

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1291, L.D. 1784, Bill, "An Act to Improve Enforcement of Liquor Licensure Laws"

Amend the bill by striking out everything after the title and inserting in its place the following:

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

Whereas, current law is, in some instances, inadequate to prevent issuance of a liquor license to a person acting on behalf of another who is ineligible for a liquor license; and

Whereas, issuance of a liquor license in these instances is tantamount to issuing the license to an ineligible person to whom current law denies a license for reasons of public safety; 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,

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

Sec. 1. 28-A MRSA §601, sub-§2, ¶¶G and H, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

G. The applicant was denied a license within the 6 months before the application was filed, unless the commission's denial of the license is overruled by the court under an appeal provided by section 805; or

2 H. The applicant is the husband, wife, father, mother,
4 child or other close relation of a person whose license or
6 application for a license for the same premises was revoked
by the Administrative Court Judge or denied by the
commission within the 6 months before the application was
filed; or

8 **Sec. 2. 28-A MRSA §601, sub-§2, ¶I** is enacted to read:

10 I. The commission determines that the purpose of the
12 application is to circumvent the provisions of this section.

14 **Sec. 3. 28-A MRSA §653, sub-§2, ¶¶D and E**, as enacted by PL
1987, c. 45, Pt. A, §4, are amended to read:

16 D. Repeated incidents of record of breaches of the peace,
18 disorderly conduct, vandalism or other violations of law on
or in the vicinity of the licensed premises and caused by
persons patronizing or employed by the licensed premises; and

20 E. A violation of any provision of this Title; and

22 **Sec. 4. 28-A MRSA §653, sub-§2, ¶F** is enacted to read:

24 F. A determination by the municipal officers or county
26 commissioners that the purpose of the application is to
28 circumvent the provisions of section 601.

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

32 **STATEMENT OF FACT**

34 This amendment makes it clear that the State Liquor
36 Commission and municipal officers or county commissioners, by the
authority of the Maine Revised Statutes, Title 28-A, section 653,
38 may deny an applicant a liquor license when the intent of the
application is to circumvent the provisions of the Maine Revised
40 Statutes, Title 28-A, section 601, regarding eligibility and
disqualification for liquor licenses.

42 The amendment also adds an emergency preamble and emergency
44 clause.

Reported by the Committee on Legal Affairs
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House

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