

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 548

H. P. 496

House of Representatives, February 2, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Appeals Procedure Regarding Special Entertainment Licenses.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 28 MRSA § 702, sub-§ 4, ¶ B, as enacted by PL 1977, c. 501, § 1, is repealed and the following enacted in its place:

B. Except where the municipality provides by ordinance for an appeal first to the Municipal Board of Appeals, as defined in Title 30, section 2411, any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended may, within 30 days of the denial, suspension or revocation, appeal the decision to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be without a jury.

Sec. 2. 30 MRSA § 2411, sub-§ 4, last sentence, as enacted by PL 1977, c. 501, § 2, is repealed.

STATEMENT OF FACT

Under current law, municipal officers grant or deny special permits for entertainment on premises licensed to sell liquor. Denials or revocations of such

permits may be appealed to the Municipal Board of Appeals, which is itself appointed by the municipal officers, and then to Superior Court. This bill eliminates the requirement that there be an appeal to the Municipal Board of Appeals, and permits direct appeal to Superior Court, unless the municipality specifically provides for an appeal first to the board.