may accept payment by check.

Sec. 22. 28-A MRSA §453, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. The commission may replace an agency liquor store once after December 1, 1979, if that agency liquor store:

- (1) Was licensed before December 1, 1979; and
- (2) Is within 10 miles of a state or agency liquor store.

Sec. 23. 28-A MRSA §457 is enacted to read:

§457. Transfer of agency liquor store license

If an agency liquor store license is transferred, the new licensee may operate the agency liquor store after notifying the commission of the transfer.

Sec. 24. 28-A MRSA §603, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 25. 28-A MRSA §605, first ¶, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

Except as otherwise provided in this section, no license or any interest in a license may be sold, transferred, assigned or otherwise subject to control by any person other than the licensee. If the business or any interest in the business in connection with which a licensed activity is conducted, is sold, transferred or assigned, the licensee shall immediately send to the commission his license and a sworn statement showing the name and address of the purchaser ~~or any other person directly or indirectly interested in the enterprise.~~ The commission is not required to refund any portion of the licensee fee if the license is surrendered before it expires.

Sec. 26. 28-A MRSA §605, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Sale of stock of a corporate licensee. Any sale or transfer of stock of a corporate licensee which effects a change of control of the licensed premises results in the sale or transfer of more than 10% of the shares of stock of the corporate licensee shall be considered a transfer within the meaning of this section; and a new license must be purchased.

Sec. 27. 28-A MRSA §605, sub-§§5, 6, 7 and 8 are enacted to read:

5. Incorporation of licensee's business. The incorporation of a licensee's business or a change in the form of incorporation of a licensee's business are transfers within the meaning of this section.

6. Change in partnership. Addition or deletion of a partner in a partnership is a transfer within the meaning of this section.

7. Corporate merger or acquisition. The merger or acquisition of a licensee which is incorporated is a transfer within the meaning of this section.

8. Application. This section does not apply to certificate of approval holders or agency liquor stores.

Sec. 28. 28-A MRSA §606, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. All licensees must buy liquor from commission; exception. Except as provided in paragraph A, all persons licensed to sell spirits shall purchase all such liquor from state liquor stores. Agency liquor stores may not sell liquor to retail licensees for resale.

A. This subsection does not apply to public service corporations operating interstate.

Sec. 29. 28-A MRSA §606, sub-§4, as enacted by PL

1987, c. 45, Pt. A, §4, is amended to read:

4. Discount for agency liquor stores. The commission shall sell spirits to agency liquor stores for a price of ~~10%~~ 8% less than the real price established for the state liquor stores; provided that the discount does not apply to federal taxes levied on or after November 1, 1941.

Sec. 30. 28-A MRSA §651, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. False answer given intentionally. Any person who intentionally gives an untruthful answer in an application for a liquor license commits the crime of perjury violates Title 17-A, section 453.

Sec. 31. 28-A MRSA §652, sub-§5, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

5. Filing fee. Except as provided in paragraph A, every applicant for an original or renewal ~~mal~~ liquor license shall pay a filing fee of \$10 when filing the application.

A. In unincorporated places, the applicant shall pay the filing fee of \$10 to the county treasurer of the county in which unincorporated place is located. All applications for a license in unincorporated places must be accompanied by evidence of payment of the filing fee to the county treasurer.

Sec. 32. 28-A MRSA §653, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 33. 28-A MRSA §701, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 34. 28-A MRSA §702, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 35. 28-A MRSA §704, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Licensee may not hire employee under 17; employees who are 17. No licensee for the sale of liquor to be consumed on licensed premises, ~~except in Class A restaurants, Class A taverns, clubs and hotel dining rooms;~~ may employ any person under the age of 17 years in the ~~direct handling~~ direct handling serving or selling of liquor on the premises where the liquor is sold. The licensee may employ a person who is 17 years of age in the ~~direct handling~~ direct handling serving or selling of liquor on the premises where the liquor is sold only if an employee who is at least 18 years of age is present in a supervisory capacity.

Sec. 36. 28-A MRSA §705, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Sales for cash. Except as provided in paragraph A, no licensee or licensee's employee or agent may sell or offer to sell any liquor except for cash, by check or

by major credit card.

A. Credit may be extended:

(1) By a hotel or club to bona fide registered guests or members; and

(2) By a hotel or Class A restaurant to the holder of a credit card which authorizes the holder to charge goods or credits.

B. A right of action does not exist to collect claims for credits extended contrary to this section.

C. This section does not prohibit a licensee from giving credit to a purchaser for the actual price charged for the beverage container deposit on the packages or original containers, as defined in Title 32, chapter 28, as a credit on any sale, or from paying the amount actually charged for such deposit on the packages or original containers.

D. Except as provided in subparagraph (1), no licensee or licensee's employee or agent 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.

(1) This paragraph does not apply to beverage container deposits on packages or original containers that were originally purchased from that licensee by the person returning the packages or original containers.

Sec. 37. 28-A MRSA §705, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

Sec. 38. 28-A MRSA §705, sub-§3, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

Sec. 39. 28-A MRSA §705, sub-§4 is enacted to read:

4. Permitting consumption or possession by a minor on the premises. No licensee may permit a minor to consume or possess liquor on the premises.

Sec. 40. 28-A MRSA §707, sub-§2, ¶¶A and B, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

A. Engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor; or

B. Engaged in the manufacture, distribution, sale or transportation of any commodity, equipment, material or advertisement used in connection with the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Sec. 41. 28-A MRSA §707, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Retail licensee; interest in wholesaler or certificate of approval. No retail licensee may have any financial interest, direct or indirect, if any:

A. Maine manufacturer's or wholesaler's license; or

B. Certificate of approval issued to an out-of-state manufacturer or foreign wholesaler of malt liquor or wine.

Sec. 42. 28-A MRSA §707, sub-§§4 and 5, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed and the following enacted in their place:

4. Certificate of approval holder or Maine manufacturer; interest in wholesaler or retail license. No certificate of approval holder or in-state manufacturer may have any financial interest, direct or indirect, in any:

A. Maine wholesale license; or

B. Maine retail license.

5. Wholesale licensee; interest in certificate of approval holder, Maine manufacturer or retail license. No wholesale licensee may have any financial interest, direct or indirect, in any:

A. Certificate of approval issued to an out-of-state manufacturer or foreign wholesaler of malt liquor;

B. Maine manufacturer license; or

C. Maine retail license.

Sec. 43. 28-A MRSA §707, sub-§§6 and 7 are enacted to read:

6. Minor investment. Minor investment in securities of a corporation engaged in liquor business not amounting to more than 1% shall not be held to be an interest forbidden by this subsection.

7. Application. This section does not prohibit a wholesale licensee from receiving normal credits for the purchase of malt liquor or wine from the manufacturer located within or without the State.

Sec. 44. 28-A MRSA §708, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§708. Prohibited discounts and rebates

1. Certificate of approval holders. No certificate of approval holder may offer to wholesale licensees any special discounts, volume discounts, depletion allowances or other reduced prices or discounts, except bona fide price reductions under section 1408 offered to all wholesale licensees. No certificate of approval holder may offer any free merchandise, rebate or gift contingent on the purchase of malt liquor or wine.

2. Wholesale licensees. No wholesale licensee may offer to retail licensees any special discounts, volume discounts, depletion allowances or other reduced prices or discounts, except bona fide price reductions under section 1408 offered to all retail licensees. No wholesale licensee may offer any free merchandise, rebate or gift contingent on the purchase of malt liquor or wine.

3. Retail licensees. No retail licensee may offer any free merchandise, rebate or gift contingent on the purchase of spirits, malt liquor or wine.

Sec. 45. 28-A MRSA §709, sub-§2, ¶D, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. The sale or delivery of wine, malt liquor or mixed drinks by the bottle or, carafe or pitcher when sold with meals or to more than one person;

Sec. 46. 28-A MRSA §710, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Advertising inside of licensed premises. A licensee may display no more than one electrically lighted sign inside the licensed premises, where it may be seen from the outside, advertising the fact that the licensee has liquor for sale. The sign may not be more than 750 square inches in total area.

Sec. 47. 28-A MRSA §713, sub-§2, ¶A is enacted to read:

A. This subsection does not prohibit a wholesale licensee from collecting orders for malt liquor or wine by sales representatives calling upon retailers, then filing the orders at the principal place of business or warehouse or distributing center.

Sec. 48. 28-A MRSA §751, sub-§1, ¶C, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

C. The fact that the licensee paid by cash or check for all liquor bought by him at the time of or before delivery of the liquor; and

Sec. 49. 28-A MRSA §751, sub-§3 is enacted to read:

3. Retail licensee to keep records of sales separate. A retail licensee shall separate liquor sales from all other sales by the licensee in the licensee's records.

Sec. 50. 28-A MRSA §752, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Showing that all sales and purchases are in accordance with the law relating to cash or check sales; and

Sec. 51. 28-A MRSA §803, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Violation of law or rule. Upon discovering a violation of federal or state law, rule or regulation relating

to liquor, or an infraction of a rule issued by the commission, an enforcement officer of the Department of Public Safety the Director of the Bureau of Liquor Enforcement, or the director's designee, shall:

A. Report the violation to the Administrative Court Judge in a signed complaint; or

B. Issue warnings to the licensees involved.

Sec. 52. 28-A MRSA §803, sub-§2, ¶C, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

C. The Administrative Court Judge shall conduct the hearing in the following manner.

(1) The Administrative Court Judge may subpoena and examine witnesses, administer oaths and subpoena and compel the attendance of parents and legal guardians of unemancipated minors.

(a) The commission shall pay to the witnesses the legal fees for travel and attendance, except that, notwithstanding Title 16, section 253, the commission is not required to pay the fees before the travel and attendance occur.

(2) Hearsay testimony is not admissible during the hearing. The licensees named in the complaint have the right to have all witnesses testify in person at the hearing.

(3) The Administrative Court Judge shall conduct hearings in one or more designated places which are the most convenient and economical for all parties concerned in the hearing.

Sec. 53. 28-A MRSA §803, sub-§2-A is enacted to read:

2-A. Suspension or revocation decision. The Administrative Court Judge shall issue the decision in writing within 12 days of the hearing.

Sec. 54. 28-A MRSA §803, sub-§6, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

6. Warnings. Upon the written recommendation of the enforcement officer of the Department of Public Safety Director of the Bureau of Liquor Enforcement, or the director's designee, the Administrative Court Judge, instead of notifying a licensee against whom a complaint is pending to appear for hearing, may send the licensee a warning. Warnings must be sent by registered or certified mail and contain a copy of the complaint. A licensee to whom a warning is sent may demand a hearing by notifying the Administrative Court Judge by registered or certified mail within 10 days from the date the warning was mailed.

Sec. 55. 28-A MRSA §803, sub-§9, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 56. 28-A MRSA §1001, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 375; and
- C. ~~Part-time (7 months) \$ 437.50; and~~

Sec. 57. 28-A MRSA §1001, sub-§3, ¶F, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

F. Dining cars and passenger cars;

Sec. 58. 28-A MRSA §1002, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 500; and
- C. ~~Part-time (7 months) \$ 583.31; and~~

Sec. 59. 28-A MRSA §1003, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 250; and
- C. ~~Part-time (7 months) \$ 291.69; and~~

Sec. 60. 28-A MRSA §1003, sub-§3, ¶F, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

F. Dining cars and passenger cars;

Sec. 61. 28-A MRSA §1004, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 100; and
- C. ~~Part-time (7 months) \$ 116.69; and~~

Sec. 62. 28-A MRSA §1004, sub-§3, ¶F, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

F. Dining cars and passenger cars;

Sec. 63. 28-A MRSA §1005, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 100; and
- C. ~~Part-time (7 months) \$ 116.69; and~~

Sec. 64. 28-A MRSA §1005, sub-§3, ¶F, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

F. Dining cars and passenger cars;

Sec. 65. 28-A MRSA §1005, sub-§3, ¶¶O and P, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- O. Taverns; and
- P. ~~Class A taverns; and~~

Sec. 66. 28-A MRSA §1006, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 225; and
- C. ~~Part-time (7 months) \$ 262.50; and~~

Sec. 67. 28-A MRSA §1007, sub-§2, ¶¶B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- B. Part-time (6 months) \$ 62.50; and
- C. ~~Part-time (7 months) \$ 72.91; and~~

Sec. 68. 28-A MRSA §1007, sub-§3, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Off-premise retailers and ship chandlers with a qualifying stock of groceries, compatible merchandise or combination of both.

Sec. 69. 28-A MRSA §1008, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Fees. The fees for a Class VI-A license are as follows:

- A. Full-time (one year) ~~\$ 225~~ \$ 135;
- B. Part-time (6 months) ~~\$ 112.50~~ \$ 67.50; and
- C. ~~Part-time (7 months) \$ 131.25; and~~
- D. Extension (2 months) for part-time licenses only ~~\$ 45~~ \$ 30.

Sec. 70. 28-A MRSA §1008, sub-§3, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

A. Ship chandlers without a qualifying stock of groceries, compatible merchandise or combination of both.

Sec. 71. 28-A MRSA §1009, sub-§2, ¶¶A, B and C, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

- A. Full-time (one year) ~~\$ 125~~ \$ 135;
- B. Part-time (6 months) ~~\$ 62.50~~ \$ 67.50; and
- C. ~~Part-time (7 months) \$ 72.91; and~~

Sec. 72. 28-A MRSA §1009, sub-§3, ¶¶A and B, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed and the following enacted in their place:

A. Off-premise retailers with a qualifying stock of groceries, compatible merchandise or combination of both.

Sec. 73. 28-A MRSA §1010, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Fees. The fees for a Class VII-A license are as follows:

- A. Full-time (one year) ~~\$225~~ \$ 135;
- B. Part-time (6 months) . . . ~~\$ 112.50~~ \$ 67.50; and
- C. ~~Part-time (7 months)~~ ~~\$ 131.25~~; and
- D. Extension (2 months) for part-time licenses only ~~\$ 45~~ \$ 30.

Sec. 74. 28-A MRSA §1010, sub-§3, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

A. Ship chandlers without a qualifying stock of groceries, compatible merchandise or combination of both.

Sec. 75. 28-A MRSA §1011, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

- A. Full-time (one year) and part-time (~~6 6 months or 7 months~~) \$2,000.

Sec. 76. 28-A MRSA §1052, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Fee. The license fee for the off-premise catering license is \$10 per calendar day of the event or gathering.

Sec. 77. 28-A MRSA §1052, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Application. The licensee must apply for an off-premise catering license by notifying filing a written application with the commission at least 24 hours before the event or gathering. The application must include the following:

- A. Title and purpose of the event;
- B. Date, time and duration;
- C. Location;
- D. Approximate number of persons to be accommodated;
- E. Name and address of sponsoring person, organization or association;
- F. If food is to be served, the name and address of food caterer, if other than the licensee; and
- G. Approval by the municipal officers, or a municipal official designated by the municipal officers, of the municipality in which the proposed additional licensed

premises are located, which, notwithstanding section 653, may be granted without public notice.

Sec. 78. 28-A MRSA §1052, sub-§5, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

5. Ruling on application. Upon receipt of the application, the commission may immediately approve or deny the application. The commission shall advise the applicant that the license and the off-premise sales license may be revoked and suspended under chapter 33.

Sec. 79. 28-A MRSA §1053, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 80. 28-A MRSA §1054, sub-§9, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

9. Admission. A licensed hotel, ~~Class A restaurant, Class A tavern or restaurant malt liquor licensee~~ who has been issued an amusement permit may charge admission in designated areas approved by the special amusement permit.

Sec. 81. 28-A MRSA §1054, sub-§11, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

B. These ordinances or regulations may specifically determine:

- (1) The location and size of premises to which the permits may apply;
- (2) The facilities that may be required for the permitted activities on those premises; and
- (3) The hours during which the permitted activities may take place; and
- (4) The lighting level required, which may be lowered when the entertainment is provided.

Sec. 82. 28-A MRSA §1061, sub-§2, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

B. This subsection does not apply when:

- (1) The minor is accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002;
- (2) The minor is employed under section 704; or
- (3) The licensee does not permit consumption of liquor on the licensed premises.

Sec. 83. 28-A MRSA §1061, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Income from sale of food requirement. At least 10% of the gross annual income must be from the sale

of food for each hotel.

Sec. 84. 28-A MRSA §1061, sub-§4, as amended by PL 1987, c. 232, is repealed and the following enacted in its place:

4. Required number of sleeping rooms. Each hotel must be equipped with at least the required number of adequate sleeping rooms.

A. The number of rooms required is based on the population of the municipality in which the hotel is located.

(1) If the hotel is located in a municipality of 3,000 or less population, the hotel must have at least 14 adequate sleeping rooms.

(2) If the hotel is located in a municipality of more than 3,000 but not more than 7,500 population, the hotel must have at least 20 adequate sleeping rooms.

(3) If the hotel is located in a municipality of 7,500 or more population, the hotel must have at least 30 adequate sleeping rooms.

B. Any increase in population as shown by a subsequent Federal Census does not affect the eligibility for license of premises licensed before that census.

Sec. 85. 28-A MRSA §1062, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 86. 28-A MRSA §1062, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Income from sale of food requirement. Except as provided in paragraph B, at least 10% of the total gross annual income must be from the sale of food for both year-round and part-time restaurants.

Sec. 87. 28-A MRSA §1062, sub-§4 is enacted to read:

4. Commission determines who would probably qualify. The commission may issue the license if it determines that the applicant for a new license would probably meet the requirements of subsection 3.

Sec. 88. 28-A MRSA §1063, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Income from sale of food requirement. Except as provided in section 1079, at least a minimum amount of the gross annual income must be from the sale of food for each Class A restaurant. The income from sale of food requirement is based on the population of the municipality in which the Class A restaurant is located.

A. In municipalities having a population of more than 50,000 persons:

(1) Year-round Class A restaurants must have a minimum gross annual income of \$50,000 per year from the sale of food to the public on their premises; and

(2) Part-time Class A restaurants must have a minimum gross annual income of:

(a) Thirty thousand dollars from the sale of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months; and

(b) Twenty thousand dollars from the sale of food to the public on their premises as a requirement for a part-time license not in excess of 3 consecutive months;

B. In municipalities having a population of more than 30,000 but not more than 50,000 persons:

(1) Year-round Class A restaurants must have a minimum gross annual income of \$40,000 per year from the sale of food to the public on their premises; and

(2) Part-time Class A restaurants must have a minimum gross annual income of:

(a) Twenty-five thousand dollars from the sale of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months; and

(b) Twenty thousand dollars from the sale of food to the public on their premises as a requirement for a part-time license not in excess of 3 consecutive months;

C. In municipalities having a population of more than 20,000, but not more than 30,000 persons:

(1) Year-round Class A restaurants must have a minimum gross annual income of \$30,000 per year from the sale of food to the public on their premises; and

(2) Part-time Class A restaurants must have a minimum gross annual income of \$20,000 from the sale of food to the public on their premises as a requirement for a part-time license, not in excess of 6 consecutive months; and

D. In municipalities having a population of not more than 20,000 persons:

(1) Year-round Class A restaurants must have a minimum gross annual income of \$20,000 per year in sale of food to the public on their premises; and

(2) Part-time Class A restaurants must have a minimum gross annual income of \$15,000 from the sale

of food to the public on their premises as a requirement for a part-time license, not in excess of 6 consecutive months.

Sec. 89. 28-A MRSA §1065, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Income from the sale of food requirement. At least 10% of the total gross annual income must be from the sale of food.

Sec. 90. 28-A MRSA §1065, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in their place:

4. Minors not allowed on premises. Minors are not permitted to remain on the premises except when:

A. The minor is accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002; or

B. The licensee does not permit consumption of liquor on the premises for a specific period of time or event.

Sec. 91. 28-A MRSA §1065, sub-§§6 and 7, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

Sec. 92. 28-A MRSA §1066, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 93. 28-A MRSA §1066-A is enacted to read:

§1066-A. Taverns

1. Issuance of licenses. The commission may issue licenses under this section for the sale of malt liquor to be consumed on the premises to taverns as defined in section 2, subsection 16, paragraph T-1.

2. Minors not permitted on premises. Minors are not permitted to remain on the premises unless:

A. Accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002; or

B. Employed under section 702.

Sec. 94. 28-A MRSA §1067, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 95. 28-A MRSA §1070, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Licensee must notify Bureau of Liquor Enforcement. The civic auditorium licensee shall ~~notify~~ give written notice to the Bureau of Liquor Enforcement at least 24 hours before a function or event.

Sec. 96. 28-A MRSA §1072, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. Charged and collected dues from elected members.

Sec. 97. 28-A MRSA §1076, sub-§1, ¶A is enacted to read:

A. "Premises," as used in this section, means the premises where the qualified catering service is selling and serving liquor, either its principal place of business or the premises where the event being catered is held.

Sec. 98. 28-A MRSA §1076, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

2. Compliance with local option decisions. The commission may license only those qualified catering services whose principal place of business is located in municipalities which have previously voted affirmatively on questions pertaining to on-premise sales provided in chapter 5.

A. Every event catered by the qualified catering service must also be located in a municipality which has previously voted affirmatively on questions pertaining to on-premise sales provided in chapter 5.

Sec. 99. 28-A MRSA §1076, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

4. Commission determines applicant would probably qualify. The commission may issue the license if it determines that the applicant for a new license would probably qualify.

Sec. 100. 28-A MRSA §1077, sub-§3, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

A. The license issued to a railroad corporation operating dining cars or passenger cars within the State authorizes the licensee to sell liquor to be consumed in the cars only after leaving and before reaching the terminal stops.

Sec. 101. 28-A MRSA §1079, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in their place:

§1079. International air terminals

1. Issuance of license to operators of air terminals. The commission may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to operators of international air terminals, as defined in section 2, subsection 15, or their agent or concessionaire.

2. Sale of liquor. An international air terminal licensee may sell liquor during the hours permitted under section 4, subsection 1, to:

A. International passengers in transit; and

B. Other persons.

3. Sale of liquor to international passengers in transit. Notwithstanding section 4, subsection 1, an international air terminal licensee may sell liquor to international passengers in transit during the hours sales are prohibited under section 4, subsection 1.

4. International passengers in transit defined. "International passenger in transit" means an airline passenger who is in transit and whose point of either origin or destination is a foreign country.

Sec. 102. 28-A MRSA §1201, sub-§5, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

B. The applicant proves to the satisfaction of the commission that all proper standards and requirements of laws and rules of the commission have been met and the applicant has been he is a resident of the State for at least 6 months before filing his application.

Sec. 103. 28-A MRSA §1201, sub-§6, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

6. Stock of groceries or compatible merchandise required. All off-premise retail licensees must have and maintain:

A. An adequate stock of groceries fit for human consumption of at least \$1,000 wholesale value;

B. A stock of merchandise reasonably compatible with a stock of malt liquor or wine of at least \$1,000 wholesale value; or

C. A combination of both groceries fit for human consumption and compatible merchandise of at least \$1,000 wholesale value.

Sec. 104. 28-A MRSA §1201, sub-§7, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

7. Compatible merchandise. Each licensee shall display the groceries or compatible merchandise, or both, in the general sales area of the licensed premises, except that foodstuffs and other consumable products used in the preparation of food and cut flowers and potted flowers are not required to be displayed if they are stored elsewhere on the premises. Compatible merchandise:

A. Includes:

- (1) Tobacco products;
- (2) Newspapers;
- (3) Greeting cards;
- (4) Paper products;

(5) Cut flowers and potted flowers;

(6) A stock of foodstuffs and other consumable products used on the premises in the preparation of food for consumption on or off the premises; and

(7) Other items equally compatible with a stock of malt liquor or wine; and

B. Does not include:

(1) Gasoline and oil;

(2) Used or new cars, parts or accessories; or

(3) Other items of stock that may be equally incompatible in nature.

Sec. 105. 28-A MRSA §1203, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 106. 28-A MRSA §1204 is enacted to read:

§1204. Ship chandlers

1. Issuance of licenses. The commission may issue licenses under this section for the sale of malt liquor and table wine to be consumed off the premises to ship chandlers, as defined in section 2, subsection 15, paragraph 5.

2. Conditions on sales. Ship chandlers may sell malt liquor and wine only to ships which are:

A. Not licensed as retail licensees; and

B. Registered in another state or another country.

3. Exception to off-premise retail licensee requirements. Notwithstanding section 1201, a licensed ship chandler is not required to have or maintain a stock of groceries, compatible merchandise or combination of both.

Sec. 107. 28-A MRSA §1355, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§1355. Manufacturer licenses

1. Issuance of licenses. The commission may issue manufacturer licenses to distill, rectify, brew or bottle spirits, wine or malt liquor to distillers, rectifiers, brewers, bottlers and wineries, as defined in section 2, operating under federal law and federal supervision.

2. Small Maine breweries. The following conditions apply to licenses issued to small Maine breweries.

A. A holder of a small Maine brewery license may produce malt liquor containing 25% or less alcohol by volume in an amount not to exceed 50,000 gallons per year.

B. A holder of a small Maine brewery license may sell, on the premises during regular business hours, malt liquor produced at the brewery by the bottle, by the case or in bulk.

C. A holder of a small Maine brewery license may sell or deliver his product to licensed retailers and wholesalers. He may sell, on the premises for consumption off the premises, malt liquor produced at the brewery by the bottle, case or in bulk to licensed retailers, including, but not limited to, off-premise retail licensees, restaurants and clubs.

D. A holder of a small Maine brewery license may apply for one license for the sale of liquor for on-premise consumption for a location other than the brewery.

E. A holder of a small Maine brewery license may list on product labels and in its advertising the list of the ingredients and the product's average percentage of the recommended daily allowances of nutritional requirements.

3. Maine farm wineries. The following conditions apply to Maine farm wineries.

A. A holder of a Maine farm winery license may produce wines and sparkling wines in an amount not to exceed 50,000 gallons a year.

B. A holder of a Maine farm winery license may serve complimentary samples of wine and sell, during regular business hours, wines produced at the winery by the bottle, by the case or in bulk on the premises of the winery to persons who are not minors. A holder of a Maine farm winery license may serve complimentary samples of wine on Sunday after the hour of 12 noon and may sell wines on Sunday after the hour of 12 noon if the municipality in which the winery is located has authorized the sale of wines on Sunday for consumption off the premises under chapter 5.

C. A holder of a Maine farm winery license, upon application to and approval of the commission and payment of the license fee, may obtain a license for one additional location other than the winery licensed under this subsection. The holder of the license is not required to conduct any bottling or production of wine at the 2nd licensed location, but may conduct all activities which are permitted by this section at the winery.

D. A holder of a Maine farm winery license may sell or deliver his product to licensed retailers and wholesalers. He may sell, on the premises, wine produced at the winery by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premise retail licensees, restaurants and clubs.

Sec. 108. 28-A MRSA §1356, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 109. 28-A MRSA §1401, sub-§2, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

B. Six hundred dollars for each additional warehouse maintained by the wholesale licensee, but not located at the principal place of business.

Sec. 110. 28-A MRSA §1402, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§1402. Taste testing of wine and malt liquor products

1. Taste testing on wholesale licensee's premises. With the commission's written permission, a wholesale licensee may designate a special area or room on the wholesale licensee's premises for the specific purpose of taste testing ~~new~~ wine or malt liquor products.

2. Taste testing on retail licensee's premises. With the commission's written permission, a wholesale licensee may rent or lease an area or room from an on-premise retail licensee for the purpose of inviting retail licensees to taste test ~~new~~ wine or malt liquor products.

3. Conditions on taste-testing activity. The following conditions apply to all taste testings.

A. The wholesale licensee or a certificate of approval holder may provide the products for taste testing only if all taxes and premiums required by this Title have been paid.

B. Taste-testing activity must be conducted only within the special designated area or room.

C. Taste-testing activity must be open only to invited retail licensees or their authorized agents and not to their family members, guests or the general public.

D. After the taste-testing activity is concluded, the wholesale licensee shall remove all products supplied for the taste-testing activity from the retail licensee's premises.

Sec. 111. 28-A MRSA §1403, sub-§1-A is enacted to read:

1-A. Wholesale licensee may purchase from wholesale licensee. The commission may give written permission to a wholesale licensee to purchase malt liquor or wine from another wholesale licensee.

Sec. 112. 28-A MRSA §1407, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Exclusive distributors. ~~The~~ Except as provided in section 1454, the wholesale licensee appointed by the certificate of approval holder to be the exclusive distributor for specific brands of liquor cannot be terminated as exclusive distributor of those specific brands upon the voluntary or involuntary termination or transfer of the same brands of liquor by the certificate of approval

holder who registered the specific labels and established prices with the bureau. The certificate of approval holder acquiring these brands shall take the place of the certificate of approval holder who appointed the distributors and shall comply with section 1406.

Sec. 113. 28-A MRSA §1408, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Price changes. Certificate Except as provided in paragraph A, certificate of approval holders and bottlers manufacturer's shall give written notice of price changes to the bureau and their respective wholesale licensees at least 30 days before the effective date. Wholesale licensees shall give written notice of their price changes to the bureau at least 15 days before the effective date. All price changes are effective on the first day of the month.

A. The commission may give written permission to certificate of approval holders, manufacturers or wholesale licensees to reduce the notice period for price changes in specific instances.

Sec. 114. 28-A MRSA c. 61 is enacted to read:

CHAPTER 61

NONRETAIL LICENSES AND FEES

§1551. Fees for nonretail licenses

1. Certificate of approval. The license fees for certificates of approval are:

A. For malt liquor (one year) \$600; and

B. For wine (one year) \$600.

2. Wholesale licenses. The license fees for wholesale licenses are:

A. For the sale of malt liquor (one year) \$600;

B. For the storage of malt liquor (one month) \$50;

C. For the sale of wine (one year) \$600; and

D. For the storage of wine (one month) \$50.

3. In-state manufacturers. The license fees for in-state manufacturer licenses are:

A. Distiller, includes bottling (one year) \$1,000;

B. Brewery, includes bottling (one year) . . . \$1,000;

C. Rectifier, includes bottling (one year) \$1,000;

D. Bottler only (one year) \$1,000;

E. Winery, includes bottling (one year) \$1,000;

F. Maine farm winery, includes bottling (one year) \$50; and

G. Small Maine brewery, includes bottling (one year) \$50.

4. Sales representatives. The fees for sales representatives are as follows:

A. Sales representative of manufacturer or certificate of approval holder (one year) \$10.

5. Other fees. The fees for the following are:

A. Filing fee for license application \$10; and

B. Filing fees for registering label:

(1) Original registration \$10;

(2) Change of label \$1; and

(3) Annual renewal of label registration \$1.

§1552. Bottle club fees

1. Bottle club registration. The fee for bottle club registration is (one year) \$50.

Sec. 115. 28-A MRSA §1651, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. State liquor tax. Except as provided in subsection 2, the commission shall determine and set the price at which to sell all spirits which will produce a state liquor tax of not less than 75% based on the less carload cost F.O.B. ~~commission~~ liquor warehouse.

A. In all cases the commission may round off costs to the next highest 5¢.

B. Any increased federal taxes levied on or after November 1, 1941, shall be added to the established price without markup.

Sec. 116. 28-A MRSA §1652, sub-§§1 and 2, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed and the following enacted in their place:

1. Excise tax on malt liquor. An excise tax is imposed on the privilege of manufacturing and selling malt liquor in the State. The Maine manufacturer or importing wholesale licensee shall pay an excise tax of 25¢ per gallon on all malt liquor sold in the State.

2. Excise tax on wine. An excise tax is imposed on the privilege of manufacturing and selling wine in the State. The Maine manufacturer or importing wholesale licensee shall pay an excise tax of 30¢ per gallon on all

wine other than sparkling wine manufactured in or imported into the State and \$1 per gallon on all sparkling wine manufactured in or imported into the State.

Sec. 117. 28-A MRSA §1901, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Sales of food containing liquor restricted. No person other than a licensee may sell at retail food products with an alcohol content greater than 1/2 of 1% by volume.

Sec. 118. 28-A MRSA §2051, sub-§1, ¶D, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. Present or offer to any licensee, the licensee's agent or employee any written or oral evidence of age which is false, fraudulent or not actually his own, for the purpose of:

(1) Ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any liquor; or

(2) To gain access to a licensed premise when minors are not allowed; or

Sec. 119. 28-A MRSA §2051, sub-§1, ¶¶D-1 and D-2 are enacted to read:

D-1. Have in his possession a false identification card;

D-2. Sell, furnish or give a false identification card to a minor; or

Sec. 120. 28-A MRSA §2053, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Exclusive penalty. The penalty provided in this section is the exclusive penalty for violating section 2052, and is not in conflict with Title 15, Part 6, but is additional to the ~~criminal offense~~ civil violation defined in section 2051.

Sec. 121. 28-A MRSA §2077, sub-§§1 and 2, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

1. Importation of malt liquor or wine into the State. No person other than a wholesale licensee may transport or cause to be transported malt liquor or wine into the State in a quantity greater than ~~one case~~ 3 gallons for malt liquor and 4 quarts for wine, unless it was legally purchased in the State.

A. All shipments of malt liquor or wine transported or caused to be transported by wholesale licensees into the State must be accompanied by an invoice, including the wholesale licensee's name and purchase number.

2. Transportation of malt liquor and wine within the State. No person other than a licensee may transport malt liquor, in a quantity greater than ~~one case~~ 3 gallons,

or wine, in a quantity greater than 4 quarts, within the State unless it was purchased from an off-premise retail licensee.

Sec. 122. 28-A MRSA §2079, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§2079. Aiding children in illegal possession or sale

Any person who personally or by his employee or agent, directly or indirectly, employs or permits any child under the age of 16 years to assist him in the illegal possession or the illegal sale of liquor commits a Class E crime, and shall be punished accordingly in addition to the penalties otherwise provided against the illegal possession for sale or illegal sale of liquor, ~~by a fine of not less than \$100 or by imprisonment for not less than 60 days.~~

Sec. 123. 28-A MRSA §2080, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 124. 28-A MRSA §2081, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Procure, or in any way aid or assist in procuring, furnish, give or deliver liquor for or to a minor or ~~an~~ visibly intoxicated person; or

Sec. 125. 28-A MRSA §2203, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§2203. Evidence of illegal sale

1. Evidence of illegal sale. Whenever an illegal sale is alleged and a delivery proved, the delivery is sufficient evidence of sale and it is not necessary to prove a payment.

2. Former conviction. In actions, complaints, indictments or other proceedings for a violation of this Title, other than for a first offense, it is not necessary to set forth particularly the record of a former conviction, but it is sufficient to allege briefly that the person has been convicted of a violation of a particular provision.

Sec. 126. 28-A MRSA §§2204, 2205 and 2206, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

Sec. 127. 28-A MRSA §2221, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 128. 28-A MRSA §2221-A is enacted to read:

§2221-A. Forfeiture of liquor and property used in illegal manufacture, transportation and sale of liquor

1. Property forfeited. The following property shall be subject to forfeiture to the State and all property rights in the property shall be in the State:

A. All materials, products and equipment of any kind which are used, or intended for use, in manufacturing, transporting or selling liquor in violation of this Title; and

B. All conveyances, including aircraft, watercraft, vehicles and vessels, which are used, or are intended for use, to transport, conceal or otherwise to facilitate the manufacturing, transporting or selling of liquor in violation of this Title.

2. Jurisdiction. Property subject to forfeiture under subsection 1, paragraph A, shall be declared forfeited by any court having jurisdiction over the property or having final jurisdiction over any related criminal proceeding brought under this chapter.

3. Exceptions. The court shall order forfeiture of all conveyances subject to forfeiture under subsection 1, paragraph B, except as follows.

A. No conveyance used by any person as a for-hire carrier in the transaction of business as a for-hire carrier shall be forfeited unless it appears that the owner or other person in charge of the conveyance was a consenting party or privy to a violation of this Title.

B. No conveyance shall be forfeited by reason of any act or omission established by the owner of the conveyance to have been committed or omitted by any person other than the owner while the conveyance was illegally in the possession of a person other than the owner in violation of the criminal laws of the United States, the State or of any State.

C. No conveyance shall be subject to forfeiture unless the owner knew or should have known that the conveyance was used in and for the illegal manufacturing, transporting or selling of liquor in violation of this Title.

4. Forfeiture procedure. Forfeitures under this section must be accomplished by the following procedure.

A. A district attorney or the Attorney General may petition the Superior Court in the name of the State in the nature of a proceeding in rem to order forfeiture of property subject to forfeiture under subsection 1, paragraph B. The petition must be filed in the court having jurisdiction over the property.

B. The proceeding shall be deemed a civil suit, in which the State shall have the burden of proving all material facts by a preponderance of the evidence. The owner of the property, or other person claiming under the owner, shall have the burden of proving all the exceptions set forth in subsection 3 by a preponderance of the evidence.

C. The court shall order the State to give notice by certified or registered mail or hand delivered by a deputy sheriff to the owner of the property and to any

other person who appears to have an interest in the property.

D. The court shall promptly, but not less than 2 weeks after notice, hold a hearing on the petition. At the hearing, the court shall hear evidence and make findings of fact and enter conclusions of law.

E. Based on the findings and conclusions, the court shall issue a final order, from which the parties have a right of appeal. The final order shall provide for disposition of the property by the State or any subdivision of the State in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, sale at public auction or by competitive bidding.

(1) The proceeds of any sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice and to pay any bona fide mortgage on the property. The balance, if any, shall be deposited in the State Treasury, or the treasury of the county or municipality making the seizure.

5. Records. Any officer, department or agency having custody or property subject to forfeiture under subsection 1, or having disposed of the property, shall keep and maintain full and complete records concerning the property.

A. The records must show:

(1) From whom it received the property;

(2) Under what authority it held, received or disposed of the property;

(3) To whom it delivered the property;

(4) The date and manner of destruction or disposition of the property; and

(5) The exact kinds, quantities and forms of the property.

B. The records shall be open to inspection by all federal and state officers charged with enforcement of federal and state liquor laws.

C. Persons making final disposition or destruction of the property under court order shall report, under oath, to the court the exact circumstances of the destruction or disposition.

D. The Department of Public Safety is responsible for maintaining a centralized record of property seized, held by an order to the department. At least quarterly, the department shall provide a report of the disposition of property previously held by the department and ordered by the court to any governmental entity to the Commissioner of Finance and the Office of Fiscal

and Program Review for review. These records must include an estimate of the fair market value of items seized.

6. Preliminary order. At the request of the State ex parte, the court may issue any preliminary order or process necessary to seize or secure the property for which forfeiture is sought and provide for its custody.

A. Process for seizure of the property shall issue only upon a showing of probable cause. The application for process for seizure of the property and the issuance, execution and return of the process shall be subject to the provisions of applicable Maine law.

B. Any property subject to forfeiture under this section may be seized upon process, except that seizure without process may be made when:

(1) The seizure is incident to:

(a) An arrest with probable cause;

(b) A search under a valid search warrant; or

(c) An inspection under a valid administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the State in a forfeiture proceeding under this section;

(3) There is probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) There is probable cause to believe the property has been used or is intended to be used in violation of this Title.

Sec. 129. 28-A MRSA §2222, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 130. 28-A MRSA §2223, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§2223. Dumping of evidence; prima facie evidence

1. Destruction of liquor is prima facie evidence that liquor was intended for illegal sale. The pouring out or other destruction of fluids by any person on or about the premises which are about to be or are being searched, for the purpose of preventing the seizure of those fluids by officers authorized to make the search and seizure, is prima facie evidence that the fluids poured out or destroyed were liquor intended for illegal sale.

2. Penalties. Any person who violates this section commits a Class E crime.

Sec. 131. 28-A MRSA §§2224 to 2227, as enacted by

PL 1987, c. 45, Pt. A, §4, are repealed.

Effective September 29, 1987.

CHAPTER 343

H.P. 1362 — L.D. 1864

AN ACT Relating to Tax Exemptions.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, changes in state law are necessary in order to improve the fairness of the state tax system; and

Whereas, it is necessary to enact these changes without delay in order to avoid continuation of unnecessary inequities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §367, as enacted by PL 1973, c. 570, §1, is repealed.

Sec. 2. 8 MRSA §423, as enacted by PL 1983, c. 732, §1, is repealed.

Sec. 3. 36 MRSA §1752, sub-§7-C is enacted to read:

7-C. Nonprofit. "Nonprofit" means an organization which has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c).

Sec. 4. 36 MRSA §1760, sub-§16, as amended by PL 1983, c. 560, §§2 and 6, is further amended to read:

16. Hospitals, research centers, churches and schools. Sales to incorporated hospitals, incorporated nonprofit nursing homes licensed by the Department of Human Services, incorporated nonprofit boarding care facilities licensed by the Department of Human Services, incorporated nonprofit home health care agencies certified under the United States Social Security Act of 1965, Title XVIII, as amended, incorporated nonprofit rural community health centers engaged in, or providing facilities for, the delivery of comprehensive primary health care, incorporated nonprofit dental health centers, institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research or for the purpose of establishing and maintaining laboratories for scientific study and investigation in the field of biology or ecolo-