

# MAINE STATE LEGISLATURE

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## NINETY - EIGHTH LEGISLATURE

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### Legislative Document

No. 979

H. P. 692

House of Representatives, February 26, 1957.

Received by unanimous consent. Referred to Committee on Liquor Control.  
Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Winchenpaw of Friendship.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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### AN ACT Relating to Approval of Applications for Retail Store Liquor Licenses.

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

**R. S., c. 61, § 23, amended.** The 4th paragraph of section 23 of chapter 61 of the Revised Statutes is hereby amended to read as follows:

~~Provided, however, that if~~ If the total number of persons shown by returns of the State Tax Assessor in such unincorporated place is less than 20 or the number signing any petition for local option vote is less than 20, the Secretary of State shall not hold any election in such unincorporated place and in event no such vote is taken, the county commissioners ~~if their approval of application is required~~ or the liquor Commission may refuse approval of such application on the basis that such license is not warranted for any substantial public convenience, necessity or demand.

**Sec. 2. R. S., c. 61, § 24, amended.** Section 24 of chapter 61 of the Revised Statutes is hereby amended to read as follows:

**'Sec. 24. Hearings on applications for liquor licenses; publication; appeal.** The municipal officers, or in case of unincorporated places, the county commissioners of the county wherein such unincorporated place is located, 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.

Any applicant for license aggrieved by the refusal of municipal officers or county commissioners to approve any application for license ~~requiring their approval~~ or a transfer of location of licensed premises under the provisions of section 39 may appeal to the Commission, who shall hold a public hearing thereon in the city, town or unincorporated place where such license is applied for and, if it finds the refusal arbitrary or without justifiable cause, it may issue license or transfer notwithstanding the lack of such approval. Upon notification of appeal ~~as herein provided~~, the municipal officers or county commissioners refusing approval shall certify to the Commission their reasons for refusal and evidence on such appeal shall be limited to the reasons specified. The Commission shall furnish the appellant with a copy of such reasons for refusal and give adequate public notice of the time and place of such hearing.'

**Sec. 3. R. S., c. 61, § 32, amended.** The 1st paragraph of section 32 of chapter 61 of the Revised Statutes is hereby amended to read as follows:

'Licenses for sale and distribution of malt liquor in retail stores may be issued by the Commission upon application and under such regulations as the Commission may prescribe. No such license shall be issued to any person who is not engaged in a bona fide retail business other than the sale of malt liquors at retail and no person licensed to sell malt liquor under the provisions of this section shall sell malt liquor for consumption on the premises where sold **and no such license shall be issued unless the application therefor is approved by the municipal officers of the city or town or the county commissioners of an unincorporated place as provided by section 24.**'

**Sec. 4. R. S., c. 61, § 32, amended.** The 2nd paragraph of section 32 of chapter 61 of the Revised Statutes is hereby repealed.