

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1280

H. P. 1918

House of Representatives, March 4, 1949

Referred to the Committee on Temperance, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Albee of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Provide for a One-Man State Liquor Commissioner.

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

Sec. 1. R. S., c. 57, § 1, amended. The 5th paragraph of section 1 of chapter 57 of the revised statutes is hereby amended to read as follows:

“‘Commission’ shall mean the state liquor ~~commission~~ **commissioner.**’

Sec. 2. R. S., c. 57, § 3, repealed and replaced. Section 3 of chapter 57 of the revised statutes, as amended by chapter 250 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

‘**Sec. 3. State liquor commission and appointment thereof. The state liquor commission, as heretofore established, shall consist of 1 member to be appointed by the governor, with the advice and consent of the council, to serve for 3 years or during the pleasure of the governor and council.**’

Sec. 3. R. S., c. 57, § 4, amended. Section 4 of chapter 57 of the revised statutes is hereby amended to read as follows:

‘**Sec. 4. Eligibility of members and employees.** No person shall be eligible for appointment as ~~a member of the commission~~ **commissioner** or as an employee of the commission in any capacity 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.'

Sec. 4. R. S., c. 57, § 5, repealed and replaced. Section 5 of chapter 57 of the revised statutes, as amended by chapter 373 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 5. Salary; expenses. The salary of the commissioner shall be \$12,000 per year, and in addition he shall be allowed his reasonable expense incurred in the performance of his duties, provided, however, that such expense shall not include travel between his place of residence and the commission office, or board and lodging in the city or town where such office is located.'

Sec. 5. R. S., c. 57, § 6, sub-§ XVI, repealed and replaced. Subsection XVI of section 6 of chapter 57 of the revised statutes is hereby repealed and the following enacted in place thereof:

'XVI. The commissioner may conduct hearings in any matter pending before the commission. He shall, after holding the hearing, file in his office all papers connected with the case, a transcript of all the testimony and a report of his findings.'

Sec. 6. R. S., c. 57, § 6, sub-§ XVII, amended. The 1st sentence of subsection XVII of section 6 of chapter 57 of the revised statutes is hereby amended to read as follows:

'~~Any member of the commission~~The commissioner 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~~ him or to any matter involved in a hearing.'

Sec. 7. R. S., c. 57, § 22-B, amended. Section 22-B of chapter 57 of the revised statutes, as enacted by section 1 of chapter 197 of the public laws of 1947, is hereby amended to read as follows:

'Sec. 22-B. Premises for which licenses shall not be granted; exception. No new hotel, restaurant or club licenses shall be granted under the provisions of this chapter 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; provided,

however, that the commission may grant licenses to premises which are within 300 feet of a church, chapel or parish house, measured as aforesaid and which do not adjoin any of the same, when the application therefor has the ~~unanimous~~ approval of the ~~members of the~~ commission and also the written approval of a majority of the officers or the written approval of the officer, person or pastor in charge of such church, chapel or parish house.'