

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

B. Noncompliance of the bottle club with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the bottle club and caused by persons patronizing or employed by the bottle club or other such conditions caused by persons patronizing or employed by the bottle club that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the bottle club to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law at or in the vicinity of the bottle club and caused by persons patronizing or employed by the bottle club;

E. A violation of any provision of this Title;

F. In the case of corporate applicants, ineligibility or disqualification under section 601 of any officer, director or stockholder of the corporation; and

G. Location of the bottle club at an amusement area, beach or other area designed primarily for use by minors.

4. Appeal to commission. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the commission. The commission shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the commission may consider all of the requirements referred to in subsection 3.

A. If the decision appealed is approval of the application, the commission may reverse the decision if it was arbitrary or based on an erroneous finding.

B. If the decision appealed is denial of the application, the commission may reverse the decision and register the bottle club under section 161 only if it finds by clear and convincing evidence that the decision was without justifiable cause.

5. Appeal to Superior Court. Any person or governmental entity aggrieved by a commission decision under this section may appeal the decision to the Superior Court.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 10, 1990.

CHAPTER 817

H.P. 1741 - L.D. 2405

An Act Regarding Importation of Liquor

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

Sec. 1. 28-A MRSA §2075, sub-§2-A is enacted to read:

2-A. Evidence. The possession of more than 8 quarts of spirits in one or more containers that are not labeled in accordance with Title 32, section 1865, is prima facie evidence of a violation of this section.

Sec. 2. 28-A MRSA §2077, sub-§2-A is enacted to read:

2-A. Evidence. The possession of more than 6 gallons of malt liquor or 8 quarts of wine in one or more containers that are not labeled in accordance with Title 32, section 1865, is prima facie evidence of a violation of this section.

Sec. 3. 32 MRSA §1865, sub-§2, as amended by PL 1989, c. 427, §2, is further amended to read:

2. Brand name. Glass beverage containers having a refund value of not less than 5¢ and having a brand name permanently marked thereon, shall not be required to comply with the provisions of subsection 1. The exception provided by this subsection does not apply to glass beverage containers that contain spirits, wine or malt liquor as those terms are defined by Title 28-A, section 2.

Sec. 4. Applicability. Section 2 of this Act as it applies to wine, defined in the Maine Revised Statutes, Title 28-A, section 2, is effective September 1, 1990.

See title page for effective date, unless otherwise indicated.

CHAPTER 818

S.P. 818 - L.D. 2094

An Act to Amend Vital Statistics Provisions Pertaining to Adoptions

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

Sec. 1. 19 MRSA §532-A, as amended by PL 1979, c. 325, §2, is further amended by adding at the end a new paragraph to read:

Before the parent or parents execute the surrender and release, the court shall ensure that they are informed of the existence of the adoption registry and the services available under Title 22, section 2706-A.