

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. 641

H. P. 679

House of Representatives, February 12, 1953

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

HARVEY R. PEASE, Clerk

Presented by Mr. Albee of Portland by request

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

**AN ACT Creating the Bureau of Liquor Merchandising and a Division
of Liquor Licensing and Enforcement.**

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

Sec. 1. R. S., c. 57, § 3, repealed and replaced. Section 3 of chapter 57 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 3. Bureau of liquor merchandising. There is hereby created within the department of finance a bureau of liquor merchandising with a director as its head, appointed by the commissioner of finance with the approval of the governor and council, and his salary fixed by the governor and council. The director shall be selected on the basis of personal integrity, training and ability in large scale merchandising.’

Sec. 2. R. S., c. 57, § 6, repealed and replaced. Section 6 of chapter 57 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 6. Duties of director of bureau of liquor merchandising. The director shall have the following powers and duties:

I. To have general authority to formulate policies relating to the manufacturing, importing, storing, transporting and sale of liquor.

II. To make rules and regulations for the administration, supervision and regulation of all persons, firms and corporations who may be licensed or authorized to store, manufacture, transport, import, advertise for sale or sell liquor within the state. No such rule or regulation shall be adopted, amended or rescinded without the approval of the governor and council.

III. To select and purchase all liquor to be listed and sold in state stores or sold by licensees authorized to purchase for sale from the state wholesale store; to determine the amount of liquor to be stocked in the state warehouse and state stores. Special orders may be accepted for unlisted items, subject to the liquor tax provisions. All listings of liquor shall be based on a trial period and continuation of such listings shall be based solely on public acceptance of the same. Priority, wherever feasible, shall be made to liquor made from the agricultural products of this state. The director, except as provided in the preceding sentence, shall neither discriminate against or favor any person, firm or corporation because of his residence or non-residence in the state.

IV. To determine the number, location, leases and rentals of state stores and warehouses; to determine merchandising policies and practices; direct supervision of all employees whose duties relate to the functions of the director.

V. To publish at least annually in a convenient pamphlet form all regulations then in force and to furnish copies of such pamphlets to every licensee.

VI. To establish prices for retail sale in state stores which shall be uniform throughout the state.

VII. To employ subject to the provisions of the personnel law such clerical and other assistance and make such expenditures as may be necessary to carry out the provisions of this chapter.

VIII. To make an annual report to the governor of his activities, together with such other information as he deems advisable, or as the governor may request.

IX. To be vested with all the powers and duties not specifically delegated by law to the division of licensing and enforcement.'

Sec. 3. R. S., c. 57, §§ 6-A, 6-B, 6-C, additional. Chapter 57 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 6-A, 6-B and 6-C, to read as follows:

'Sec. 6-A. Division of liquor licensing and enforcement; powers and

duties. A division of liquor licensing and enforcement is hereby established under an assistant attorney general appointed by the attorney general. Such assistant attorney general shall have the following powers and duties:

I. To have control and supervision of the purchase, importation, transportation and sale of alcohol; and to recommend to the commission rules and regulations for such purchase, importation, transportation and sale of same to any industrial establishment in this state for industrial uses, or schools, colleges and state institutions for laboratory use only, or to hospitals for medicinal use therein only, or to any licensed pharmacist in this state for use in the compounding of prescriptions and other medicinal use but not for sale by such pharmacists unless compounded with or mixed with other substances, or to any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only.

II. To have supervision and control over all licensing and enforcement procedure and practice of the liquor law.

III. To issue or renew any license for sale of liquor. Any person, firm or corporation aggrieved by a decision of the assistant attorney general to issue or renew a license may, within 5 days, request in writing a hearing and review without delay of such decision by the appeal board. Pending the review or appeal the decision of the assistant attorney general shall remain in full force and effect.

IV. To give careful consideration, in issuing or renewing a license, to the character of any applicant, the location of the place of business and the manner in which it has been operated.

V. To suspend or revoke licenses in accordance with the provisions of section 60 with his decision subject to review or appeal in accordance with the provisions of subsection III.

VI. To prosecute all violations of the liquor laws and rules and regulations.

VII. 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.

The inspectors shall be under the direct supervision and control of the chief inspector. They shall have the same powers and duties throughout the several counties of the state as sheriffs have in their respective counties relating to liquor. Their powers and duties shall include the

duty to inquire into and arrest for violations of any of the provisions of this chapter, and to arrest for impersonation of or interference with liquor inspectors.

Sec. 6-B. Appeals board. There is hereby created an appeals board which shall also serve in an advisory capacity to the division of licensing and enforcement. The board shall consist of the assistant attorney general, who is the head of the licensing and enforcement division, and 2 public members appointed by the governor, with the advice and consent of the council. On the 1st appointment, one public member shall be appointed for 2 years, and one for 4 years, and thereafter such appointment shall be for a term of 4 years. The public members shall be compensated at the rate of \$20 per day and expenses necessarily incurred in the performance of their duties.

The appeals board shall act as a review board on all appeals from the decisions of the assistant attorney general in charge of the division of licensing and enforcement, and municipal officers and, except as provided in section 60-A, the decisions of the appeals board shall be final.

Sec. 6-C. Oaths and subpoenas. Any member of the appeals board, the director of merchandising and the head of the division of licensing and enforcement 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, 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. 4. Amendatory clause. Wherever in chapter 57 of the revised statutes references are made to powers and duties of the commission, which powers and duties have been specifically delegated to the director of merchandising or the head of the licensing and enforcement division by the provisions of this act, such references shall be amended accordingly.