

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1210

S. P. 440

In Senate, March 8, 1955

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Repealing the Position of Director of Licensing and Enforcement
Under Liquor Commission.**

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

Sec. 1. R. S., c. 61, § 4, amended. Section 4 of chapter 61 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 R. S., c. 61, § 7, repealed. Section 7 of chapter 61 of the revised statutes is hereby repealed.

Sec. 3. R. S., c. 61, § 8, sub-§ XIII, repealed. Subsection XIII of section 8 of chapter 61 of the revised statutes is hereby repealed, as follows:

~~'XIII. 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.'~~

Sec. 4. R. S., c. 61, § 8, sub-§ XIV, amended. Subsection XIV of section 8 of chapter 61 of the revised statutes is hereby amended to read as follows:

'**XIV.** 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 57 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. 61, § 8, sub-§ XIX, amended. Subsection XIX of section 8 of chapter 61 of the revised statutes is hereby amended to read as follows:

'**XIX.** Any member of the Commission ~~and 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 ~~or the administrator or the director~~ to appear before the Commission ~~or 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. 6. R. S., c. 61, § 58, repealed. Section 58 of chapter 61 of the revised statutes is hereby repealed, as follows:

'**Sec. 58. 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. 7. R. S., c. 61, § 60, amended. The 2nd and 3rd paragraphs of section 60 of chapter 61 of the revised statutes are hereby amended to read as follows:

'Such salesman shall apply to the ~~director of licensing and enforcement~~ **Commission** for a license disclosing the person, firm or corporation for whom he is employed. The license fee shall be \$10 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 \$10.

Licenses so issued by the ~~director of licensing and enforcement~~ **Commission** shall be revoked for the violation of the liquor laws or any rule or regulation promulgated by the Commission.'

Sec. 8. R. S., c. 61, § 61, repealed. Section 61 of chapter 61 of the revised statutes is hereby repealed, as follows:

'**Sec. 61. 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.'