



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1339

H.P. 980

House of Representatives, March 29, 2011

An Act To Amend the Process for Appeals of Liquor Licensing Decisions

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CHIPMAN of Portland.
Cosponsored by Representative: CROCKETT of Bethel.

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

2 **Sec. 1. 28-A MRSA §653, sub-§3**, as amended by PL 1995, c. 140, §6, is further
3 amended to read:

4 **3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal
5 officers or county commissioners ~~under this section~~ regarding the issuance, denial,
6 renewal or revocation of a liquor license may appeal to the bureau within 15 days of the
7 receipt of the written decision of the municipal officers or county commissioners. The
8 bureau shall hold a de novo public hearing in the city, town or unincorporated place
9 where the premises are situated. In acting on such an appeal, the bureau ~~may consider~~
10 shall make a de novo determination of the merits of the decision and may hear all
11 pertinent evidence, including all licensure requirements and findings referred to in
12 subsection 2.

13 ~~B. If the decision appealed from is an application denial, the bureau may issue the~~
14 ~~license only if it finds by clear and convincing evidence that the decision was without~~
15 ~~justifiable cause.~~

16 **SUMMARY**

17 This bill amends the hearing process conducted by the Department of Public Safety,
18 Bureau of Liquor Enforcement of an appeal of a decision of municipal officers or county
19 commissioners regarding the issuance, denial, renewal or revocation of a liquor license.
20 This bill requires the bureau to hold a new evidentiary hearing and consider all pertinent
21 evidence regarding the decision of the municipal officers or county commissioners.

22 The bill also removes the current requirement that the bureau must find by clear and
23 convincing evidence that a denial of an application was without justifiable cause before
24 reversing that decision.