

**Final Decision on the Relocation of an Agency Liquor Store in Waterville, Maine
Damon's Beverage - Waterville**

In accordance with 28-A M.R.S. § 453-D, 452 and 18-553 C.M.R. ch. 4 "Agency Liquor Store Relocation: Rules governing the Process to Provide Input by Agency Liquor Stores in the Same Municipality of a Relocation Request", the Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, considered the application from Temple Front Assoc. d/b/a Damon's Beverage – Waterville requesting approval for the relocation of its facility from 52 Front Street to 6 Jefferson Street in the City of Waterville.

Damon's Beverage – Waterville submitted an Application for the Relocation of an Agency Liquor Store accompanied by a check in the amount of \$200, received by the Bureau on November 18, 2019. The application included certified municipal support and proof of notice to the other agency liquor stores in the municipality, two Hannaford stores, Shaw's and Walmart in compliance with applicable law.

Laurence Sanborn, Division Manager of Liquor Licensing and Enforcement inspected the premises on May 11, 2020, determined that it met all criteria and gave his approval to the transfer. The Bureau published a notice of the proceeding in the Morning Sentinel and on the Bureau's website. Notices of the proceeding were hand delivered by Liquor Licensing Inspector Craig McCabe to the applicant and all existing agency liquor stores in the City of Waterville. Existing agency liquor stores were given 15 calendar days from the date of the published notice, June 12, 2020, to respond to the application providing information on how the relocation would impact their business by filing electronically by e-mail to the Final Decision Maker, Timothy R. Poulin. Mr. Poulin was appointed Final Decision Maker by Gregory R. Mineo, Director of the Bureau of Alcoholic Beverages and Lottery Operations, in accordance with 28-A M.R.S. § 83-B sub-§ 2.

No submissions were received by the Bureau in support of or in objection to the application for relocation.

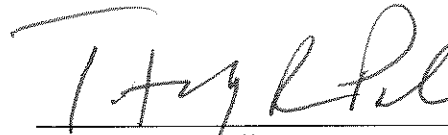
In accordance with 28-A M.R.S. § 453-D, including the criteria set forth in sections 452 and 453-A, sub-§ 5 and 64 and 18-553 C.M.R. ch. 130, the Bureau considers the following factors when issuing a relocation agency store license: location, hours of operation, parking, square footage, services offered, selling area, handling, beer and wine inventory, security, spirits inventory and storage. Based on the evidence in the record, the Bureau finds that the applicant's proposed relocation is adequate with regard to the foregoing factors and is feasible for the placement of an agency liquor store at the new location and approves the relocation of Temple Front Assoc d/b/a Damon's Beverage – Waterville from 52 Front Street to 6 Jefferson Street.

This decision is final agency action within the meaning of the Maine Administrative Procedure Act, 5 M.R.S. § 8002(4). It may be appealed to the District Court in the manner provided by 28-A M.R.S. § 453-A(7), 5 M.R.S. § 10051 and 11001-11008, and M.R. Ci. P. 80C.

Any applicant aggrieved by the Bureau's decision may appeal the decision pursuant to 28-A M.R.S. § 453-A(7) by filing an appeal with the District Court and serving a copy of the appeal upon the Bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed within 30 days of the mailing of this decision.

There is no automatic stay pending appeal. Application for stay may be made in the manner provided in 5 M.R.S. § 11004.

Dated: July 1, 2020



Timothy R. Poulin
Hearings Officer