

§601. Eligibility

1. Eligibility qualifications. The bureau may not issue a license or certificate of approval to an applicant unless that applicant meets the following qualifications.

A. If the applicant is an individual, the applicant must be:

(1) At least 21 years of age; and

(2) A citizen of the United States. [PL 1993, c. 730, §26 (AMD).]

B. If the applicant is a partnership or association, each individual having an interest in the partnership or association must be:

(1) At least 21 years of age; and

(2) A citizen of the United States. [PL 2021, c. 658, §84 (AMD).]

C. If the applicant is a corporation, it must be incorporated under the laws of the State or authorized to transact business in the State. [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. If the applicant has an existing business, the applicant must be currently in compliance with all license, permit and approval requirements under Title 22 and under any rules adopted pursuant to Title 22 that apply to the applicant's existing business. [PL 2021, c. 658, §84 (NEW).]

[PL 2021, c. 658, §84 (AMD).]

2. Disqualifications. The bureau may not issue a license or certificate of approval to an applicant if:

A. Any of the principal officers of the corporation is not personally eligible because that officer has had a license or certificate of approval for the sale of liquor revoked under chapter 33, if the applicant is a corporation; [PL 2021, c. 658, §84 (AMD).]

B. The applicant held a license or certificate of approval that was revoked for a specific period under chapter 33 and the applicant is applying for a license or certificate of approval within that period since revocation; [PL 2021, c. 658, §84 (AMD).]

C. The applicant, that was not at the time of the offense the holder of a liquor license or a certificate of approval, was convicted of violating any laws of the State or the United States with respect to manufacture, transportation, importation, possession or sale of liquor within 5 years of applying for the license or certificate of approval. For the purposes of this paragraph, a person that sells liquor of a greater alcohol content than authorized by that person's license or certificate of approval is not considered the holder of a license or a certificate of approval; [PL 2021, c. 658, §84 (AMD).]

D. The applicant was convicted of selling liquor illegally on Sunday while an employee or agent of a licensee within 5 years of applying for the license or certificate of approval; [PL 2021, c. 658, §84 (AMD).]

E. The applicant's license or certificate of approval expired pending an appeal from conviction of illegally selling liquor on Sunday within 5 years of applying for the license or certificate of approval; [PL 2021, c. 658, §84 (AMD).]

F. The applicant is a law enforcement officer or if a law enforcement officer would benefit directly from the issuance of the license or certificate of approval; [PL 2021, c. 658, §84 (AMD).]

G. The applicant was denied a license or certificate of approval within the 6 months before the application was filed, unless the bureau's denial of the license or certificate of approval is overruled by the court under an appeal provided by section 805; [PL 2021, c. 658, §84 (AMD).]

H. The applicant is the spouse, parent, child or other close relation of a person whose license or certificate of approval or application for a license or certificate of approval for the same premises

was revoked by the District Court or denied by the bureau within the 6 months before the application was filed; [PL 2021, c. 658, §84 (AMD).]

I. The bureau determines that the purpose of the application is to circumvent the provisions of this section; or [PL 1997, c. 373, §51 (AMD).]

J. The applicant is a golf course or a restaurant located on the property of a golf course and the Maine Human Rights Commission has found reasonable grounds to believe that the golf course has denied membership to a person in violation of Title 5, chapter 337, subchapter 5 and has determined that conciliation efforts under Title 5, section 4612, subsection 3 have not succeeded. The Maine Human Rights Commission shall notify the bureau when the golf course has corrected its discriminatory membership practices, after which the applicant ceases to be disqualified under this paragraph. [PL 2021, c. 658, §84 (AMD).]

[PL 2021, c. 658, §84 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 592, §§1,2 (AMD). PL 1991, c. 158, §§1-3 (AMD). PL 1993, c. 730, §26 (AMD). PL 1995, c. 192, §1 (AMD). PL 1997, c. 373, §51 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 168, §1 (AMD). PL 2017, c. 167, §10 (AMD). PL 2021, c. 658, §84 (AMD).

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