

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date April 30, 1976

To Keith H. Ingraham, Director

Dept. Alcoholic Beverages

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Letter of Inquiry from Manager of Ogunquit Village Corporation

Your letter under date of April 16, 1976, in response to the inquiry of the Manager of the Ogunquit Village Corporation represents a completely accurate legal answer to the question posed.

In the past, similar inquiries have been raised on behalf of the elected officials of village corporations, usually with the further complication that zoning ordinances of the corporations exist which purport to prohibit the "on-premises sale" of alcoholic beverages in certain areas of the village corporations. In such instances, we have always pointed out that such ordinances would be null and void as to enforceability, in those communities in which local residents have voted affirmatively on local option questions.

At any rate, the question posed by the Manager of the Ogunquit Village Corporation is more direct and simplistic in nature.

Although I can understand the Manager's concern, it would seem that the only avenue open would be for the Board of Overseers, or any other interested persons, to take a greater part in the license application hearings held by the Town of Wells.

Absent future amendment of our licensing procedures by the Legislature, there is absolutely no authority vested in village corporation officials in regard to the granting or denial of licenses to sell alcoholic beverages.

Although he is probably well acquainted with our licensing laws, it might be helpful to supply Mr. Bean, the Village Manager, with copies of sections 251 and 252 of Title 28 of the Revised Statutes.

You may send Mr. Bean a copy of this memo if you so choose, and inform him that he should not hesitate to call this Office if he has any further questions.


PHILLIP M. KILMISTER
Assistant Attorney General

PMK:mfe