

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 871

H. P. 1333

House of Representatives, March 30, 1943.

Reported by Mr. Williams from Committee on Judiciary and laid on the table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Suspension of Licenses for Eating Places, Etc.

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

P. L., 1933, c. 1, § 187-C, amended. Section 187-C of chapter 1 of the public laws of 1933, as allocated by section 2 of chapter 83 of the public laws of 1935, is hereby repealed and the following enacted in place thereof:

‘Sec. 187-C. Revocation of licenses; appeal. The bureau of health of the department of health and welfare shall have the power to issue, renew, suspend, and revoke such licenses and to hold hearings on violations of the provisions of sections 186 to 187-C, inclusive, and regulations adopted under the provisions of said sections. The director of health, or his duly authorized representative in charge of the hearings, may administer oaths and issue subpoenas for witnesses.

Whenever the commissioner of agriculture informs the bureau of health that a licensee holding a license to operate an eating place in a hotel, restaurant, lunch cart, or lunch counter, or any eating place, is not complying with the laws and regulations governing the sale of food, the bureau of health shall revoke the license of the licensee.

The licensee shall have notice in writing of the charge or charges against him and shall have reasonable opportunity to be heard in his defense. Any

license suspended or revoked shall be delivered to any agent of the bureau of health upon demand. Any person whose license has been suspended or revoked may apply to have same reissued and it shall be reissued upon satisfactory evidence that the violations no longer exist. Any person operating an eating or lodging place after such license shall have been revoked shall be considered as operating without a license and liable to all the penalties therefor.

Any person aggrieved by the decision of the bureau of health in revoking or suspending a license or by the refusal of said bureau of health to issue a license may within 10 days thereafter appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in vacation, and cause notice thereof to be given to the bureau of health; and after hearing such justice may affirm or reverse the decision of the bureau of health and the decision of such justice shall be final. Pending judgment of the court, the decision of the bureau of health in revoking or suspending any license shall remain in full force and effect. The bureau shall, within 3 days after notice of such appeal, forward to the said court a certified copy of the proceedings.'