

MAINE STATE LEGISLATURE

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CHAPTER 17
RETAIL SALES

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SUBCHAPTER I

GENERAL PROVISIONS

- Sec.
701. Fees.
702. Special permit for music, dancing or entertainment.

§ 701. Fees

Fees for full-year licenses shall be:

- Hotel — Spirituous and vinous, in cities or towns having population of 10,000 or more \$600.00
 Hotel — Spirituous and vinous, in cities or towns having population of less than 10,000 300.00

Population shall be determined according to each Federal Decennial Census as shown by any official report authorized by the Federal Census Act and shall apply to the licensing period next following such official report.

- Hotel — Malt liquor \$200.00
 Club — Spirituous and vinous 200.00
 Club — Malt liquor 100.00
 Public service — Spirituous and vinous 200.00
 Public service — Malt liquor 100.00
 Restaurant, class A — Spirituous and vinous 750.00
 Restaurant — Malt liquor only 200.00
 Restaurant — Vinous liquor only 200.00
 Tavern — Malt liquor only 300.00
 Retail store — Malt liquor only 100.00

Any club maintaining a dining room and catering either privately or for functions to a group of nonmembers of the club, and any club with dining rooms letting rooms to nonmembers, must pay the same fee as required by a hotel located in the same municipality.

The commission may grant part-time licenses for a period not in excess of 6 consecutive months in any calendar year.

Fees for part-time licenses shall be:

Part-time—Hotels and clubs—Spirituous and vinous—1/2 full-time fee at their location.

Part-time—Restaurant, class A—Spirituous and vinous . . \$375.00

Part-time—Hotel or restaurant—Malt liquor only 125.00

Part-time—Club—Malt liquor only 50.00

Part-time—Tavern—Malt liquor only 150.00

One public service license shall be sufficient to cover all steamboats and cars operated by any one owner.

All full-year licenses shall be issued for the license year and on a calendar year basis and the prescribed fee shall accompany the application for license.

Licenses may be renewed upon application therefor and payment of the annual fee, subject to commission rules and regulations.

Every applicant for an original or renewal malt liquor license shall remit with his application a filing fee of \$10, except in unorganized places the filing fee of \$10 shall be paid to the county treasurer of the county in which the unincorporated place is located, and all such applications for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.

Any licensee applying for license to operate more than one premise shall pay the fee prescribed for the type of license to be exercised at each such premise.

R.S.1954, c. 61, § 31; 1955, c. 355, §§ 6-8; 1957, c. 144; 1959, c. 340, § 3; 1961, c. 344, § 6.

§ 702. Special permit for music, dancing or entertainment

No licensee for sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the commission a special amusement permit for which he shall pay to the commission a fee of \$10. Any violation of this section or commission rules and regulations related thereto, upon conviction after hearing before the Administrative Hearing Commissioner, shall be grounds for suspension or revocation of license, or suspension or revocation of the amusement permit, or

both. The commission is authorized to make whatever rules and regulations governing such dancing and entertainment as it deems necessary. Such permit shall be valid only for the license year of the existing license. The commission shall not issue such a permit unless the applicant shall have first obtained the approval of the municipal officers of the municipality in which the licensed premises are situated.

Licensed hotels and restaurant malt liquor licensees who have been issued such special amusement permit may charge admission.

R.S.1954, c. 61, § 40; 1955, c. 355, § 11; 1961, c. 344, § 8; 1963, c. 128; c. 412, § 23.

SUBCHAPTER II

MALT LIQUOR

Sec.

- 751. Issuance of licenses; stock of merchandise.
- 752. Hotels, restaurants, taverns and clubs.
- 753. Public service corporations.
- 754. Advertising strength of malt liquor.
- 755. Advertising or sale of malt liquor by trade name.
- 756. Unlawful to peddle.

§ 751. Issuance of licenses; stock of merchandise

Licenses for sale and distribution of malt liquor in retail stores may be issued by the commission upon application and under such regulations as the commission may prescribe. No such license shall be issued to any person who is not engaged in a bona fide retail business other than the sale of malt liquors at retail and no person licensed to sell malt liquor under this section shall sell malt liquor for consumption on the premises where sold.

Licenses in an unincorporated place, where no local option vote is taken under section 103, shall require the approval of the county commissioners of the county.

No licenses shall be issued to any new retail premise under this section unless it has been in operation as such for a period of at least 3 months next prior to the date of the application, 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 applicant has been a resident of the State for at least 6 months prior to fil-

ing his application, except that anyone who formerly held a Maine malt liquor license or who formerly was owner of a retail store within the State of Maine, shall not be subject to this sentence.

All retail store licensees must have and maintain an adequate stock of merchandise reasonably compatible with a stock of liquor in no case less than \$1,000 wholesale value. No merchandise shall be considered to be reasonably compatible with a stock of malt liquor, for the purpose of licensing a retail store, which consists of gasoline and oil; used or new cars, parts or accessories; clothing; hardware; paints or building materials; electric appliances or equipment; household furniture or furnishings; or such other items of stock as may be equally incompatible in nature.

R.S.1954, c. 61, § 32; 1955, c. 355, § 10; 1963, c. 337, § 1.

§ 752. Hotels, restaurants, taverns and clubs

No license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises, except a bona fide hotel, restaurant, tavern or club, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern or club is located, and if such hotel, restaurant, tavern or club 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 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 applicant has been a resident of the State for at least 6 months prior to filing his application. Any honorably discharged member of the Armed Forces of the United States who formerly held a malt beverage license or who formerly was the owner of a restaurant shall not be subject to this section, 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 part-time premise is ordinarily open for business. No licensee under this section, except taverns, shall maintain a bar where malt liquor is consumed. Licenses issued under this section shall specify the premises to which the license shall apply.

R.S.1954, c. 61, § 33; 1963, c. 337, § 2.

§ 753. Public service corporations

Licenses for the sale of malt liquor by railroad companies, pullman companies or steamboat companies, in their cars or boats, under such regulations as the commission may prescribe, may be issued by the commission upon a written application in such form as they may prescribe, and upon payment of the fee of \$100 per year, covering all steamboats and cars supplying food operated by any one owner.

R.S.1954, c. 61, § 34.

§ 754. Advertising strength of malt liquor

No licensee shall issue, publish, post or cause to be issued, published or posted any advertisement of a malt liquor including a label which shall refer in any manner to the alcoholic strength of the malt liquor manufactured, sold or distributed by such licensee or use in any advertisement or label such words as "full strength," "extra strength," "high test," "high proof," "prewar strength" or similar words or phrases which would indicate or suggest alcoholic content, or use in any advertisement or label any numerals unless adequately explained in type of the same size, prominence and color. It shall be unlawful for any licensee to purchase, transport, sell or distribute any malt liquor advertised or labeled contrary to this section.

R.S.1954, c. 61, § 36.

§ 755. Advertising or sale of malt liquor by trade name

No licensee shall advertise or hold out for sale any malt liquor by trade name or other designation which would indicate the manufacturer or place of manufacture of malt liquor unless he actually has on hand and for sale a sufficient quantity of the particular malt liquor so advertised to meet requirements to be normally expected as the result of such advertisement or announcement.

No licensee shall furnish or serve any malt liquor from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the malt liquor served shall appear in full sight of the customer in legible lettering upon such faucet, spigot or dispensing apparatus.

R.S.1954, c. 61, § 37.

§ 756. Unlawful to peddle

It shall be unlawful for any wholesale or retail licensee of malt liquor, either directly or indirectly, by any agent or em-

ployee, to go from town to town or from place to place in the same town selling or bartering or carrying for sale or exposing for sale any malt liquor from any vehicle. All sales of such malt liquor where transportation and delivery are required shall be made only upon orders actually received at the principal place of business or warehouse or distributing center, if licensed, of the seller prior to shipment thereof. An invoice stating the names of the purchaser and the seller and the kind and quantity of malt liquor ordered by the sale, together with the date of the sale, shall be carried by the driver or any other employee of the seller.

Whoever violates this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 61, § 38.