

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
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1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

amended by adding a new section 701-A, to read as follows:

§ 701-A. Just value defined

In the assessment of property, assessors in determining just value are to define this term in a manner which recognizes only that value arising from presently possible land use alternatives to which the particular parcel of land being valued may be put. Assessors must consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Restrictions shall include but are not limited to zoning restrictions limiting the use of land, subdivision restrictions and any recorded contractual provisions limiting the use of lands. The just value of land is deemed to arise from and is attributable to legally permissible use or uses only.

Effective October 1, 1969

Chapter 247

AN ACT Relating to Amount of Food Sold by Class A Restaurants Under Liquor Law.

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

R. S., T. 28, § 2, sub-§ 18, amended. Subsection 18 of section 2 of Title 28 of the Revised Statutes, as amended by chapter 87 of the public laws of 1967, is further amended by adding after the 3rd sentence, the following sentences:

In cities and towns having a population of 20,000 or less, year-round class A restaurants must do a minimum of \$40,000 per year in sale and service of food to the public on their premises; as a requirement for a part-time license not in excess of 6 consecutive months, part-time licensees must do a minimum of \$25,000 business in sale or service of food to the public on their premises.

Effective October 1, 1969

Chapter 248

AN ACT Repealing Right of Appeal from Decisions of Administrative Hearing Commissioner to the State Liquor Commission.

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

Sec. 1. R. S., T. 5, § 2451, sub-§ 1, amended. The first sentence of subsection 1 of section 2451 of Title 5 of the Revised Statutes is amended to

read as follows:

The appeal must be instituted by filing a complaint in the Superior Court at Kennebec County within 30 days after service of the final decision of the Hearing Commissioner, **except as otherwise provided in Title 28.**

Sec. 2. R. S., T. 28, § 402, amended. The last paragraph of section 402 of Title 28 of the Revised Statutes, as amended by section 1 of chapter 99 of the public laws of 1965, is repealed.

Sec. 3. R. S., T. 28, § 403, amended. Section 403 of Title 28 of the Revised Statutes, as amended by section 2 of chapter 99 of the public laws of 1965, is further amended to read as follows:

§ 403. Additional appeals

If any person is aggrieved by the decision of the ~~commission~~ **Administrative Hearing Commissioner** in revoking or suspending any license issued by the commission or by refusal of the commission to issue any license applied for, he may within 30 days thereafter appeal to the Superior Court, by filing a complaint therefor. The 30-day period for appeal shall commence on the effective date of any suspension or revocation of a license, and, in the case of refusal of the commission to issue license, on the day when the commission sends by registered or certified mail notice to the applicant at the address of his business given in his application for license. Filing appeal in the Superior Court shall stop the running of the limitation period. The court shall forthwith fix a time and place for immediate hearing and cause notice thereof to be given to the ~~commission~~ **Administrative Hearing Commissioner**. After hearing, the court may affirm, modify or reverse the decision of the ~~commission~~ **Administrative Hearing Commissioner**. Pending judgment of the court, the decision of the ~~commission~~ **Administrative Hearing Commissioner** in revoking or suspending any license shall be suspended, if notice of appeal is given to the ~~commission~~ **Administrative Hearing Commissioner** within 7 days of the sending of the decision of the ~~commission~~ **Administrative Hearing Commissioner** by registered or certified mail to the address given by the licensee at the time of his application for a license. Appeal by such aggrieved person to the law court from such decision may be taken. Upon such appeal the law court may, after consideration, reverse or modify any decree so made by the court based upon an erroneous ruling or finding of law.

Effective October 1, 1969

Chapter 249

AN ACT Relating to Biennial Elections of Penobscot Indians.

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

R. S., T. 22, § 4792, amended. Section 4792 of Title 22 of the Revised