

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 1144

H. P. 1523

House of Representatives, February 26, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Temperance. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fowler of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relating to Liquor Licenses in Unorganized Territory Where No
Elections Are Held.**

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

Sec. 1. R. S., c. 57, § 22, amended. Section 22 of chapter 57 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Hearings on applications for liquor licenses. The municipal officers, or in case of unincorporated places, the ~~county commissioners of the county wherein such unincorporated place is located~~ state liquor commission, shall hold public hearing for the consideration of all applications for liquor licenses requiring their approval, after giving public notice at the applicant's expense, which shall be prepaid, by causing a notice, stating the name and business address of the applicant and the time and place of hearing, to be printed for at least 6 consecutive days prior to the date of hearing in a daily newspaper published in the city or town in which the premises proposed to be licensed are situated; or, if no daily newspaper is so published, the notice shall be printed for the same period in a daily newspaper published in the county in which the premises are situated; or, if no daily newspaper is published in such town or county, then the notice

shall be printed for 2 consecutive weeks prior to the date of hearing in a weekly newspaper published in the county.'

Sec. 2. R. S., c. 57, § 23, amended. Section 23 of chapter 57 of the revised statutes, as amended by chapter 245 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 23. Retail licenses. Licenses for the sale and distribution of malt liquor at retail under such regulations as the commission may prescribe may be issued by the commission upon an application in such form as they may prescribe and upon payment of a fee as hereinafter provided. No person licensed to sell at retail shall sell malt liquor for consumption on the premises where sold except as hereinafter provided.

Provided, however, that licenses in an unincorporated place where no elections are held shall require the approval of the ~~county commissioners of the county~~ **state liquor commission**, after giving public notice at the applicant's expense which shall be prepaid, by causing a notice, stating the name and business address of the applicant and the time and place of hearing, to be printed for at least 6 consecutive days prior to the date of hearing in a daily newspaper published in the unorganized territory in which the premises proposed to be licensed are situated; or, if no daily newspaper is so published, the notice shall be printed for the same period in a daily newspaper published in the county in which the premises are situated; or, if no daily newspaper is published in such county, then the notice shall be printed for 2 consecutive weeks prior to the date of hearing in a weekly newspaper published in the county nearest to said unincorporated place.

~~Any applicant, aggrieved by the refusal of the county commissioners to approve an application as hereinbefore provided, may appeal to the state liquor commission, who shall hold a public hearing thereon in the unincorporated place for which said license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'~~

Sec. 3. R. S., c. 57, § 40, amended. The 1st sentence of section 40 of chapter 57 of the revised statutes, as amended by chapter 185 of the public laws of 1945, is hereby further amended to read as follows:

'Licenses for the sale of liquor to be consumed on the premises where sold may be issued in the discretion of the commission to clubs and to bona fide hotels, restaurants, steamboats and railroad dining cars on payment of the fees herein provided; subject, however, to the condition that the application therefor be approved by the municipal officers of the town or city

in which such intended licensee, if operating a club, restaurant or hotel, 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~~ **state liquor commission**, and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor and wine.'

Sec. 4. R. S., c. 57, § 28, amended. The 1st and 2nd sentences of section 28 of chapter 57 of the revised statutes, as amended by chapter 159 of the public laws of 1945, are hereby further amended to read as follows:

'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 or club, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant or club is located, and if such hotel, restaurant 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~~ **commission**. Any applicant aggrieved by the refusal of the municipal officers ~~or county commissioners~~ to approve an application as herein provided or the transfer of such license may appeal to the commission, who shall hold a public hearing thereon in the city or town for which such license is requested and if it finds the refusal to have been arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'