

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 466

H.P. 358

House of Representatives, February 4, 2003

### An Act Concerning the Issuance of a Temporary Liquor License

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative COWGER of Hallowell.  
Cosponsored by Senator GAGNON of Kennebec and  
Representatives: BULL of Freeport, BUNKER of Kossuth Township, COLLINS of Wells,  
JODREY of Bethel, KOFFMAN of Bar Harbor, THOMPSON of China, Senators: HALL of  
Lincoln, MAYO of Sagadahoc.

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

2           **Sec. 1. 28-A MRSA §653, sub-§1**, as amended by PL 2001, c. 500,  
4 §1, is further amended to read:

6           **1. Hearings.** The municipal officers or, in the case of  
8 unincorporated places, the county commissioners of the county in  
10 which the unincorporated place is located, shall may hold a  
12 public hearing for the consideration of applications for new  
14 ~~on-premise~~ on-premises licenses and applications for transfer of  
16 location of existing ~~on-premise~~ on-premises licenses. The  
18 municipal officers or county commissioners may hold a public  
hearing for the consideration of requests for renewal of  
licenses, except that when an applicant has held a license for  
the prior 5 years and a complaint has not been filed against the  
applicant within that time, the applicant may request a waiver of  
the hearing.

20           A. The bureau shall prepare and supply application forms.

22           B. The municipal officers or the county commissioners, as  
24 the case may be, shall provide public notice of any hearing  
26 held under this section by causing a notice, at the  
28 applicant's prepaid expense, stating the name and place of  
30 hearing, to appear on at least 3 consecutive days before the  
date of hearing in a daily newspaper having general  
circulation in the municipality where the premises are  
located or one week before the date of the hearing in a  
weekly newspaper having general circulation in the  
municipality where the premises are located.

32           C. If the municipal officers or the county commissioners,  
34 as the case may be, fail to take final action on an  
36 application for a new ~~on-premise~~ on-premises license, ~~for~~ or  
38 transfer of the location of an existing ~~on-premise~~  
40 on-premises license within 60 days of the filing of an  
42 application, the application is deemed approved and ready  
44 for action by the bureau. For purposes of this paragraph,  
46 the date of filing of the application is the date the  
48 application is received by the municipal officers or county  
50 commissioners. This paragraph applies to all applications  
pending before municipal officers or county commissioners as  
of the effective date of this paragraph as well as all  
applications filed on or after the effective date of this  
paragraph. This paragraph applies to an existing ~~on-premise~~  
on-premises license that has been extended pending renewal.  
The municipal officers or the county commissioners shall  
take final action on an ~~on-premise~~ on-premises license that  
has been extended pending renewal within 120 days of the  
filing of the application.

2 D. If an application is approved by the municipal officers  
or the county commissioners but the bureau finds, after  
4 inspection of the premises and the records of the applicant,  
that the applicant does not qualify for the class of license  
6 applied for, the bureau shall notify the applicant of that  
fact in writing. The bureau shall give the applicant 30  
8 days to file an amended application for the appropriate  
class of license, accompanied by any additional license fee,  
10 with the municipal officers or county commissioners, as the  
case may be. If the applicant fails to file an amended  
12 application within 30 days, the original application must be  
denied by the bureau. The bureau shall notify the applicant  
14 in writing of its decision to deny the application including  
the reasons for the denial and the rights of appeal of the  
applicant.

16 **Sec. 2. 28-A MRSA §1051, sub-§2,** as amended by PL 1999, c.  
18 421, §6, is further amended to read:

20 **2. Local approval of application for license.** Except for  
licenses issued pursuant to section 1063-A, the initial  
22 application for the license must first be approved under section  
653 by the municipal officers of the municipality in which the  
24 applicant's premises are located or, if the premises are located  
in an unincorporated place, the application must be approved by  
26 the county commissioners of the county within which the  
unincorporated place is located, except that in the case of a new  
28 license resulting from a transfer of ownership of an existing  
on-premises licensee, the bureau, after notifying the municipal  
30 officers or county commissioners, may issue a temporary license  
for up to 60 days from the date of transfer of ownership of the  
32 licensed premises.

34 **SUMMARY**

36 This bill permits the Department of Administrative and  
38 Financial Services, Bureau of Alcoholic Beverages to issue a  
temporary liquor license for up to 60 days from the date of  
40 transfer of ownership of an existing, licensed, on-premises  
establishment.