

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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E. Offenses involving the operation or attempted operation of a snowmobile or watercraft while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 7801, subsection 9, and section 7827, subsection 9, respectively, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 7406, subsection 15; and

Sec. 2. 15 MRSA §3103, sub-§1, ¶F, as amended by PL 1983, c. 818, §2, is further amended to read:

F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29, section 1312-B or operating a motor vehicle while the right to operate is revoked, as defined in Title 29, section 2298 and offenses defined in Title 29 as Class B or C crimes.

Effective September 19, 1985.

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## CHAPTER 215

H.P. 1039 - L.D. 1513

AN ACT to Provide Guidance to Municipal  
Officers in Granting and Denying  
Liquor Licenses for On-premise  
Consumption.

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

Sec. 1. 28 MRSA §252-A, sub-§2, as enacted by PL 1981, c. 366, §5, is amended to read:

2. Findings. In granting or denying an application under subsection 1, the municipal officers or the county commissioners, as the case may be, shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land

use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and

E. A violation of any provision of this Title.

Sec. 2. 28 MRSA §252-A, sub-§3, as enacted by PL 1981, c. 366, §5, is amended to read:

3. Appeal to commission. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the commission, who shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the commission may consider all of the requirements for licensure referred to in subsection 2.

A. If the decision appealed from was to grant the application or request, the commission may reverse the decision if it was arbitrary or based on an erroneous finding.

B. If the decision appealed from was to deny the application or request, the commission may grant the application or request only if it finds by clear and convincing evidence that the decision was without justifiable cause.

Effective September 19, 1985.

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