

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-217)

COMMITTEE AMENDMENT "A" to H.P. 875, L.D. 1068, Bill,
"AN ACT Relating to Music, Dancing or Entertainment."

Amend the Bill by inserting before the enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature do
not become effective until 90 days after adjournment unless
enacted as emergencies; and

Whereas, many businesses requiring liquor licenses are
seasonal businesses; and

Whereas, these businesses will suffer economic hardship
if their application is not acted upon by the municipality within
a reasonable time; and

Whereas, this legislation will provide a remedy for this
present and recurring problem; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately necessary
for the preservation of the public peace, health and safety; now,
therefore, '

Further amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 28 MRSA §252, last ¶, as enacted by PL 1975,
c. 741, §16, is amended by adding at the end a new sentence to
read:

If a municipality fails to act on any application within 30 days
of receipt, the applicant may appeal to the commission in the
same manner as if the application has been denied.

Sec. 2. 28 MRSa §702, as last amended by PL 1975, c. 74, is further amended by adding at the end a new paragraph to read:

If the municipal officer of any municipality shall fail to issue an entertainment license to any licensee, the licensee shall have the right to appeal to the State Liquor Commission for a hearing.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment provides for appeal for an applicant to the State Liquor Commission if the municipality to which he made application failed to act within 30 days of receipt of the application. The amendment removes the limitation on appeals from failure to act by a municipality on an entertainment license. The amendment also adds an emergency preamble and emergency clause to the bill.

Reported by the Majority of the Committee on Liquor Control.

Reproduced and distributed under the direction of the Clerk of the House.
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