

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes

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CHAPTER 3

STATE LIQUOR COMMISSION

Sec.

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§ 51. Appointment

The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, with the advice and consent of the Council, to serve for 3 years and may after notice and hearing be removed for cause by the Governor and Council. The Governor shall designate one of the members to be its chairman, who shall devote each full working day to his duties, 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. The chairman shall be the chief administrative officer, having general charge of the office and records.

R.S.1954, c. 61, § 3; 1963, c. 363, § 1.

§ 52. Eligibility of members and employees

No person shall be eligible for appointment as a member of the commission or as an employee of the commission in any capacity, including the business administrator, 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.

R.S.1954, c. 61, § 4; 1955, c. 294, § 1.

§ 53. Salaries and expenses

The salary of the chairman of the commission shall be \$8,500 per year and the salary of each of the other members shall be \$5,625 per year, and in addition each member shall be allowed his reasonable expense incurred in the performance of his duties.

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 or in the City of Augusta.

R.S.1954, c. 61, § 5; 1957, c. 296; c. 418, § 19; c. 429, § 53; 1963, c. 363, § 2.

§ 54. Business administrator

The commission shall appoint a business administrator whose term of office shall be continuous, subject only to removal for cause by a majority vote of the Governor, the individual members of the Council and the commission, acting as one body, after notice and public hearing if requested by the administrator. The salary of the administrator shall be fixed by the Governor and Council.

In appointing a business administrator, consideration shall be given to the following qualifications: Sound judgment, practical experience and ability in merchandising, executive administration, salesmanship and sound business principles.

R.S.1954, c. 61, § 6.

§ 55. Powers and duties

The commission shall have the following powers and duties:

1. 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 purpose 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.

1959, c. 274, § 2.

2. 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 prescrip-

tions 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.

3. Wine and spirits for sale. To buy and have in their possession 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 made from the agricultural products of this State.

4. Maine products. The commission shall display in state stores, authorized under sections 151 to 153, a separate list of all alcoholic beverage products manufactured or bottled in this State and listed by the commission, suitably marked to indicate that the same are Maine products. Such display shall be in addition to the regular listing of all the products sold by the commission.

1957, c. 258.

5. 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.

6. 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 and spirits of all kinds for consumption off the premises at state stores to be operated under the direction of the commission.

7. Licensing. To issue and renew all licenses provided for by this Title and to hold hearings thereon.

1963, c. 412, § 16.

8. 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. 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.

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.

10. Duties of business administrator. To assign to the business administrator under its supervision all powers and duties relating to all phases of the merchandising of liquor through state stores.

1959, c. 274, § 5.

11. 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.

1955, c. 294, § 4; 1957, c. 218, § 2.

12. Pamphlet of regulations. To publish at least annually on or before August 31st 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.

1957, c. 120.

13. Employees. To employ, subject to the Personnel Law, such clerical and other assistants, and make such expenditures as may be necessary to carry into effect the purposes of this Title.

14. Inspection; records confidential. To appoint, subject to the Personnel Law, a chief inspector and as many inspectors as may from time to time be found necessary. The inspectors shall be under the direct supervision and control of the chief inspector. 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 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 complaints, records and reports of the enforcement division created by this section relat-

ing to licensing and enforcement of liquor laws, rules and regulations are declared to be confidential.

1959, c. 161; c. 274, § 6; 1961, c. 150.

15. 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.

16. 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.

1955, c. 294, § 5; 1957, c. 218, § 2.

17. 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.

18. 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.

1955, c. 401, § 1; 1957, c. 340, § 4.

19. Public meetings. The commission shall hold public meetings 4 times a 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. (1963, c. 373.)

R.S.1954, c. 61, § 8; 1955, c. 294, §§ 3-5; c. 401, § 1; 1957, cc. 120, 125; c. 218, § 2; c. 258; c. 340, § 4; 1959, c. 161; c. 274, §§ 2-6; 1961, c. 150; 1963, c. 373; c. 412, § 16.

§ 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 and spirits for sale, the value of which, computed on less carload price quotations f.o.b. warehouse filed by liquor and wine vendors, shall not at any time exceed the amount of working capital authorized. 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 and Council 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 and Council.

R.S.1954, c. 61, § 13; 1957, c. 218, § 3-A; 1963, c. 364.