

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5512. Applicability.

(a) The statutes in this chapter shall be applicable to each senatorial district, unless the senatorial district enacts local laws pursuant to subsection (b) below which differ from the statutes contained herein.

(b) Except as provided by 4 CMC § 5512 (c), a senatorial district may, by the enactment of local law, regulate the sale and consumption of alcohol within said senatorial district. Such local laws may be more or less restrictive or permissive than the statutes in this chapter. The statutes in this chapter shall apply in full force and effect to each senatorial district until the enactment of positive local law which is clearly intended to supercede the statutes contained in this chapter. The intent to supercede any individual statute in this chapter shall be demonstrated by a positive statement in the "findings" section of the local law that the individual statute is to be superceded, with a citation to the statute to be superceded.

(c) The importation into the commonwealth of alcoholic beverages shall be regulated by Commonwealth law which shall not be superceded by local law. The manufacture of alcoholic beverages within the commonwealth shall be regulated by Commonwealth law which shall not be superceded by local law. The following statutes may not be amended by local law: 4 CMC § 5523; 4 CMC § 5524; 4 CMC § 5531; 4 CMC § 5559; 4 CMC § 5560; and 4 CMC § 5595.

Source: MIDC § 11.04.020; amend by PL 15-91 § 2.

Commission Comment: Public Law 15-91, effective on October 2, 2007, includes severability and savings clause provisions and the following:

Section 1. Findings and Purpose. The Legislature finds that the current laws concerning the sale of alcohol were enacted prior to the first Commonwealth Legislature, and they have not been amended in any major way notwithstanding the long passage of time.

The Legislature finds that the Local Law Act of 1983, Public Law 3-77, clearly states that the regulation of the curfew for bars and other business establishments is purely a local matter pertaining to matters within the individual senatorial districts. Yet, to date, no local delegation has enacted local laws pursuant to this authority in part because it is unclear exactly what may be regulated, given the codification of the Commonwealth's Alcohol Beverage Control statutes.

The Legislature finds that different senatorial districts have differing situations: casino gaming and casinos are in one senatorial district and not the others while different districts have a greater prevalence of resorts and resort areas. These facts militate towards the proposition that the Delegations, through the enactment of local laws, are in the best position to regulate the aspects of the sale and consumption of alcohol to maximize the economic benefits of the sale of alcoholic beverages.

Therefore, it is the purpose of this Act to explicitly empower the local delegations to enact local laws which are more or less restrictive than the current statutes.