

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

SUMMARY

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

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