

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
104th LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 149, L.D. 430, Bill, "AN ACT Repealing Right of Appeal from Decisions of Administrative Hearing Commissioner to the State Liquor Commission."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 5, §2451, sub-§1, amended. The first sentence of subsection 1 of section 2451 of Title 5 of the Revised Statutes is amended to read as follows:

The appeal must be instituted by filing a complaint in the Superior Court at Kennebec County within 30 days after service of the final decision of the Hearing Commissioner, except as otherwise provided in Title 28.

Sec. 2. R.S., T. 28, §402, amended. The last paragraph of section 402 of Title 28 of the Revised Statutes, as amended by section 1 of chapter 99 of the public laws of 1965, is repealed.

Sec. 3. R.S., T. 28, §403, amended. Section 403 of Title 28 of the Revised Statutes, as amended by section 2 of chapter 99 of the public laws of 1965, is further amended to read as follows:

§403. Additional appeals

If any person is aggrieved by the decision of the ~~commissioner~~ Administrative Hearing Commissioner in revoking or suspending any license issued by the commission or by refusal of the commission to issue any license applied for, he may within 30 days thereafter appeal to the Superior Court, by filing a complaint therefor. The 30-day period for appeal shall commence on the effective date of any suspension or revocation of a license, and, in the case of refusal of the commission to issue license, on the day when the

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commission sends by registered or certified mail notice to the applicant at the address of his business given in his application for license. Filing appeal in the Superior Court shall stop the running of the limitation period. The court shall forthwith fix a time and place for immediate hearing and cause notice thereof to be given to the ~~commission~~ Administrative Hearing Commissioner. After hearing, the court may affirm, modify or reverse the decision of the ~~commission~~ Administrative Hearing Commissioner. Pending judgment of the court, the decision of the ~~commission~~ Administrative Hearing Commissioner in revoking or suspending any license shall be suspended, if notice of appeal is given to the ~~commission~~ Administrative Hearing Commissioner within 7 days of the sending of the decision of the ~~commission~~ Administrative Hearing Commissioner by registered or certified mail to the address given by the licensee at the time of his application for a license. Appeal by such aggrieved person to the law court from such decision may be taken. Upon such appeal the law court may, after consideration, reverse or modify any decree so made by the court based upon an erroneous ruling or finding of law.'

Reported by the Committee on LIQUOR CONTROL.

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