

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1393**

S. P. 487

In Senate, March 26, 1957

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Lessard of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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**AN ACT Creating Office of Hearing Examiner under Liquor Law.**

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

**Sec. 1. R. S., c. 61, § 56, sub-§ I, repealed and replaced.** Subsection I of section 56 of chapter 61 of the Revised Statutes, as amended by section 13 of chapter 355 of the public laws of 1955, is hereby repealed and the following enacted in place thereof:

**1. There is hereby created the office of hearing examiner for the State Liquor Commission to be appointed by the Governor, by and with the advice of the Council, for a term of 4 years. The hearing examiner shall be an attorney-at-law duly admitted to practice before the courts of Maine. He may be removed from office by the Governor for misfeasance, malfeasance and non-feasance in office. He shall receive an annual compensation to be set by the Governor and Council and shall be entitled to actual and necessary expenses in the performance of his duties. The hearing examiner shall conduct hearings on all matters concerning violations of licenses of any law relating to alcoholic beverages or infractions of any rule or regulation issued by the State Liquor Commission after notice of such violation or infraction has been reported to him on a signed complaint by a duly designated enforcement officer of said Commission. The hearing examiner shall thereupon notify the licensee by serving on him a copy of the complaint and a notice stating the time and place of hearing and that he may appear in person or by counsel at the hearing. Service of such complaint and notice shall be sufficient if sent by registered mail to the address given by the licensee at the time of his application for a license, 7 days at least before the date of hearing. The hearing examiner shall thereupon con-**

duct a hearing limited to the facts and law, and rules and regulations of the State Liquor Commission as specified in said complaint.

The hearing examiner is authorized to subpoena and examine witnesses and to administer oaths. In the conducting of hearings no hearsay testimony shall be admissible and the licensees named in the complaint shall have the right to have all witnesses testify in person at the hearing. The hearing examiner shall report in writing of his findings in each case, based upon the facts and the law, and the rules and regulations of the State Liquor Commission, to the Commission for their decision and furnish a copy of the same to the licensee involved. Said findings shall specify the facts found and the law, rules or regulations found to be violated.

The hearing examiner shall conduct hearings in such designated place or places as may be most convenient and economical for all parties concerned in said hearing.'

**Sec. 2. R. S., c. 61, § 56, sub-§ IV, amended.** Subsection IV of section 56 of chapter 61 of the Revised Statutes is hereby amended to read as follows:

**IV.** Whenever it appears to the Commission that a violation by a licensee is technical only, wholly unintentional and not careless, or that any penalty at all would be too harsh and unreasonable in the light of the offense committed, it may send the offending licensee a warning ~~in lieu of ordering him to appear for hearing or upon hearing~~ may place the case on file or suspend the operation of a suspension.'

**Sec. 3. R. S., c. 61, § 57, amended.** The 1st paragraph of section 57 of chapter 61 of the Revised Statutes is hereby repealed and the following paragraphs enacted in place thereof:

'A full and complete record shall be kept of all proceedings had before the hearing examiner involving the revoking or suspension of any license issued by the Commission.

A full and complete record shall be kept of all proceedings had before the Commission involving issuance of any license.'