

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1330

S. P. 466

In Senate, April 23, 1959

Reported by Senator Willey from the Committee on Liquor Control, and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT to Clarify the Liquor Laws.

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

Sec. 1. R. S., c. 61, § 2, sub-§ III, amended. Subsection III of section 2 of chapter 61 of the Revised Statutes, as repealed and replaced by section 3 of chapter 355 of the public laws of 1955 and amended by chapter 58 of the public laws of 1957, is further amended to read as follows:

‘III. Shall licenses be granted in this city or town for sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises? (Beer and Ale in Restaurants ~~and~~, Hotels and Clubs)’

Sec. 2. R. S., c. 61, § 8, sub-§ I, repealed and replaced. Subsection I of section 8 of chapter 61 of the Revised Statutes is repealed and the following enacted in place thereof:

‘I. To have general supervision of manufacturing, importing, storing, transporting and sale of all liquors and to make such rules and regulations as they deem necessary for such purpose and to make rules and regulations for the administration, clarification, carrying out, enforcing and preventing violation of all laws pertaining to liquor which rules and regulations shall have the force and effect of law, unless and until set aside by some court of competent jurisdiction or revoked by the commission.’

Sec. 3. R. S., c. 61, § 8, sub-§ III, repealed. Subsection III of section 8 of chapter 61 of the Revised Statutes is repealed.

Sec. 4. R. S., c. 61, § 8, sub-§ X, repealed. Subsection X of section 8 of chapter 61 of the Revised Statutes is repealed.

Sec. 5. R. S., c. 61, § 8, sub-§ XII, amended. Subsection XII of section 8 of chapter 61 of the Revised Statutes is amended to read as follows:

'XII. To assign to the business administrator under its supervision all powers and duties relating to all phases of the merchandising of liquor **through state stores.'**

Sec. 6. R. S., c. 61, § 8, sub-§ XVII, amended. Subsection XVII of section 8 of chapter 61 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

'All complaints, records and reports of the enforcement division created by this section relating to licensing and enforcement of liquor laws, rules and regulations are declared to be confidential.'

Sec. 7. R. S., c. 61, § 10, amended. The 2nd sentence of section 10 of chapter 61 of the Revised Statutes is repealed and the following enacted in place thereof:

'The state warehouses and wholesale stores shall be located in places designated by the State Liquor Commission.'

Sec. 8. R. S., c. 61, § 28, amended. The first sentence of section 28 of chapter 61 of the Revised Statutes is amended to read as follows:

'All applicants for license shall be required to file applications in such form as the commission shall require and every application shall disclose the complete and entire ownership or any interest in the establishment for which a license is sought and if applicant is a purchaser by contract, in addition, the terms of the contract.'

Sec. 9. R. S., c. 61, § 28, amended. The last sentence of the first paragraph of section 28 of chapter 61 of the Revised Statutes, as amended by chapter 127 of the public laws of 1957, is further amended to read as follows:

'No applicant whose application is denied by the commission shall be eligible to apply for a liquor license of the same type again for a period of 6 months from the date of such denial unless the commission denial is overruled by the court under appeal provided by section 57, and no license for the same premises shall be issued to the husband, wife, father, mother, child or other close relation by blood or marriage of a person whose license has been denied or ~~revoked~~ by the commission or ~~revoked by the~~ **Hearing Examiner for a period not exceeding 6 months after such denial or revocation.'**

Sec. 10. R. S., c. 61, § 39, sub-§ II, amended. The last sentence of the first paragraph of subsection II of section 39 of chapter 61 of the Revised Statutes, as enacted by section 10 of chapter 218 of the public laws of 1957, is amended to read as follows:

'In case of decease of a license holder with express written permission and approval of the commission, any widow or widower or person who has filed a petition for appointment as executor or administrator for the estate of the deceased licensee or any sole heir of the deceased licensee or any person designated by all of the heirs of the licensee may continue the operation of

the license for a period not to exceed ~~one month~~ **60 days** pending appointment of a personal representative of the estate.'

Sec. 11. R. S., c. 61, § 43, amended. The last sentence of section 43 of chapter 61 of the Revised Statutes, as enacted by chapter 72 of the public laws of 1955, is amended to read as follows:

'The commission may sell spirituous and vinous liquor to approved government instrumentalities within the State at a price **to be set by the commission** which shall ~~reflect only cost of purchase, handling and a reasonable charge for enforcement and control~~ **be approved by the Governor and Council.**'

Sec. 12. R. S., c. 61, § 56, amended. The first paragraph of section 56 of chapter 61 of the Revised Statutes is amended to read as follows:

'The ~~commission~~ **Hearing Examiner** may suspend or revoke licenses as hereinafter provided. Except as provided by ~~paragraph M of subsection II,~~ **paragraph M**, suspensions must be for a definite period of time. If the ~~commission~~ **Hearing Examiner** revokes a license ~~they~~ **he** shall specify that no license shall issue to the person whose license is revoked for a period of not less than one nor more than 5 years from the date of such revocation.'