

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

H. The dealer's duty to disclose conspicuously in writing the dealer's policy in relation to the return of deposits received from any person. A dealer shall require that a person making a deposit sign the form on which the disclosure appears.

See title page for effective date.

CHAPTER 270

H.P. 830 - L.D. 1161

An Act Regarding the Granting of Hotel Liquor Licenses to Establishments

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

Whereas, current law provides different criteria for the issuing of a hotel liquor license depending on whether the establishment is in a heavily populated area; and

Whereas, there are many places where large municipalities consist of varied population areas, such as a lightly populated offshore island being part of a large mainland city; and

Whereas, the islands of Maine are a unique and special part of the State's culture, history and economy, especially in the summer months when so much of the State's income depends on the tourist trade; and

Whereas, it is necessary to support and maintain the businesses that make up the State's economy; 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. 28-A MRSA §1061, as amended by PL 1991, c. 824, Pt. D, §4, is further amended to read:

§1061. Hotels

1. Issuance of licenses. The ~~commission~~ bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to hotels, as defined in section 2, subsection 15, paragraph H.

2. Minors not permitted on premises. Except as provided in ~~paragraphs A and~~ paragraph B, no hotel licensee may permit any minor in any ~~part of the hotel where the license privilege is exercised~~ lounge that serves alcoholic beverages.

~~A. Minors may be permitted in public dining rooms and sleeping rooms.~~

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.

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.

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, as reported in the 1960 Federal Decennial Census. If the population reported in the most recent Federal Decennial Census is at least 20% less than the population reported in the 1960 census, the most recent Federal Decennial Census must be used to determine the number of rooms required.

- (1) If the hotel is located in a municipality having a population of 7,500 or less, the hotel must have at least 12 adequate sleeping rooms.
- (2) If the hotel is located in a municipality having a population of more than 7,500, the hotel must have at least 30 adequate sleeping rooms.

If the hotel is located on an offshore island that is part of a mainland municipality, then the number of rooms required is based on the population of the island, rather than that of the municipality as a whole.

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

Effective June 21, 1995.