

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 of 8

L.D. 793

(Filing No. H- 487)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 589, L.D. 793, Bill, "An Act to Improve Local Control over Liquor Licensing"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 28-A MRSA §653, sub-§1, as amended by PL 1987, c. 623, §8, is further amended to read:

1. **Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses or to consider the suspension of licenses.

A. The commission shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 6 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or on 2 consecutive weeks before the date of the

COMMITTEE AMENDMENT

H. of S.

COMMITTEE AMENDMENT "A" to H.P. 589, L.D. 793

hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

Sec. 2. 28-A MRSA §653, sub-§2, as amended by PL 1989, c. 592, §§3 and 4, is further amended to read:

2. Findings. In granting or denying an application or suspending a license, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant or licensee. A license may be denied or suspended on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance in municipalities having a population of less than 50,000, noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, 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;

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

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601- ; and

G. In municipalities having a population of more than 50,000, noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance, including, but not limited to, ordinances that control the number of establishments or licenses in a particular zone or area.

2 **Sec. 3. 28-A MRSA §653, sub-§3, ¶B**, as enacted by PL 1987, c.
45, Pt. A, §4, is amended to read:

4 B. If the decision appealed from was to deny the
6 application or suspend a license, the commission may issue
the license only if it finds by clear and convincing
8 evidence that the decision was without justifiable cause.

10 **Sec. 4. 28-A MRSA §654, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

12 1. **Character; location; operation of business.** In issuing
14 or renewing or suspending licenses, the commission, the
municipal officers or the county commissioners, as the case may
16 be, shall give consideration to:

- 18 A. The character of any applicant;
- 20 B. The location of the place of business;
- 22 C. The manner in which it has been operated; and
- 24 D. Whether the operation has endangered the safety of
persons in or on areas surrounding the place of business.

26 **Sec. 5. 28-A MRSA §754, sub-§1**, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

28 1. **Records open for inspection.** All records required to be
30 kept under this chapter are open for inspection to the
commission, its representatives or representatives of the Bureau
32 of Liquor Enforcement at any time. With prior written approval
from the Bureau of Liquor Enforcement and subject to conditions
34 that the Director of the Bureau of Liquor Enforcement determines
advisable, records pertaining to a licensee that are required to
36 be kept under this chapter are open for inspection to
representatives of the municipality in which the license is
38 approved. Municipal access is limited to those records necessary
to determine the licensee's compliance with licensing
40 requirements. The commission, its representatives or
42 representatives of the Bureau of Liquor Enforcement may make
copies of records which that may be used as evidence of violation
44 of this chapter.

46 **Sec. 6. Report.** On or before May 1, 1995, the Bureau of
Alcoholic Beverages and Lottery Operations shall study and report
48 to the Joint Standing Committee of the Legislature having
jurisdiction over legal affairs the impact of increased control
50 by local governments in the process of awarding and suspending
liquor licenses and the enforcement of the liquor laws.

FISCAL NOTE

2

The Bureau of Liquor Enforcement within the Department of Public Safety will incur some minor additional costs to provide written approvals and access to municipalities to certain liquor licensee information. These costs can be absorbed within the bureau's existing budgeted resources.

8

The additional costs to study and report on the impact of increased control by municipalities in the area of liquor licenses and laws can be absorbed by the Bureau of Alcoholic Beverages and Lottery Operations utilizing existing budgeted resources.

14

The additional workload and administrative costs associated with the minimal number of new appeals filed in the court system can be absorbed within the budgeted resources of the Judicial Department.

18

20

STATEMENT OF FACT

22

This amendment allows municipalities to hold hearings for consideration of requests for renewal of liquor licenses and also for consideration of the suspension of liquor licenses. If a municipality suspends a liquor license, it must indicate its reasons for suspending the license and provide the licensee with a copy of the findings.

28

30

The amendment permits municipalities having a population of more than 50,000 to deny or suspend a license for noncompliance with any local zoning ordinance.

32

34

The amendment also gives municipalities access to records of establishments that sell liquor, with approval from the Bureau of Liquor Enforcement, for the purpose of investigating compliance with license requirements.

36

38

This amendment adds a fiscal note to the bill.

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the House
6/1/93 (Filing No. H-487)