

MAINE STATE LEGISLATURE

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

Legislative Document

No. 753

H. P. 1229

House of Representatives, February 13, 1947

Referred to the Committee on Temperance, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Williams of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Transfer of Liquor Licenses.

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

R. S., c. 57, § 35, repealed and replaced. Section 35 of chapter 57 of the revised statutes, as amended by chapter 179 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

Sec. 35. Transfer of licenses. The commission, upon application in writing, may transfer the spirituous and vinous liquor license of any hotel or club, or the vinous liquor license of any restaurant, or the malt liquor license of any hotel, club, restaurant or retail licensee from one place to another within the same municipality, as the commission may determine, but such transfer of the spirituous and vinous liquor license of any hotel or club, or the vinous liquor license of any restaurant, or the malt liquor license of any hotel, club or restaurant shall only be made with the approval of the municipal officers thereof; but no transfer shall be made to premises for which the license could not have been originally lawfully issued.

In the case of death, bankruptcy or receivership of any licensee, the license may be retained by the executor or administrator of the deceased licensee or the trustee or receiver of the bankrupt licensee or licensee in receivership, on appointment of a manager of the licensed premises who

shall be approved by the commission, for a period limited to 6 months or for the balance of the license year, whichever is greater. Said manager shall be responsible for the conduct of the licensed premises in accordance with the laws and rules and regulations of the commission and shall furnish bond to the commission for the proper performance of said duties in the same amount and subject to the same provisions as the bond provided for by section 46 for hotels and clubs. At the end of the license year or 6 months from the death, bankruptcy or receivership of the licensee, whichever is greater, this license to operate under a manager as herein provided shall expire, unless a transfer of the licensed premises has been effected as hereinafter provided.

Such license may be transferred by the executor or administrator of the estate of the deceased licensee, or by the trustee in bankruptcy of the bankrupt licensee, or by the receiver of a licensee in receivership, subject to the discretion of the commission and only with the approval of the municipal officers, when required as herein provided, to a person other than the licensee.

No license privilege shall be transferred or assigned, and in case of sale or transfer of the business in connection with which the licensed activities are conducted, the license holder shall immediately submit to the commission a statement, under oath, showing the name and address of the purchaser and any other person directly or indirectly interested in the enterprise.

Any sale of stock or a corporate licensee which effects a change of control of the licensed premises shall be considered a transfer within the meaning of this section.'