

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 484

6  
7 H.P. 364

House of Representatives, February 8, 1985

8 On motion of Representative Reeves of Pittston, referred to the  
9 Committee on Legal Affairs. Sent up for concurrence and ordered printed.  
Ordered sent forthwith.

10 EDWIN H. PERT, Clerk

Presented by Representative Murphy of Kennebunk.

11 Cosponsored by Representative Perry of Mexico, Representative Murphy  
of Berwick and Representative Warren of Scarborough.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Provide Guidance to Municipal  
18 Officers in Granting and Denying  
19 Liquor Licenses for On-premise  
20 Consumption.  
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22 Be it enacted by the People of the State of Maine as  
23 follows:

24 28 MRSA §252-A, sub-§2, as enacted by PL 1981, c.  
25 366, §5, is amended to read:

26 2. Findings. In granting or denying an applica-  
27 tion under subsection 1, the municipal officers or  
28 the county commissioners, as the case may be, shall  
29 indicate the reasons for their decision and provide a  
30 copy to the applicant.

31 A. A license may be denied on one or more of the  
32 following grounds:

33 (1) A past violation of any state or feder-  
34 al law related to liquor control or convic-

1 tion of any Class A, Class B or Class C  
2 crime;

3 (2) A pending hearing in which a violation  
4 of a state or federal law related to liquor  
5 control is alleged or in which a commitment  
6 of a Class A, Class B or Class C crime is  
7 alleged. Following judgment in favor of an  
8 applicant denied on this ground, the appli-  
9 cant may reapply for a license;

10 (3) A violation of local ordinances related  
11 to liquor control, including, but not lim-  
12 ited to, local ordinances that state addi-  
13 tional grounds for denial;

14 (4) Conditions such as noise or waste dis-  
15 posal problems on or related to the licensed  
16 premises or caused by those patronizing the  
17 licensed premises that unreasonably disturb,  
18 interfere with or affect the ability of per-  
19 sons or businesses residing or located with-  
20 in 1,000 feet of the licensed establishment  
21 to use their property in a reasonable man-  
22 ner; and

23 (5) Repeated incidents of breaches of the  
24 peace on or within 1,000 feet of the li-  
25 censed premises that are caused by persons  
26 patronizing the licensed premises at the  
27 time of the breach or that have patronized  
28 the premises within 4 hours of the breach.  
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STATEMENT OF FACT

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The law does not provide guidance to municipal officers or county commissioners as to the reasons a liquor license can be denied and recent court decisions have interpreted the law as denying municipalities, by local ordinance, the authority to enact reasons of their own.

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This bill incorporates into the law grounds upon which the municipal officers or county commissioners can base a denial. It also explicitly authorizes municipalities to enact local ordinances that establish other reasons for denying applications for liquor licenses. In this respect, the change is a direct response to *Ullis v. Inhabitants of the Town of Boothbay Harbor*, 1983, Me., 459 A. 2d 153, in which the Supreme Judicial Court held that municipalities had no such power.

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