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STATE OF MAINE

Inter-Departmental Memorandum Date January 24, 1977

To Keith H. Ingraham, Director

Dept. Bureau of Alcoholic Beverages

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Interpretation of Title 28, M.R.S.A. § 701

In your memorandum under date of November 23, 1976 relative to the collection of \$10.00 filing fees for the processing of malt liquor license applications, as provided for in the next to the last paragraph of the former language of 28 M.R.S.A. § 701, you have asked the following question:

"Has the 107th Legislature, in effect repealed the authority of the Bureau of Alcoholic Beverages to collect this filing fee?"

The answer to said question is in the affirmative.

Chapter 741 of the P.L. of 1975, section 21 (now 28 M.R.S.A. § 701) repealed and replaced the former provisions of 28 M.R.S.A. § 701, as said law was last previously amended by P.L. 1975, c. 540, § 2 and 3.

Chapter 741 of the P.L. of 1975, section 21 sets forth a comprehensive new structure for licensing and an elaborate schedule of fees relating to same.

In addition to describing certain types of licenses and the designation of fees relating to same, the next to the last paragraph of 28 M.R.S.A. § 701 formerly provided as follows:

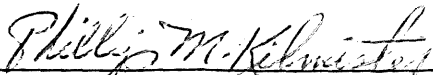
"Every applicant for an original or renewal malt liquor license shall remit with his application a filing fee of \$10, except in unorganized places the filing fee of \$10 shall be paid to the county treasurer of the county in which the unincorporated place is located, and all such applications for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer."

The above-quoted paragraph and three other paragraphs unrelated to specific licenses and license fees were not re-enacted by the Legislature when it adopted Chapter 741, section 21 of the Public Laws of 1975.

Chapter 741, section 21, P.L. of 1976, represents an express repeal and replacement of the former language of 28 M.R.S.A. § 701, and resort to both the Legislative Record as well as the language of the preamble of the Act itself affords no foundation upon which to conclude that the

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Legislature intended to retain any of said previous provisions, See
Legislative Record, House, April 5, 1976, pp. 940 - 943.



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