

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)

(Transmitted by Director of Legislative Research pursuant to joint order)

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

Legislative Document

No. 1040

H. P. 1748

House of Representatives, February 25, 1949.

Referred to Committee on Temperance. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. DeSanctis of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Sale of Liquor in Unorganized Territory.

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

Sec. 1. R. S., c. 57, § 21-A, amended. The 2nd paragraph of section 21-A of chapter 57 of the revised statutes, as enacted by section 1 of chapter 372 of the public laws of 1947, is hereby amended to read as follows:

'Provided, however, that if the total number of votes cast on any option question in any election held under the provisions of this section is less than 25 or in any unincorporated place where no vote as herein provided has been taken, the decision of the ~~county commissioner of the county in which such unincorporated place is located as provided in section 22,~~ **commission shall be final**; and further provided, that in no event shall the liquor commission issue a license to any person that it appears to them that he or his family or some other person whom in fact he represents has moved a licensed store or restaurant from some ~~organized or~~ unincorporated place where a local option vote has resulted in his being unable to continue the business **to an unincorporated place.**'

Sec. 2. R. S., c. 57, § 22, amended. Section 22 of chapter 57 of the

revised statutes, as amended by chapter 75 of the public laws of 1947, is hereby further amended to read as follows:

Sec. 22. Hearings on applications for liquor licenses; publication. The municipal officers, or in case of unincorporated places, the ~~county commissioners of the county wherein such unincorporated place is located~~ **commission**, shall hold public hearing for the consideration of all applications for liquor licenses requiring their approval, after giving public notice at the applicant's expense, which shall be prepaid, by causing a notice, stating the name and business address of the applicant and the time and place of hearing, to be printed for at least 6 consecutive days prior to the date of hearing in a daily newspaper published in the city or town in which the premises proposed to be licensed are situated; or, if no daily newspaper is so published, the notice shall be printed for 2 consecutive weeks prior to the date of hearing in any newspaper published in such city or town; or, if no newspaper is published in such city or town the notice shall be printed for at least 6 consecutive days in a daily newspaper published in the county in which the premises are situated or for 2 consecutive weeks prior to the date of hearing in any newspaper published in that county.'

Sec. 3. R. S., c. 57, § 23, amended. The 2nd and 3rd paragraphs of section 23 of chapter 57 of the revised statutes, as enacted by chapter 245 of the public laws of 1945, and amended by section 2 of chapter 372 of the public laws of 1947, are hereby further amended to read as follows:

'Provided, however, that licenses in an unincorporated place where no elections are held shall require the approval of the ~~county commissioners of the county~~ **commission**, after giving public notice at the applicant's expense which shall be prepaid, by causing a notice, stating the name and business address of the applicant and the time and place of hearing, to be printed for at least 6 consecutive days prior to the date of hearing in a daily newspaper published in the unorganized territory in which the premises proposed to be licensed are situated; or, if no daily newspaper is so published, the notice shall be printed for the same period in a daily newspaper published in the county in which the premises are situated; or, if no daily newspaper is published in such county, then the notice shall be printed for 2 consecutive weeks prior to the date of hearing in a weekly newspaper published in the county nearest to said unincorporated place.

~~Except as provided by section 21-A, any applicant, aggrieved by the refusal of the county commissioners to approve an application as hereinbefore provided, may appeal to the state liquor commission, who shall hold a public hearing thereon in the unincorporated place for which said~~

license is requested and if it finds the refusal arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'

Sec. 4. R. S., c. 57, § 28, amended. The 1st 2 sentences of section 28 of chapter 57 of the revised statutes, as amended by chapter 159 of the public laws of 1945 and by section 2 of chapter 322 and section 3 of chapter 372, both of the public laws of 1947, are hereby further amended to read as follows:

'No license to sell malt liquor to be consumed on the premises where sold shall be issued to any person for any premises except a bona fide hotel, restaurant, tavern or club, nor unless the application therefor be approved by the municipal officers of the city or town where such hotel, restaurant, tavern or club is located, and if such hotel, restaurant, tavern or club is located in an unorganized place, the application shall be approved by the county commissioners of the county within which such unorganized place is located commission. Except as provided by section 21-A, any applicant aggrieved by the refusal of the municipal officers or county commissioners to approve an application as herein provided or the transfer of such license may appeal to the commission, who shall hold a public hearing thereon in the city or town for which such license is requested and if it finds the refusal to have been arbitrary or without justifiable cause, it may issue such license notwithstanding the lack of such approval.'