

# MAINE STATE LEGISLATURE

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L.D. 87

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STATE OF MAINE  
SENATE  
11TH LEGISLATURE  
FIRST REGULAR SESSION

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SENATE AMENDMENT "A " to S.P. 32, L.D. 87,  
Bill, "AN ACT Pertaining to Local Public Hearings on  
Liquor License Applications."

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Amend the bill by inserting at the beginning of  
the first line after the enacting clause the abbrevi-  
ation and figure 'Sec. 1.'

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Further amend the bill by striking out everything  
after the amending clause and before the statement of  
fact:

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'1. Hearings. The municipal officers or, in the  
case of unincorporated places, the county commission-  
ers of the county in which the unincorporated place  
is located shall hold a public hearing for the con-  
sideration of applications for new licenses requiring  
their approval, ~~requests for renewal of licenses and~~  
applications for transfer of location. The municipal  
officers or county commissioners may approve renewal  
applications without prior notice or hearing. No  
renewal application may be denied without prior  
public notice and hearing.

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In the event a renewal application is not submitted  
by the applicant to municipal officers or county com-  
missioners in sufficient time to allow public notice  
and hearing prior to the expiration of the license,  
that license may be extended by the State Liquor Com-  
mission pending the finalization of the application  
by the municipal officers, county commissioners or  
pending appeal before the State Liquor Commission.

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A. Application and request forms shall be pre-  
pared and supplied by the State Liquor Commis-  
sion.

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B. Prior public notice of any such hearing shall

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1 be prepared, by causing a notice at the appli-  
2 cant's prepaid expense, stating the name of the  
3 applicants and place of hearing, to be printed:

4 (1) If the municipality where the premises  
5 are situated has a daily newspaper, then in  
6 that newspaper for at least 6 consecutive  
7 days prior to the date of hearing;

8 (2) If the municipality where the premises  
9 are situated has a newspaper, although not a  
10 daily, then in that newspaper for 2 consec-  
11 utive weeks prior to the date of hearing; or

12 (3) If no newspaper is printed, then for at  
13 least 6 consecutive days in a daily news-  
14 paper having general circulation in the  
15 municipality in which the premises are situ-  
16 ated or for 2 consecutive weeks prior to the  
17 date of hearing in any newspaper published  
18 in that county.

19 Sec. 2. 28 MRSA §252-A, sub-§4-A is enacted to  
20 read:

21 4-A. Extensions for part-time licensees. Part-  
22 time licenses may be extended by the State Liquor  
23 Commission upon the written request of a licensee for  
24 a 2-month period only and upon payment of the proper  
25 fee as provided in section 701.

26 Sec. 3. 28 MRSA §801, as amended by PL 1981, c.  
27 698, §128, is further amended to read:

28 §801. Licenses generally

29 Licenses for the sale of spirituous and vinous  
30 liquor and malt liquor to be consumed on the premises  
31 where sold may be issued to clubs and to bona fide  
32 qualified catering services, hotels, restaurants,  
33 vessels, railroad dining cars, airlines, to incorpo-  
34 rated civic organizations pursuant to section 801-B,

D. OF R.

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1 civic auditoriums and performing arts centers on pay-  
 2 ment of the fees provided; subject to the provisions  
 3 of section 252-A and to the condition that the ~~ini-~~  
 4 ~~tial~~ application therefor be approved by the municipi-  
 5 pal officers of the town or city in which that  
 6 intended licensee, if operating a qualified catering  
 7 service, club, restaurant, hotel or civic auditorium  
 8 is operating the same, and if that qualified catering  
 9 service, hotel, restaurant or club is located in an  
 10 unorganized place, that application shall be approved  
 11 by the county commissioners of the county, within  
 12 which that unorganized place is located, and subject  
 13 to the further condition that licenses issued to res-  
 14 taurants, except Class A restaurants, shall be  
 15 limited to malt liquor or wine, or both. No licensee  
 16 for the sale of liquor to be consumed on the premises  
 17 where sold ~~shall~~ may by himself, clerk, servant or  
 18 agent, sell, give, furnish or deliver any liquor to  
 19 be consumed elsewhere than upon the licensed prem-  
 20 ises, except, subject to the provisions of law and  
 21 the rules and ~~regulations~~ of the commission hotel  
 22 licensees may sell liquor in the original packages to  
 23 bona fide registered room guests.'

24

STATEMENT OF FACT

25 Section 1 reinstates some provisions which were  
 26 removed when the laws pertaining to public hearings  
 27 for liquor license applications were revised by the  
 28 Legislature in 1981. While it allows the option of  
 29 approving renewal applications without holding a  
 30 public hearing, it does guarantee the applicant the  
 31 right of public hearing before any application is  
 32 denied.

33 The amendment grants authority for the extension  
 34 of the license during the completion of any pending  
 35 action before a local, county or state authority,  
 36 thereby eliminating the possibility of a business  
 37 being closed during any appeals process.

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1 Section 1 also readopts the requirement that liq-  
2 uor license applicants prepay the expense of publish-  
3 ing a notice of public hearings in local newspapers.

4 Section 2 returns authority for 2-month exten-  
5 sions of liquor licenses which was repealed. The  
6 fees for these extensions were retained and are  
7 listed in Title 28, section 701.

8 Section 3 repeals the requirement that only the  
9 initial application be approved by municipal officers  
10 or county commissioners. The 1981 Legislature appar-  
11 ently overlooked this section during its revision  
12 work.

13

2397020883

  
14 (Sen. Danton)

15 NAME:

16 COUNTY: York

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