

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2028

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S.P. 750

In Senate, January 15, 1998

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**An Act to Clarify the Authority of the Chief of the Bureau of Liquor  
Enforcement to Conduct Appeal Hearings.**

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.  
Cosponsored by Senators: CAREY of Kennebec, FERGUSON of Oxford.

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

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Sec. 1. 28-A MRSa §82, sub-§5, as enacted by PL 1997, c. 373, §28, is amended to read:

5. Appeals. Review all appeals from the decisions of municipal officers. ~~The bureau shall chief may conduct appeal hearings or~~ appoint a hearings officer to conduct appeal hearings. Except as provided in section 805, the decision of the chief is final. ~~The hearings officer for the bureau is the Director of the Liquor Licensing and Tax Division.~~

The chief or the hearings officer may conduct hearings in any licensing matter pending before the bureau. ~~The~~ If a hearings officer conducts the hearing, the hearings officer, after holding the hearing, shall file with the bureau all papers connected with the case and report the findings to the chief. The chief shall render a final decision based upon the record of the hearing.

The chief or the hearings officer may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any license question in dispute before the bureau or to any matter involved in a hearing. Witness fees in all proceedings are the same as for witnesses before the Superior Court and must be paid by the bureau, except that, notwithstanding Title 16, section 253, the bureau is not required to pay the fees before the travel and attendance occur;

**SUMMARY**

The bill specifically provides that the Chief of the Bureau of Liquor Enforcement may conduct hearings or appoint a hearings officer to conduct hearings from appeals regarding licensing decisions by municipal officers.