

MAINE STATE LEGISLATURE

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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. 1134

H. P. 1810

House of Representatives, March 1, 1949.

Referred to 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-NINE

AN ACT Relating to Licenses for Consumption Sale of Liquor and Appeals.

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

Sec. 1. R. S., c. 57, § 40, amended. The 1st sentence of the 1st paragraph of section 40 of chapter 57 of the revised statutes, as amended by chapter 185 of the public laws of 1945 and by section 3 of chapter 322 of the public laws of 1947, is hereby further amended to read as follows:

'Licenses for the sale of liquor to be consumed on the premises where sold may be issued ~~in the discretion of the commission~~ to clubs and to bona fide hotels, restaurants, taverns, steamboats and railroad dining cars on payment of the fees herein provided; subject, however, to the condition that the application therefor be approved by the municipal officers of the town or city in which such intended licensee, if operating a club, restaurant, tavern or hotel, is operating the same, and if said hotel, restaurant, tavern or club is located in an unorganized place said application shall be approved by the county commissioners of the county, within which such unorganized place is located, and subject to the further condition that licenses issued to restaurants shall be limited to malt liquor and wine.'

Sec. 2. R. S., c. 57, § 60-A, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto a new section to be numbered 60-A, to read as follows:

Sec. 60-A. Additional appeal. A full and complete record shall be kept of all proceedings had before the commission involving the revoking, suspending, or the issuance, of any license either issued or to be issued by the commission. In all such proceedings the practice and rules of evidence shall be the same as in civil actions in the superior court.

If any person is aggrieved by the decision of the commission in revoking or suspending any license issued by the commission or by refusal of the commission to issue any license applied for, he 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 forthwith fix a time and place for immediate hearing, which may be in vacation, and cause notice thereof to be given to the commission; and after hearing, such justice may affirm, modify or reverse the decision of the commission. Pending judgment of the court, the decision of the commission in revoking or suspending any license shall remain in full force and effect. Appeal by such aggrieved person to the law court from such decision may be taken as in equity cases. Upon such appeal the proceedings shall be the same as in appeals in equity procedure, and the law court may, after consideration, reverse or modify any decree so made by a justice based upon an erroneous ruling or finding of law.'