

MAINE STATE LEGISLATURE

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

Legislative Document

No. 554

H. P. 538

House of Representatives, February 10, 1953.

Referred to Committee on Liquor Control. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Albert of Augusta

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to the Administration of the Liquor Law.

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

Sec. 1. R. S., c. 57, § 4, amended. Section 4 of chapter 57 of the revised statutes is hereby amended to read as follows:

‘Sec. 4. Eligibility of members and employees. No person shall be eligible for appointment as a member of the commission or as an employee of the commission in any capacity, **including the business administrator and the director of licensing and enforcement**, who has any connection with, official, professional or otherwise, or who owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor or who has been convicted of the breach of any state or federal law regulating the manufacture, sale or transportation of intoxicating liquor.’

Sec. 2. R. S., c. 57, §§ 5-A, 5-B, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 5-A and 5-B, to read as follows:

‘Sec. 5-A. Business administrator. The commission shall appoint a business administrator whose term of office shall be continuous, subject only to removal for cause by a majority vote of the governor, the individual members of the council and the commission, acting as one body, after notice

and public hearing if requested by the administrator. The salary of the administrator shall be fixed by the governor and council.

In appointing a business administrator, consideration shall be given to the following qualifications: sound judgment, practical experience and ability in merchandising, executive administration, salesmanship and sound business principles.

Sec. 5-B. Director of licensing and enforcement. The commission shall appoint a director of licensing and enforcement whose term of office shall be continuous, subject only to removal for cause by a majority vote of the governor, the individual members of the council and the commission, acting as one body, after notice and public hearing if requested by the director. The salary of the director shall be fixed by the governor and council.

In appointing a director of licensing and enforcement, consideration shall be given to the following qualifications: sound judgment and practical experience in all phases of licensing, law enforcement and knowledge of the liquor laws.'

Sec. 3. R. S., c. 57, § 6, sub-§ I, amended. Subsection I of section 6 of chapter 57 of the revised statutes is hereby amended to read as follows:

'I. To have general supervision of manufacturing, importing, storing, transporting and ~~exclusive control of the~~ sale of all liquors.'

Sec. 4. R. S., c. 57, § 6, sub-§§ X-A, X-B, X-C, additional. Section 6 of chapter 57 of the revised statutes, as amended, is hereby further amended by adding thereto 3 new subsections to be numbered X-A, X-B and X-C, to read as follows:

'X-A. To assign to the business administrator under its supervision all powers and duties relating to all phases of the merchandising of liquor.

X-B. To assign to the director of licensing and enforcement under its supervision all powers and duties relating to licensing, and to enforcement of the liquor laws.

X-C. To act as a review board on the decisions of the administrator and on all appeals from the decisions of the director of licensing and enforcement, and municipal officers, and except as provided by section 60-A the decisions of the commission shall be final. All decisions of the commission acting as a review board must be approved by at least 2 members.'

Sec. 5. R. S., c. 57, § 6, sub-§ XV, amended. The 1st paragraph of

subsection XV of section 6 of chapter 57 of the revised statutes, as amended, is hereby repealed and the following paragraph enacted in place thereof:

'To appoint a chief inspector and, subject to the provisions of the personnel law, as many inspectors as may from time to time be found necessary.'

Sec. 6. R. S., c. 57, § 6, sub-§ XVII, amended. Subsection XVII of section 6 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

'XVII. Any member of the commission, **the administrator and the director** may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any question in dispute before them or to any matter involved in a hearing. Witness fees in all proceedings shall be the same as for witnesses before the superior court. Whoever, having been summoned as a witness by any member of the commission, **the administrator or the director** to appear before the commission, **the administrator or the director**, without reasonable cause fails to appear at the time and place designated in the subpoena or summons shall be punished, on complaint or indictment by a fine of not more than \$100, or by imprisonment for less than 1 year.'

Sec. 7. R. S., c. 57, § 60-B, additional. Chapter 57 of the revised statutes, as amended, is hereby further amended by adding thereto a new section to be numbered 60-B, to read as follows:

'Sec. 60-B. Appeals. Any person, firm or corporation aggrieved by the decision of the director of licensing and enforcement by refusal to issue any license applied for may, within 5 days, request in writing a hearing and review without delay of such decision by the commission. Pending the review or appeal, the decision of the director shall remain in full force and effect.'

Sec. 8. R. S., c. 57, §§ 61-A, 61-B, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 61-A and 61-B, to read as follows:

'Salesmen

Sec. 61-A. Salesmen. All concerns selling liquor to the state shall furnish to the commission a list of all officers and directors, if a corporation, or a list of all partners, if a partnership, and also the name of the salesman representing the concern within the state.

Such salesman shall apply to the director of licensing and enforcement for a license disclosing the person, firm or corporation for whom he is employed. The license fee shall be \$100 and shall expire on the last day of December of the year in which it is obtained. It may be renewed annually on payment of \$100.

Licenses so issued by the director of licensing and enforcement shall be revoked for the following causes:

- I. Violation of the liquor law or any rule or regulation promulgated thereunder.
- II. Contributions to any candidate for state office.
- III. Money contributions or political activity on behalf of any candidate for public office in state government.
- IV. Gifts to any member of the commission, the director, the administrator or any person employed under the provisions of this chapter.
- V. Any act which appears to influence in any way the commission, the director, the administrator or any person employed under the provisions of this chapter.

Sec. 61-B. Appeal. If any person is aggrieved by the decision of the director of licensing and enforcement in revoking the license of the salesman, he may, within 10 days thereafter, appeal to the commission and the decision of the commission shall be final. Pending judgment of the commission, the decision of the director of licensing and enforcement in revoking such license shall remain in full force and effect.

Sec. 9. Amendatory clause. Wherever in this chapter references are made to powers and duties of the commission, which powers and duties have been specifically assigned under its supervision to the business administrator or the director of licensing and enforcement by the provisions of this act, such references shall be amended accordingly.