

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND SEVENTH LEGISLATURE
COMMITTEE ON LIQUOR CONTROL

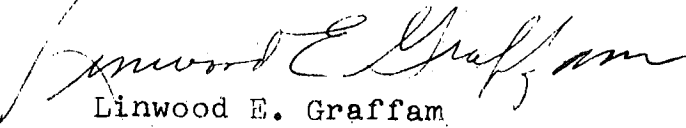
February 12, 1976

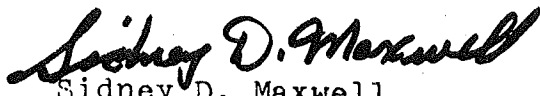
Legislative Council
107th Legislature
State House
Augusta, Maine

Gentlemen:

In accordance with H.P. 1499 which directed the Legislative Council, "through the Joint Standing Committee on Liquor Control to study the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees," we enclose herein the final report of the Committee.

Respectfully submitted,


Linwood E. Graffam
Senate Chairman


Sidney D. Maxwell
House Chairman

REPORT OF THE JOINT STANDING COMMITTEE
ON LIQUOR CONTROL
PERTAINING TO ITS STUDY OF THE STATE
LIQUOR LAWS

February 2, 1976

Senate

Linwood E. Graffam, Chairman
Peter W. Danton
Roland J. Carbonneau

House

Sidney D. Maxwell, Chairman
Emile J. Jacques
J.P. Marcel Lizotte
R. Donald Twitchell
Arthur C. Raymond
Jacob J. Immonen
Thomas R. Perkins
Richard H. Pierce
Donald E. Dyer

On April 18, 1975, the State Legislature passed a study order (H.P. 1499) to "review....the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees..." The study was assigned to the Joint Standing Committee on Liquor Control which was directed to "report its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature."

The Committee on Liquor Control broadened the scope of the study to include an evaluation of all the liquor laws which are complicated and in some cases, cumbersome to apply. The Committee has undertaken a comprehensive analysis of the liquor statutes and has proposed a general revision of the statutes.

In brief, the Joint Standing Committee on Liquor Control arrived at the following conclusions:

1. The delineation of the powers and duties of the State Liquor Commission, the Bureau of Alcoholic Beverages, and the Bureau of Liquor Enforcement are vague and confusing.
2. There are a large number of different types of licenses with cost differentials that do not apply equitably to licensees with the same type of license.
3. There are too many local option and Sunday Sale questions which are very complicated and confusing.

4. The liquor statutes are incomprehensible, confusing or inequitable in regard to the hours of sale, criteria for granting licenses and regulation of licencees.

ANALYSIS OF THE COMMITTEE REVISION OF THE LIQUOR LAWS

Section 1 of the proposed legislation pertains to the section on definitions in Title 28 (28 MRSA § 2). The revision reorganizes the section and lists all licensed premises in one sub-section to facilitate the amending process and to reduce confusion. None of the definitions have been changed except the one pertaining to municipal auditoriums, which has been reclassified as a civic auditorium. The new definition includes both municipal and county owned auditoriums as licensed premises.

Section 2 of the revision pertains to the section on the hours of sale of alcoholic beverages (28 MRSA § 4). The draft synthesizes and greatly reduces the present statute without significantly changing the Statute. The revision modifies the hours of sale to include bottle clubs under the provision and permits the sale of alcoholic beverages on Sunday to 1:00 A. M. on Monday morning.

Section 3 of the revision reorganizes Chapter 3 of Title 28 which pertains to the administration of the Liquor laws. The Joint Standing Committee on Liquor Control discovered that the State Liquor Commission was confused about its powers and duties and the relationship of the Director of the Bureau of Alcoholic Beverages to the Commission.

The revision does not change the meaning or intent of the law, but clarifies it. The State Liquor Commission is responsible for developing policy, and rules and regulations for the operation of the Bureau of Alcoholic Beverages. The Director of the Bureau of Alcoholic Beverages implements the policies of the Commission. Most of the duties of the Liquor Commission and the Director of Alcoholic Beverages have not been altered, but have been reorganized.

Section 4 of the bill proposes a comprehensive revision of the local option and the Sunday Sale Questions. One basic change removes the several types of licensed establishments from the local option/ Sunday Sale questions. The questions focus upon the specific types of Alcoholic beverages that can be sold, e.g. - spiritous and vinous or malt beverages.

A second major change places the responsibility on the local communities for holding the elections in regard to the questions pertaining to the sale of alcoholic beverages. The local communities will hold the elections upon receiving a petition from 15 per cent of the resident voters 120 days prior to the holding of the municipal or town meeting. The local community will report the results of the vote to the Secretary of State and to the State Liquor Commission.

Section 5 of the Committee Revision repeals the last 3 paragraphs of section 102 of Title 128. The last 3 paragraphs of § 102 are covered by the local option/ Sunday Sale questions in the present law and in the Committee revision, and are, therefore, redundant.

Section 6 of the Committee revision changes the percentage of voters required by law (§ 103) to call for an election in regard to local option/ Sunday sale questions in unincorporated places. The present law require that 20 per cent of the voters petition the local officials in an unincorporated place and that 15 per cent of the voters petition local officials in a municipality in order to call an election for local option/ Sunday sale questions. The Committee revision establishes a uniform percentage of 15 per cent for all communities.

Sections 7, 8, 9, 10 of the Committee Revision amend § 153 of Title 28 in order to maintain continuity and to provide greater control over the creation of special agency stores. The present provision in § 153 establishes the Bureau of Alcoholic Beverages as a co-equal authority to the State Liquor Commission in contradiction to Chapter 3 of Title 28. The revision restores the State Liquor Commission as the policy authority.

The revision limits the creation of special agency stores to communities with a population of 7,500 persons or less as a means of providing retail services to small rural communities. In addition, only 1 special agency store may be established in any one community. The revision further prohibits the State Liquor Commission from closing State retail liquor stores and replacing them with special agency stores, unless the state retail liquor store is incurring a deficit.

Sections 15, 16, 17 and 18 of the draft change the procedure for the application for a license renewal. In addition provision is made to extend part time liquor licenses upon the request of licensees on a bi-monthly basis, but not in excess of 6 months. Application for renewal of licenses will be made directly to the State Liquor Commission which will review the application prior to renewal. Any applicant or any municipality which disagrees with the decision of the State Liquor Commission may appeal the decision to the Administrative Court.

Section 19 prohibits a bottle club from operating within 300 feet of a public or private school, church, etc. This provision presently applies to all licensed establishments.

Section 20 of the Committees' revised legislation prohibits minors (under the age of 18 years) from consuming alcoholic beverages on the premises of a bottle club. This provision is added to the present statute 28 MRSA § 303 which prohibits minors from purchasing or consuming alcoholic beverages on any licensed premise.

Section 21 of the Liquor Control Committee's revision eliminates a discriminatory provision that permitted Class A Restaurant and hotel licensees to offer special package plans and price premiums, but denied other licensees of on-sale premises from offering special package plans, etc. The new provision permits all on-sale premise licensees to offer Special Package plans.

Section 22 of the revised legislation repeals subchapter II of Title 28 which pertains to licensing apple cider producers/processors. The State Liquor Commission has never licensed apple cider producers/processors and the provision is antiquated compared to present laws.

Section 23 of the Committee revision, proposes to repeal the present license and fee structure and replace it with a uniform system. Presently, there are roughly 40 different licenses, and the fees for the same type of license vary from one establishment to another. The Committee proposal establishes 7 licenses, and the fee is the same for every licensee holding the same type of license. The intent of this provision is to apply the rate schedule equitably to all licensees and to reduce the complexity and confusion of the present license fee system.

Section 24 of the revision describes the type of licenses and the types of licensed establishments that may be licensed under each particular license.

Sections 25 and 26 of the Committee revision extend to bottle clubs present provisions concerning additional licenses and admission fees that apply to on-sale premises. Bottle Club licensees must obtain an amusement permit from the State Liquor Commission.

Section 27 of the revision defines the phrase "compatible merchandise." Since there is no definition of the phrase in the present statutes, the State Liquor Commission must make an arbitrary definition with no legal basis for the definition.

Section 28 of the Liquor Control Committee's proposal repeals a provision in § 752 of Title 28 that prohibits a bar on the premises of a licensed establishment where malt liquor is consumed, except in taverns. The provision has never been enforced. If it were strictly enforced every licensed on-sale premise, except taverns, would have to be closed until all bars were removed.

Section 29 of the Liquor Control Committee's bill proposal more clearly requires the initial license of a licensed establishment to be approved by the municipality in which it is located.

Section 30 of the revision repeals the provision that municipal auditoriums must notify the State Liquor Commission at least 24 hours in advance of a function in order for alcoholic beverages to be served at the function. The State Liquor Commission cannot prohibit the sale of alcoholic beverages at municipal auditoriums and the State Liquor Commission does not police such functions. Notice is also sent to the Bureau of Liquor Enforcement.

Section 31 of the revision pertains to incorporated civic organizations. Presently incorporated civic organizations may obtain a license to serve alcoholic beverages for one event per year. The revision defines one event to mean an affair that does not exceed: 3 days.

Sections 32 and 33 of the revision pertain to Indoor Skating rinks and indoor tennis clubs. Section 30 amends the provisional clause to allow these establishments to sell and serve malt liquor on the premises. Presently indoor skating rinks and indoor tennis clubs do not have statutory authority to sell malt beverages.

Section 31 amends the application provision by changing the reporting

date from January 1, 1977 to 90 days following the adjournment of the 108th Legislature in 1977. The Bureau of Alcoholic Beverages is required by the present law to present a report to the Legislature by January 1, 1977, and the effective date of the present law is also by January 1, 1977. By moving the effective date to 90 days following the adjournment of the 108th Legislature, the Legislature will be able to consider the report from the Bureau of Alcoholic Beverages and indoor skating rinks and indoor tennis clubs will not lose the liquor licenses until the effective date of legislation passed in 1977.

Section 34 of the Liquor Control Committee's revision amends section 1059 of Title 28 pertaining to the penalty for providing liquor to incarcerated persons. The present provision provides a lesser penalty for violating the law than the provision pertaining to the sale of alcoholic beverages to minors. The revision increases the penalty of the former to make it the same as the latter.

Section 35 of the revision raises the cost of adult identification cards from \$1.00 to \$3.00 to cover the full cost of issuing the cards.

Section 36 of the revision provides for the erection of a guidepost on the Maine Turnpike to inform travellers journeying southward on the Turnpike in regard to the exit to the State Retail Liquor Store at Kittery. The intent of this provision is to inform Maine people who may not know which exit leads to the State Liquor store and to attract more of the tourist trade from the Portsmouth Liquor Store to the Kittery Store.

In the Year of our Lord, Nineteen Hundred seventy-six.

An Act To Revise the Liquor Laws of Maine.

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

Sec. 1. 28 MRSA §2, as last amended by PL 1975, c.540, §1,
is repealed and the following enacted in place thereof:

§ 2. Definitions

The following words and phrases, unless the context clearly
indicates otherwise, shall have the following meanings when used
in any statute or law relating to intoxicating liquor.

1. Alcohol. "Alcohol" shall mean that substance known as
ethyl alcohol, hydrated oxide of ethyl or spirit of wine
which is commonly produced by the fermentation or distilla-
tion of grain, starch, molasses, sugar, potatoes or other
substances including all dilutions and mixtures of these
substances.
2. Bureau. "Bureau" shall mean the Bureau of Alcoholic
Beverages within the Department of Finance and Administration.
3. Catering. "Catering" shall mean service of liquor
with or without food by clubs, having the catering privi-
lege, to groups of nonmembers at a prearranged function.
4. Commission. "Commission" shall mean the State Liquor
Commission.
5. Corporation. "Corporation" shall mean a corporation
organized and incorporated under the laws of this State
or authorized to transact business within this State.

Intoxicating liquor.

Section 5 → 6. "Intoxicating liquor" shall have the same meaning as the word "liquor."

Section 5 → 7. Licensee. "Licensee" shall mean the person to whom a license of any kind is issued by the commission.

Section 5 → 8. Licensed establishments. "Licensed establishments" shall mean premises licensed to sell spirituous, vinous or malt beverages for consumption on or off the licensed premises as defined in this section. Licensed establishments shall consist of the following defined premises:

A. Airline. "Airline" shall mean any person operating regularly scheduled intrastate or interstate passenger air transportation.

B. Bottle Club. "Bottle Club" shall mean any person operating a premise for social and recreational activities and in which members or guests provide their own alcoholic beverages, and where no alcoholic beverages are sold on the premises. To qualify for a license or renewal thereof under this Title, a bottle club shall maintain a suitable club house, hall or quarters for the use of members and guests, charge and collect annual dues from its members on a regular basis in conformance with its bylaws or charge an admission fee to members or to the general public and conform to the rules and regulations of the State Liquor Commission.

C. Civic Auditorium. "Civic auditorium" shall mean a municipal or county owned and operated auditorium or civic center.

D. Club. "Club" shall mean any reputable group of individuals incorporated and operating in a bona fide manner solely for objects of recreational, social, patriotic or fraternal nature and not for pecuniary gain. To qualify for license or any renewal thereof

under this Title a club shall, for at least one year immediately preceeding application therefor, have been in continuous operation and existence, regularly occupied as owner or lessee a suitable clubhouse or quarters for use of members, held regular meetings, conducted its business through officers regularly elected, and charged and collected dues from elected members, except that any veterans' organization in the State having a charter from a national veterans' organization shall be exempted from the one-year requirement, provided it has been established for not less than 3 months.

(1) Club member. "Club member" shall mean a person who, whether as a charter member or admitted in accordance with the bylaws of the club, has become a bona fide member and who maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address is entered on the list of members, and no person who does not have full club privileges shall be considered a bona fide member.

E. Dining cars. "Dining cars" and "cars supplying food" shall mean and include cars in which food is prepared and served and also other cars, for accommodations in which an extra charge is made, in which food is served from a dining car or from a car supplying food in the same train.

F. Hotel. "Hotel" shall mean any reputable place operated by responsible persons of good reputation, where the public for a consideration obtains sleeping accommodations and where meals may be served, whether or not under one roof. At least 10% of the total volume of business shall be from the sale of food. Each hotel shall be equipped with at

least 14 adequate sleeping rooms when it is located in a municipality of 3,000 or less, 20 such sleeping rooms when located in a municipality having population of from 3,000 to 7,500 and 30 such sleeping rooms when located in municipalities having more than 7,500 population. All such rooms shall be in addition to rooms used by the owner or his employees. Increase in population as shown by the 1960 and any subsequent Federal Census shall not affect the eligibility for license of premises licensed prior to any such census.

Leave extra space

~~K~~ — No group of buildings which is reasonably classified as overnight camps shall qualify as a hotel.

Leave extra space

~~K~~ — A hotel shall be deemed to be serving meals when it provides on the premises a public dining room or rooms, open and serving food during the morning, afternoon and evening, and a separate kitchen in which food is regularly prepared for the public. The commission is specifically authorized to make such rules and regulations as they deem necessary to carry out this section.

Leave extra space

~~K~~ — Nothing in this subsection shall be held to prevent the commission from issuing part-time licenses to bona fide part-time hotels. The above requirements with respect to number of rooms shall not apply to premises licensed on August 13, 1947; nor shall the above requirements with respect to 14 adequate sleeping rooms apply to premises licensed during 1969.

(1) Hotel guest. "Hotel guest" shall mean 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 deemed a hotel guest.

G. Incorporated civic organization. "Incorporated civic organization" means any charitable or nonprofit civic organization incorporated as a corporation without stock under Title 13, chapter 81.

H. Indoor ice skating club. "Indoor ice skating club" shall mean any commercially operated indoor facility offering ice skating facilities to the general public, which charges a fee and which has adequate facilities for the sale and consumption of alcoholic beverages.

I. Indoor tennis club. "Indoor tennis club" shall mean any commercially operated indoor facility with 4 or more tennis courts which is open to the general public, which charges a fee and which has adequate facilities for the sale and consumption of alcoholic beverages.

J. Restaurant. "Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and regularly used for the purpose of providing food for the public, and provided with adequate and sanitary kitchen and dining room equipment and capacity for preparing and serving suitable food for the public. In the case of both full-time and part-time licenses at least 10% of the total volume of business shall be sale of food. In no case shall the commission renew any license for the sale of malt or vinous liquor unless they are furnished with proof that the previous year's business conformed to the income provision of this subsection. The income provision of this subsection shall not apply to the bowling business conducted in bowling alleys, so called. The commission is specifically authorized to make such rules and regulations as they deem necessary for carrying out this subsection.

K. Class A restaurant. "Class A restaurant" shall mean a reputable place operated by responsible persons of good reputation which is properly equipped and which prepares and serves full course meals. In municipalities having a population of above 50,000 persons, year-round Class A restaurants must do a minimum of \$50,000 per year in sale

and service of food to the public on their premises. In municipalities having a population of above 50,000 persons, part-time licensees must do a minimum of \$30,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months and \$20,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 3 consecutive months. In municipalities having a population of 30,001 to 50,000 persons, year-round class A restaurants must do a minimum of \$40,000 per year in sale and service of food to the public on their premises. In municipalities having a population of 30,001 to 50,000 persons, part-time licensees must do a minimum of \$25,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months and \$20,000 in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 3 consecutive months. In municipalities having a population of 20,001 to 30,000 persons, year-round Class A restaurants must do a minimum of \$30,000 per year in sale and service of food to the public on their premises and part-time licensees must do a minimum of \$20,000 business in sale and service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months. In municipalities having a population of 20,000 persons or less, year-round class A restaurants must do a minimum of \$20,000 per year in sale and service of food to the public on their premises, and part-time licensees must do a minimum of \$15,000 business in sale or service of food to the public on their premises as a requirement for a part-time license not in excess of 6 consecutive months. If the judgment of the commission is that the applicant would probably qualify, then a license shall be issued. In no case shall the commission renew any license for the sale

of liquor under this subsection unless they are furnished with proof that the previous year's business conformed to the income provisions of this subsection. The commission is specifically authorized to make such rules and regulations as they deem necessary for carrying out this subsection.

L. Retailer. "Retailer" shall mean and include persons licensed by the commission to engage in the purchase and resale of malt or brewed beverages or wines, or both, in the original container as purchased from a duly licensed wholesaler to be resold for consumption off the premises only.

M. Tavern. "Tavern" shall mean a reputable place operated by responsible persons where no food is sold, other than prepared packaged foods, and bar snacks, and no business is carried on except the sale of cigarettes and tobacco products and except the sale of malt liquor at a bar. There shall be no table, chairs or other seating accommodations and all persons served shall remain standing at the bar.

N. Class A tavern. "Class A tavern" shall mean a reputable place operated by responsible persons of good reputation where food may be sold and malt liquors are sold at tables, booths and counters, and where no minors shall be permitted to remain on the licensed premises. All such taverns shall comply with the rules and regulations of the Department of Human Services and be licensed by same and this license fee shall be \$15.

Q. Vessel. "Vessel" shall mean a craft used for navigation of the water, any ship, vessel or boat of any kind, licensed for carrying not less than 25 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard, and propelled by steam or otherwise and used only on waters other than inland waters.

Sargent

5 → 9. Liquor. "Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption, which contains more than 1/2 of 1% of alcohol by volume.

not

5 → 10. Malt liquors. "Malt liquors" shall mean all kinds and types of liquors as defined produced by the fermentation of malt wholly or partially or from any substitute therefor, which contain 1/2 of 1% of alcohol or less by volume.

Sargent

5 → 11. Minor. "Minor" shall mean a person who has not attained his 18th birthday.

not

5 → 12. Person. "Person" shall mean an individual, copartnership, corporation or voluntary association.

not

5 → 13. Premise or premises. "Premise" or "premises" shall mean and include all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest and which the licensee uses in the operation of the licensed business and which have been approved by the commission as proper places therein for the exercise of the license privilege.
← Without limitation of its other powers, the commission shall not approve as a proper place for the exercise of the license privilege, amusement areas primarily for minors, beaches or any other area designed primarily for use by minors. No minor, unless in the company of his or her parent or guardian, shall be permitted in any part of a hotel where the license privilege is exercised with the exception of public dining room or rooms and of sleeping rooms.

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← Premises shall include places having as a part thereof a regulation size golf course, of a value of at least \$100,000, open to the public and having not less than 9 holes and an average total of not less than 2,400 yards per 9 holes.

← The commission shall establish rules and regulations for the separation of areas where the license privilege may be exercised from areas where it may not be exercised, but complete non-access between the areas controlled by the licensee need not be required.

- Section 2*
← Premises shall include that place where an incorporated civic organization sells or serves spirituous and vinous liquors and malt liquors pursuant to a license obtained under section 801-B.
- Section 2*
S ← Premise or premises shall include municipally-owned and county-owned and operated auditoriums or civic centers. However, there shall be no sales of malt liquor, wine or spirits permitted during any school activities or events primarily attended by minors in the rooms where these activities are taking place.
- Section 2*
S → 14. Retail sale. "Retail sale" shall mean any single sale of liquor in the original package for off the premises consumption of less than 20 gallons.
- Section 2*
S → 15. Sale or sell. "Sale" or "sell" shall include any transfer or delivery of liquor for a consideration, and any gift thereof in connection with or as a part of a transfer of property.
- Section 2*
S → 16. Spirits. "Spirits" shall mean any liquor produced by distillation or if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind.
- Section 2*
S → 17. Vinous liquor. "Vinous liquor" shall mean wine.
- Section 2*
S → 18. Wholesaler. "Wholesaler" shall mean and include persons licensed by the commission to engage in the purchase and resale of malt or brewed beverages and wines, or both, in the original containers, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises of said wholesaler.
- Section 2*
S → 19. Wine. "Wine" shall mean any liquor produced by natural fermentation.
- Section 2*
S → 20. Table wine. "Table wine" means any wine containing not more than 14% alcohol by volume, including sparkling wines.
- Section 2*
S ← Places located on fairgrounds operated by agricultural societies or where pari-mutuel racing is conducted, which otherwise meet the definition of a hotel or a restaurant, shall be deemed to be a hotel or restaurant for purposes of this Title, notwithstanding the fact an admission charge must be paid to gain entrance to such place.

Sec. 2. 28 MRSA §4, as last amended by PL 1975, c.45 and c.80, §§1-2, is repealed and the following enacted in place thereof:

§4. Business days and hours

No liquor shall be sold except as herein provided. Liquor may be sold and delivered by any licensee by himself, clerk, servant or agent between 6 a.m.↔ and 1 a.m.

No liquor shall be sold or delivered by any licensee by himself, clerk, servant or agent, and no liquor shall be consumed on any licensed premise between 1 a.m.↔ and 6 a.m.,↔ and between 1 a.m.↔ and 12 noon on Sundays.

Liquor may be sold on January 1st of any year from midnight to 2 a.m.↔.↔ If January 1st falls on Monday, licensees shall be permitted to sell or deliver any liquors between 9 p.m.,

↖ Sunday, December 31st and 2 a.m.,↔ January 1st. ↗ Liquor may be sold in any municipality on the day of holding a general election or statewide primary. ↗ Except as hereinafter provided, no licensee shall permit the consumption of liquors on his premises on Sundays, # or after 15 minutes past the hours prohibited for sale thereof, # ↖ except by bona fide guests in their rooms. ↗ No liquor shall be sold in this state on Memorial Day prior to 12 noon. ↗ The hours of selling or delivering referred to shall be the legal time prevailing in the State on the day of the sale.

↖ ↗ Nothing in this section shall be construed to allow the sale of liquor in municipalities, towns and plantations in violation of section 101.

Any person, except an officer in performance of his duties, who purchases liquor on Sunday, in violation of this section shall be guilty of a misdemeanor and shall be subject to the same penalty provided in this section for the illegal sale of liquor on Sunday.

Any licensee by himself, clerk, servant or agent, except as herein provided, who sells liquor on Sunday shall be punished by a fine of not less than \$100, nor more than \$500, and costs, and a penalty of not less than 2 months nor more than 6 months in jail, at the discretion of the court; and in default of fine and costs, an additional penalty by imprisonment for 6 months. Any clerk, servant, agent or other person in the employment of a licensee who violates or in any manner aids or assists in violating the law relating to Sunday sale of liquor shall suffer like penalties.

Any licensee by himself, clerk, servant or agent who sells liquor on Sunday in municipalities and unincorporated places which have voted affirmatively to the questions pertaining to Sunday sales in ^{section} 101 during the hours of 1 a.m. ~~←~~ and 12 noon and who violates any of the rules and regulations of the commission, upon conviction, after hearing before the Administrative Court Judge shall be subject ^{to the} suspension or revocation, or both, of his license or right to sell on Sunday.

If any licensee or any clerk, servant or agent of a licensee is convicted of a violation of this section and appeals from the judgment and sentence of the trial court, the licensee's license to sell liquor shall be suspended during the time such appeal is pending in the appellate court unless the trial court shall otherwise order and no new or renewal license to sell liquor shall be granted to the licensee during the time of such appeal.

(§§51-56)

Sec. 3. 28 MRSA c.3, as amended, is repealed and the following enacted in place thereof:

CHAPTER 3

ADMINISTRATION AND ORGANIZATION

§51. Administration; enforcement

The administration of the state liquor laws shall be vested in the State Liquor Commission, and the enforcement of the state liquor laws shall be vested in the Bureau of Liquor Enforcement within the Department of Public Safety.

§52. ~~K~~ State Liquor Commission; appointment

The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, subject to review by the Joint Standing Committee on Liquor Control and to confirmation by the Legislature, ~~to~~ to serve for 3 years and may be removed by the Governor on the address of both branches of the Legislature
Impeachment.
Or by / The Governor shall designate one of the members to be its chairman and not more than 2 members thereof shall belong to the same political party. Any vacancy shall be filled by appointment for a like term. ^{State} The ~~Liquor~~ Commission shall meet at the call of the chairman and at least once a month.

§53. Powers of the State Liquor Commission

The State Liquor Commission shall establish the policy, rules and regulations pertaining to the administration and enforcement of the liquor laws. The commission shall have the following powers and duties:

1. Supervision of the Bureau of Alcoholic Beverages. To
← supervise and direct the Director of the Bureau of Alcoholic
← Beverages relating to all phases of the merchandising of
← liquor through state stores and special agency stores.
2. General supervision; rules and regulations. To have
← general supervision of manufacturing, importing, storing,
← transporting and sale of all liquors and to make such rules
← and regulations as they deem necessary for such purposes
← and to make rules and regulations for the administration,
← clarification, carrying out, enforcing and preventing
← violation of all laws pertaining to liquor, which rules and
← regulations shall have the force and effect of law, unless
← and until set aside by some court of competent jurisdiction
← or revoked by the commission.
3. Rules and regulations. To adopt rules, requirements and
← regulations not inconsistent with this Title or other laws
← of the state, the observance of which shall be conditions
← precedent to the granting of any license to sell liquor,

including malt liquor or table wine. In issuing or renewing licenses, the commission shall give consideration to the character of any applicant, the location of the place of business and the manner in which it has been operated. The commission may refuse to issue licenses to corporations when any of its officers, directors or stockholders do not possess the qualifications required of unincorporated persons under this section.

Section 4
E —→ 4. Purchase, transportation and sale of alcohol. To have control and supervision of the purchase, importation, transportation and sale of alcohol; and to make rules and regulations for such purchase, importation, transportation and sale of same to any industrial establishment in this state for industrial uses, or schools, colleges and state institutions for laboratory use only, or to hospitals for medicinal use therein only, or to any licensed pharmacist in this state for use in the compounding of prescriptions and other medicinal use but not for sale by such pharmacists unless compounded with or mixed with other substances, or to any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only.

Section 5
E —→ 5. Wine and spirits for sale. To buy and have in their possession wine, except table wine, and spirits for sale to the public. Such wine and spirits shall be purchased by the commission directly and not through the State Purchasing Agent and shall be free from adulteration and misbranding. The commission shall in their purchases of liquors give priority, wherever feasible, to those products manufactured or bottled in this state.

Section 6
E —→ 6. Notice to delist or stop purchases. Before any item listed by the commission is discontinued or delisted or before the commission issues any order to stop purchases of

any item listed, they shall give the vendor of such items reasonable notice in writing of their intention to so delist or stop purchase of such items.

Section 5 → 7. Sell at retail. To sell at retail in state stores in original packages and for cash, either over the counter or by shipment to points within the state, wine, except table wine, and spirits of all kinds for consumption off the premises at state stores to be operated under the direction of the commission.

Section 6 → 8. Licensing. To issue and renew all licenses provided for by this Title and to hold hearings thereon. Prospective licensees who have been granted a license, effective at a future date, may, on approval of the commission, order liquor in advance of the effective date of the license and may advertise such effective date.

Section 7 → 9. Prevent sale to minors and others. To prevent the sale by licensees of wine and spirits to minors, persons under the influence of liquor or to an interdicted person.

Section 8 → 10. Act as review board. To act as a review board and on all appeals from the decisions of municipal officers, and except as provided by section 403, the decisions of the commission shall be final. All decisions of the commission acting as a review board must be approved by at least 2 members.

Section 9 → 11. Hearings. A single commissioner may conduct hearings in any matter pending before the commission. He shall, after holding the hearing, file with the commission all papers connected with the case, a transcript of all the testimony and a report of his findings. The commission shall

review the evidence and examine all papers and the findings of the single commissioner before rendering their decision.

Schedule 5

12. 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 them or to any matter involved in a hearing. Witness fees in all proceedings shall be the same as for witnesses before the Superior Court. Whoever, having been summoned as a witness by any member of the commission to appear before the commission, without reasonable cause fails to appear at the time and place designated in the subpoena or summons shall be punished, on complaint or indictment, by a fine of not more than \$100 or by imprisonment for less than one year.

Schedule 5 →

13. Food servicing organizations. To adopt rules, requirements and regulations permitting food servicing organizations catering to passengers on international flights to purchase wine and malt beverages from wholesale outlets or distributors, providing such wine and malt beverages are resold for consumption during international travel.

§54. Duties of the State Liquor Commission

Bureau of Alcoholic Beverages; rules and regulations.

1./ The commission shall establish rules and regulations as

← well as procedures for the administration and operation of

← the Bureau of Alcoholic Beverages.

2. Pamphlet of regulations. To publish at least annually

← on or before August 31st, or 90 days after becoming law, in a

← convenient pamphlet form all regulations then in force and

← to furnish copies of such pamphlets to every licensee

← authorized by law to sell liquor.

3. Public meetings. The commission shall hold public

← meetings each year at various locations within the state for

← the purpose of outlining operations under the liquor laws,

← receiving suggestions thereto and disseminating information

← to the public.

4. Annual report. To make an annual report to the Governor
of their activities and of the amount of malt liquor license
fees collected together with such other information as they
deem advisable or as the Governor may require.

5. Expenses. The expenses for the administration of the
commission in carrying out the duties as set forth in this
Title shall be paid from such amounts as the Legislature
may allocate from the revenues derived from the operations
of the commission. Such amounts shall become available
in accordance with title 5, chapters 141 to 155.

§55. Salaries and Expenses

Each member of the commission shall receive a per diem salary
of \$50 and his actual expenses for the first 30 meetings of each
calendar year. For any meetings after the 30th meeting,
each member of the commission shall receive his actual expense\$.

§56. Working Capital

The net profits of the commission shall be general revenue
of the state. The commission is authorized to keep and have on
hand a stock of wines, except table wines, and spirits for sale,
the value of which, when priced for resale, shall be computed on
less carload price quotations f.o.b. warehouse filed by liquor
and wine vendors. The inventory value shall be based upon actual
cost for which payment may be due and shall not at any time exceed
the amount of working capital authorized. Wines and spirits shall
not be considered in the inventory until payment has been made
therefor. The maximum permanent working capital of the commission
is established at \$3,500,000 and permanent advances up to this
amount may be authorized by the Governor ←————→ upon
recommendation of the commission with the approval of the Commissioner
of Finance and Administration. The permanent working capital of the
commission may be supplemented by temporary loans from other state
funds upon recommendation of the commission and by approval of the
Commissioner of Finance and Administration and the Governor.

§57. Director of ^{the} Bureau of Alcoholic Beverages, Appointment
The Commissioner of Finance and Administration, with the
advice and consent of the ^{State Liquor Commission,} shall appoint a Director of
the Bureau of Alcoholic Beverages whose term of office shall be
continuous, subject only to removal for cause by the commission
of Finance and Administration,
and the ~~commissioner~~ The salary of the director shall be fixed
by the Governor.

In appointing a director, consideration shall be given to the
following qualifications: Sound judgment, practical experience
and ability in merchandising, executive administration, salesman-
ship and sound business principles. The director shall not be a
member of the commission.

§58. Director of ^{the} Bureau of Alcoholic Beverages, Powers and Duties
The Director of the Bureau of Alcoholic Beverages within the
Department of Finance and Administration shall be the chief admin-
istrative officer of the Bureau. The Director of the Bureau of
Alcoholic Beverages shall be subject to the direction of the
State Liquor Commission as defined in this chapter. The ~~Director~~
of the ~~Bureau~~ shall administer the policies, rules and regulations
of the State Liquor Commission under the supervision of the
commission. The ~~Director~~ of the ~~Bureau~~ shall operate the ~~Bureau~~
and implement the liquor laws according to the procedures established
by the State Liquor Commission.

The Director of the Bureau of Alcoholic Beverages shall have
general charge of the office and records and shall employ, with the
approval of the Commissioner of Finance and Administration, sub-
ject to the Personnel Law, such personnel and make expenditures as
may be necessary to fulfill the purposes of this Title.

§59. Bureau of Liquor Enforcement

The enforcement division of the State Liquor Commission shall
be the Bureau of Liquor Enforcement within the Department of Public
Safety, as heretofore created. The ~~commissioner~~ of Public Safety

shall appoint as Director of the Bureau of Liquor Enforcement a person experienced in law enforcement or enforcement of liquor laws, who may be removed for cause by the commissioner. The director, subject to the Personnel Law, may appoint as many inspectors as may be found necessary. The inspectors shall be under the direct supervision and control of the director. They shall have the same powers and duties throughout the several counties of the State, as sheriffs have in their respective counties, relating to liquor. Their power and duties shall include the duty to inquire into and arrest for violations of any of the provisions of this Title, to arrest for violations of Title 17, Chapter 69,

to arrest for violations of Title 29, section 2182, to arrest for impersonation of or interference with liquor inspectors, and to arrest for disturbances of the peace in the pursuance of their duties relating to liquor under this Title and to serve all processes necessary for and pertaining to enforcement of any of the provisions of this Title. All business and financial records of licensees shall be confidential.

¶ Notwithstanding any other provisions of law, the Department of Public Safety shall be responsible for the enforcement of the liquor laws and the rules and regulations of the commission.

§60. Eligibility of members and employees

No person shall be eligible for appointment as a member of State Liquor Commission, the / as an employee of the commission, the Bureau of Alcoholic Beverages, or the Bureau of Liquor Enforcement in any capacity, including the director, who has any connection with, official, professional or otherwise; or who owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor or who has been convicted of the breach of any state or federal law regulating the manufacture, sale or transportation of intoxicating liquor. Neither the commission, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a

manufacturer, seller, brewer or licensee or any representative of the same under circumstances which might reasonably be construed as influencing or improperly relating to past, present or future performance of his official duties.

Sec. 4. 28 MRSA §101, as last amended by PL 1975, c.623, §§40-43, is repealed and the following enacted in place thereof:
§101. Form of question and ballot

The aldermen of cities, the selectmen of towns and the assessors of plantations, upon receipt of a petition signed by 15 ~~10~~ ^{1901, subsection 7,} of the registered voters and addressed to the municipal officers as defined in Title 30, section 7, 120 days prior to the municipal election or town meeting, are empowered and directed to notify the inhabitants of their respective municipalities to meet, in the manner prescribed by law for the calling and holding of municipal elections or town meetings, to vote upon any one or all of the following questions:

1. Shall state stores for the sale of liquor be operated by permission of the State Liquor Commission in this city or town? (State Liquor Store)

2. Shall licenses be granted in this city or town for the sale herein of spirituous and vinous liquors to be consumed on the premises of establishments licensed to sell spirituous and vinous liquors for consumption on the premises?

3. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of establishments licensed to sell malt liquors for consumption on premises?

4. Shall licenses be granted in this city or town for sale herein of malt liquor (beer, ale and other malt liquors) and table wine not to be consumed on the premises of establishments licensed to sell malt liquor and wine for consumption off the premises?

5. Shall state stores and special agency stores for the sale of liquor be operated by permission of the State Liquor Commission in this city or town on Sunday? (State Liquor Store)

6. Shall this municipality or unincorporated place authorize the sale of spirituous and vinous liquors on Sunday for consumption on the premises of establishments licensed to sell spirituous liquors for consumption on the premises?

7. Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of establishments licensed to sell ~~←~~ malt liquors for consumption on the premises?

8. Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor (beer, ale and other malt liquors) and table wine to be consumed off the premises of establishments licensed to sell malt liquor and wine for consumption off the premises?

Where a city or town has voted in favor of accepting or not accepting the ballot questions, said vote shall be effective until repealed in the manner provided.

The inhabitants of the several municipalities shall vote by ballot provided by the Secretary of State on said questions, those in favor voting "yes" on their ballots and those opposed "~~no~~." and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings and return of the results shall be made to the office of the Secretary of State and to the State Liquor Commission.

Each question in this section shall apply to both full-time and part-time licensed establishments.

Upon this ballot no other referendum question shall be printed.

Sec. 5. 28 MRSA §102, 5th, 6th & 7th ¶¶, as enacted by PL 1969, c.360, §9, are repealed.

Sec. 6. 28 MRSA §103, first sentence, as repealed and replaced by PL 1971, c.622, §89-A, is amended to read:

Upon petition signed by ~~20%~~ 15% or more of the voting age residents in an unincorporated place requesting a vote on local option questions, the Secretary of State shall forthwith appoint a time and place, give public notice in the same manner as provided for notice in section 252 and cause a vote on such questions to be taken in such unincorporated place under his supervision and subject to such rules and regulations as he shall promulgate.

Sec. 7. 28 MRSA §153, first ¶, as repealed and replaced by PL 1975, c.256, is amended to read:

~~The bureau;-with-the-approval-of-the~~ State Liquor Commission shall have authority to license and regulate, in cities, towns and unorganized territories which have voted in favor of the operation of ~~State~~ stores under local option provisions and where there is no ~~State~~ store, retailers as special agency stores on an annual, seasonal or temporary basis for the purpose of selling liquor in sealed bottles, containers or original packages for consumption off the premises. The liquor shall be sold by the ~~bureau;-with-the-approval-of-the~~ State Liquor Commission, to the special agency stores pursuant to section 204.

Sec. 8. 28 MRSA §153, 3rd ¶, as repealed and replaced by PL 1975, c.256, is amended to read:

~~The Bureau-of-Alcoholie-Beverages~~ State Liquor Commission shall, in accordance with Title 5, section 2351, give public notice that a ~~State~~ agency retail store may be established in a particular city, town or unorganized territory. ~~The Bureau-of-Alcoholie-Beverages~~ State Liquor Commission shall request all interested parties in said city, town or unorganized territory to notify the ~~Bureau-of-Alcoholie-Beverages~~ State Liquor Commission in regard to the establishment of a ~~State~~ agency retail store. ~~The Bureau-of-Alcoholie-Beverages~~ State Liquor

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provide all applicants with the necessary information for the establishment of a special agency retail store. The Bureau-of-Alcohol-Beverages State Liquor Commission shall

Commission shall conduct an investigation to determine the most feasible location and type of facility for the agency store, and any applicant denied a permit shall be given reasons for the permit refusal.

Sec. 9. 28 MRSA §153, as repealed and replaced by PL 1975, c. 256, is amended by adding before the last paragraph the following new paragraphs:

The State Liquor Commission shall not establish any special agency stores in municipalities, unincorporated places or plantations with a population of more than 7,500 persons as determined by the federal census. There shall be no more than one special agency store in any one municipality, unincorporated place or plantation. The State Liquor Commission shall not close any State retail liquor store and replace it with a special agency store.

Special agency store licensees must have and maintain an adequate stock of groceries, in no case less than \$3,500 wholesale value or a stock of merchandise reasonably compatible with a stock of spirituous and vinous beverages in no case less than \$3,500 wholesale value, or a combination of both in no case less than \$3,500 value. Compatible merchandise shall consist exclusively of paper products, tobacco products, newspapers and greeting cards.

Sec. 10. 28 MRSA §153, first sentence of the last ¶, as repealed and replaced by PL 1975, c. 256, is amended to read:

Any applicant aggrieved by a decision made by the Bureau-of-Alcohol-Beverages State Liquor Commission may appeal to the Administrative Court Judge in accordance with Title 5, chapters 301-307.

Sec. 11. 28 MRSA §154 is repealed and the following enacted in place thereof:
§154. Business hours

State retail liquor stores and State agency stores may be open for the sale and delivery of liquor between the hours of 9 a.m. and midnight in municipalities and unincorporated places which have voted affirmatively on/ section 101, subsection 1. The State Liquor Commission shall establish the hours of operation

of each ~~State~~ retail liquor store and ~~State~~ agency store.

The hours of sale referred to in this section shall be the legal time prevailing in the State on the day of the sale.

Sec. 12. 28 MRSA §201-A is enacted to read:
§201-A. Services of bottle clubs regulated

No person, firm or corporation, not licensed under this Title shall keep, maintain, operate, lease or otherwise furnish to its members and guests or to the general public any premises, building, apartment or place wherein such members, guests or other persons shall engage in the drinking of alcoholic liquors for a fee or any consideration, including any admission charge, charges for food, mixers or other fluids used with alcoholic drinks or the storage of alcoholic beverages.

Any person found in violation of this section shall be punished by a fine of not more than \$300 or by imprisonment for not more than 60 days, or by both.

Sec. 13. 28 MRSA §203, first ¶, last sentence, as enacted by PL 1971, c.136, is repealed.

Sec. 14. 28 MRSA §251, last sentence, is amended to read:
Every applicant for a bottle club license and every applicant for a license for the sale of liquor to be consumed on the premises where sold shall include in his application a description of the premises for which he desires license and shall set forth such other material information, description or plan of that part of the premises where it is proposed to consume, keep or sell liquor as the commission may require.

Sec. 15. 28 MRSA §252, first sentence, as amended by PL 1975, c.37, is further amended to read:

The municipal officers or in case of unincorporated places the county commissioners of the county wherein such unincorporated place is located, shall hold a public hearing for the consideration of all new applications for liquor licenses requiring their approval ;~~or where the municipal officers or county commissioners deem it necessary; on applications for renewal of licenses requiring their approval.~~

Sec. 16. 28 MRSA §252, as last amended by PL 1975, c.37,
is further amended by adding after ~~←~~→ the first paragraph
the following new paragraph:

Requests for renewal of liquor licenses shall be directed
to the State Liquor Commission. The municipal ^{officers} or in
the case of unincorporated places, the county commissioners of
the county wherein such unincorporated place is located may,
in writing, indicate the reasons for the denial of a license
renewal, and the Commission shall require the applicant to obtain
municipal approval prior to re-submitting the application for
renewal.

Sec. 17. 28 MRSA §252, as last amended by PL 1975, c.37,
is further amended by adding after the last paragraph the follow-
ing new paragraph:

Part-time licenses may be extended by the State Liquor
Commission upon request by a licensee for a ~~(two)~~-month period only.

Sec. 18. 28 MRSA §252, as last amended by PL 1975, c.37,
is further amended by adding at the end the following new para-
graph:

Any applicant for a renewal of a liquor license or any
municipality, town or plantation contesting the issuance of
a license renewal aggrieved by the decision of the State Liquor
Commission may appeal the decision to the Administrative Court
Judge in accordance with Title 5, chapters 301-307.

Sec. 19. 28 MRSA §301, first sentence, is amended to
read:

No new hotel, restaurant, tavern, ~~or club~~ or bottle club
licenses shall be granted under this title to new premises
within 300 feet of a public or private school, school dormitory,
church, chapel or parish house in existence as such at the time
such new license is applied for, measured from the main entrance
of the premises to the main entrance of the school, school
dormitory, church, chapel or parish house by the ordinary
course of travel, except such premises as were in use as hotels
or clubs on July 24, 1937.

Sec. 20. 28 MRSA §303, 3rd ¶, first sentence, as last
amended by PL 1975, c.100, is further amended to read:

Any person under the age of 18 years who purchases any
intoxicating liquor or any person under the age of 18 years who
or has on his or her person any intoxicating liquor
consumes any intoxicating liquor in any on-sale premises or bottle
club, 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,
or otherwise procuring or attempting to procure
purchasing, attempting to purchase/ the serving of any intoxi-
cating 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,
shall be guilty of a misdemeanor and shall be punished by a fine
of not more than \$100 for the first offense, not less than \$50
nor more than \$100 for the 2nd offense and \$100 for the 3rd
and subsequent offenses.

Was Sec. 21 → Sec. 21. 28 MRSA §305, 3rd, 4th and ^{5th ¶¶,} as repealed and
replaced by PL 1975, c.184, are repealed and the following enacted
in place thereof:

Licensed clubs may offer prizes, gratuities or other
inducements, otherwise legal, as a means of promoting attendance
on licensed premises.

Nothing in this section shall be construed to prohibit
licensees licensed to sell liquor for consumption on the premises
from offering special package plans or price premiums. Licensees
may advertise their special package plans or price premiums.

Was Sec. 21 → Sec. 22. 28 MRSA c.13, subchapter II, ^(§§551-556) is repealed.

Sec. 23. 28 MRSA §701, as last amended by PL 1975, c.540,
§§2-3, is repealed and the following enacted in place thereof:
§701. Fees

1. Fees for full-year licenses for the sale of alcoholic
beverages for on-premise consumption of liquor shall be as follows:

A. Class I License, spirituous, vinous
and malt beverages.....\$800

(1) Class I-A License - Optional
License - For hotels that do not

serve food - Spirituous, vinous
and malt beverages.....\$1,200

B. Class II License, spirituous liquor
only\$ 400

C. Class III License, vinous liquors
only\$ 200

D. Class IV License, malt liquor only\$ 300

E. Class V License, bottle club\$ 100

2. Fees for part-time licenses for the sale of alcoholic
beverages to be consumed on the premises shall be 1/2 the full-
time fee at their location.

3. Fees for the extension of part-time licenses for a
2-month period for the sale of alcoholic beverages to be con-
sumed on the premises shall be as follows:

A. Class I License, spirituous, vinous and
malt beverages \$ 150

(1) Class I-A - Optional License - For
hotels that do not serve food - spiritu-
ous, vinous and malt beverages \$ 225

B. Class II License, spirituous liquor only \$ 90

C. Class III License, vinous liquor only .. \$ 50

D. Class IV License, malt liquor only \$ 60

E. Class V License, bottle club \$ 25

4. Fees for full-year licenses for the sale of malt
liquor and table wine to be consumed off the premises shall
be as follows:

A. Class VI License, malt liquor only \$ 200

B. Class VII License, table wine only \$ 200

5. Fees for part-time licenses for the sale of malt
liquor and table wine to be consumed off the premises shall be
1/2 the full-time license fee.

6. Fees for the bimonthly extension of part-time licenses
for the sale of malt liquor and table wine to be consumed off
the premises shall be as follows:

A. Class VI License, malt liquor only \$ 40

B. Class VII License, table wine only \$ 40

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

All full-year licenses shall be issued for one year from date of issuance and the prescribed fee shall accompany the application for the 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 ^{unincorporated} 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.

Sec. 24. 28 MPSA 70]-A is enacted to read:

§701-A. Owners of Premises Eligible for Licenses

1. Class I license. The owners of the following
premises shall be eligible for a Class I license -
spirituous, vinous and malt beverages:

- A. Airlines;
- B. Civic Auditoriums;
- C. Class A Restaurants;
- D. Clubs;
- E. Dining Cars;
- F. Golf Clubs;
- G. Hotels;
- H. Indoor Ice Skating Clubs;
- I. Indoor Tennis Clubs and
- J. Vessels.

Section 5 → 2. Class II License. The owners of the following premises shall be eligible for a Class II license - spirituous only:

- A. Airlines,
- B. Civic Auditoriums,
- C. Class A Restaurants,
- D. Clubs,
- E. Dining Cars,
- F. Golf Clubs,
- G. Hotels,
- H. Indoor Ice Skating Clubs,
- I. Indoor Tennis Clubs and
- J. Vessels.

Section 5 → 3. Class III License. The owners of the following premises shall be eligible for a Class III license - vinous only:

- A. Airlines,
- B. Civic Auditoriums,
- C. Class A Restaurants,
- D. Clubs,
- E. Dining Cars,
- F. Golf Clubs,
- G. Hotels,
- H. Indoor Ice Skating Clubs
- I. Indoor Tennis Clubs and
- J. Vessels.

Section 5 → 4. Class IV License. The owners of the following premises shall be eligible for a Class IV license - beverages malt/only:

- A. Airlines,
- B. Civic Auditoriums,
- C. Class A Restaurants,
- D. Dining Cars,
- E. Golf Clubs,
- F. Hotels,

G. Indoor Ice Skating Clubs;

H. Indoor Tennis Clubs;

I. Restaurants;

J. Taverns;

K. Class A Taverns;

L. Vessels and

M. Clubs.

→ 5. Class V License. The owners of the following premises shall be eligible for a Class V License:

A. Bottle Clubs.

→ 6. Class VI License. The owners of the following premises shall be eligible for a Class VI License:

A. Retail stores - Sale of malt liquor for off-premise consumption only.

→ 7. Class VII License. The owners of the following premises shall be eligible for Class VII license:

A. Retail stores - Sale of table wine for off-premise consumption only.

Sec. 25. 28 MRSA §702, first sentence, is amended to read:

No licensee for sale of liquor or consumption 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.

Sec. 26. 28 MRSA §702, 2nd ¶, as last amended by PL 1975, c.74, is further amended to read:

Licensed hotels, class A restaurants, class A taverns, and restaurant malt liquor and bottle club licensees who have been issued such special amusement permit may charge admission in designated areas approved by the commission.

Sec. 27. 28 MRSA §751, 4th ¶, as last amended by PL 1969, ^{further} c.360, §24, is/amended by adding at the end the following sentence:

Compatible merchandise shall consist exclusively of tobacco products, newspapers, ~~←~~→ greeting cards and paper products.

Sec. 28. 28 MRSA §752, 5th sentence is repealed.

Sec. 29. 28 MRSA §801, first sentence, as repealed and replaced by PL 1975, c.623, §44, is ~~←~~→ amended to read:

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B and municipal auditoriums on payment of the fees provided; subject to the provisions of section 252 and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant, hotel or municipal auditorium is operating the same, and if said hotel, restaurant or club is located in an unorganized place, said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both.

Sec. 30. 28 MRSA §801, 2nd ¶, as enacted by PL 1973, c.749, §8, is repealed.

Sec. 31. 28 MRSA §801-B, sub-§2, as enacted by PL 1973, c.747, §10, is amended to read:

2. The license provided for by this section shall authorize the licensee to sell or serve liquor only at one public event or public gathering per year which is sponsored by the licensee, and said public event or public gathering shall be valid for no longer than 3 days and shall not be renewable.

Sec. 32. PL 1975, c.540, §5 ~~←~~ is repealed and the following enacted in place thereof:

Sec. 5.
Provisional clause. Notwithstanding any other provision of law, licenses may be granted to indoor tennis clubs, indoor ice skating clubs and golf clubs in municipalities and unincorporated places which have previously voted affirmatively on Title 28, section 101, subsections 2,3,6 and 7.

Sec. 33. ~~←~~ PL 1975, c.540, §6 is amended to read:
Sec. 6.
Application limited. This Act shall remain in effect ^{only} ~~until~~ January 17, 1977 for 90 days following the adjournment of the 108th Legislature in 1977 during which time the ~~Bureau of Alcoholic Beverages~~ State Liquor Commission shall evaluate the effectiveness of this law and make a written report to the 108th Legislature.

Was Sec. 35

~~→~~ Sec. 34. 28 MRSA §1059 is amended to read:
§1059. — Prisoners

Whoever gives or delivers any liquor to a person confined in any jail, house of correction or other place of confinement, or to a person in custody of any officer qualified to serve criminal process, or has in his possession, within the precincts of any jail, house of correction or other place of confinement, any such liquor, with intent to convey or deliver the same to any person confined therein, unless under the direction of the physician appointed to attend such prisoner, or of the officer in charge of such place of confinement shall be punished by a fine of not more than ~~\$20~~ \$100 for the first offense and \$100 for each subsequent offense or by imprisonment for not more than 30 days.

Was Sec. 34

~~→~~ Sec. 35. 28 MRSA §1060, 2nd ¶, as enacted by PL 1971, c.227, is amended to read:

There shall be a fee of ~~\$1~~ \$3 for the issuance of an adult identification card.

Sec. 36. 28 MRSA c. 31 is enacted to read:

CHAPTER 31

PUBLIC INFORMATION

§1301. Erection of guidepost

In order to increase State revenues and to attract more of the tourist trade to the State retail liquor store in Kittery, the Maine Turnpike Authority shall erect and maintain a guidepost no more than one mile north of the York Toll Station on the southbound side of the Maine Turnpike. The said guidepost shall be worded as follows:

KITTERY STATE RETAIL LIQUOR STORE - YORK EXIT

The Bureau of Alcoholic Beverages shall compensate the Maine Turnpike Authority for the full cost of erecting the said guidepost.

FISCAL NOTE

The increase in revenues to the State generated by this Act have been estimated to be \$283,125.

Statement of Fact

The intent of the revision of the State Liquor Laws is to clarify and simplify the laws as well as to remove antiquated provisions within the present laws. Furthermore, the revision attempts to provide for more local input in regard to sale of alcoholic beverages within the communities of the State by placing the responsibility of holding local option and Sunday Sale elections upon each individual community. The revision reduces the number of local option/Sunday Sale questions from 17 questions to 8 questions and significantly clarifies the questions. The revision clarifies the powers of the State Liquor Commission and the Director of the Bureau of Alcoholic Beverages and makes the powers more precise. This bill reduces the complexity and number of liquor licenses from roughly 40 licenses with varying fees for each type of license to 8 liquor licenses with the same fee for each license. The result is a more equitable and judicious licensing system.