

STATE OF MAINE

KENNEBEC, ss.

COUNTY QUICKSTOP, INC.,

Petitioner

v.

COMMISSIONER, MAINE  
DEPARTMENT OF PUBLIC  
SAFETY, *et al.*,

Respondents

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-02-90  
SKS-KEN-10/15/2003

DECISION ON APPEAL  
(M.R. Civ. P. 80C)

DONALD L. GARBRECHT  
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OCT 21 2003

This matter comes before the court on an appeal by County Quickstop, Inc. from a decision of the Bureau of Liquor Enforcement awarding an agency liquor store designation to another retailer in the Caribou area. The petition from final agency action and was signed by Craig B. St. Peter as "president" of the corporation. Mr. St. Peter's address is in Londonderry, New Hampshire.

Following the petition, the agency record was filed on January 6, 2003, and the petitioner filed a document purporting to be its brief. That brief was from Mr. St. Peter but was unsigned. The respondents in turn filed a motion to dismiss.

The respondents' motion to dismiss was scheduled for hearing on May 29, 2003. At that time, Mr. St. Peter appeared as president of the corporation and prepared to represent the corporation for hearing. The court explained to Mr. St. Peter that under Maine law, with only a few exceptions not applicable here, corporations must be represented by attorneys who are members of the Maine bar. After ascertaining that Mr. Peter does not meet that qualification, the court advised him that he could not represent the corporation and that we could not proceed with the motion. In fairness, the court extended the time within which the respondents had to file their brief and the

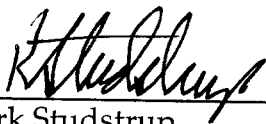
matter was continued to the next hearing list to afford the corporation the opportunity to retain Maine counsel.

In the time since May 29, 2003, the respondents have filed their brief, again emphasizing that Maine law requires corporations to appear through Maine attorneys. The matter was set for hearing on October 8, 2003. At the appointed time for the hearing, the respondents appeared through their attorney from the Attorney General's Office, while no one appeared for the corporate petitioner. Nor has the court received any appearance by counsel for the petitioner or any other correspondence from the petitioner since the May hearing. Since it is now clear to the court that the petitioner never complied with Maine law with regard to representation and declined to take advantage of the opportunity offered by the court, the petitioner's motion to dismiss will be granted.

The entry will be:

Petitioner's motion to dismiss is GRANTED.

Dated: October 15, 2003

  
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S. Kirk Studstrup  
Justice, Superior Court

Date Filed 12/24/02

KENNEBEC

Docket No. AP-02-90

County

Action 80C APPEAL

J. STUDSTRUP

County Quick Stop, Inc.

Michael Kelly, Dept of Public Safety

vs.

Plaintiff's Attorney

CRAIG ST. PETER - PRESIDENT  
COUNTY QUIKSTOP INC  
59 FOREST ST  
LONDONDERRY NH 03053

Defendant's Attorney

Joseph Wannemacher, AAG.  
~~XXXXXXXXXXXXXXXXXXXX~~  
STATE HOUSE STA 6  
AUGUSTA MAINE 04333

Date of Entry

12/24/02

Petition for Review, filed. s/Craig St. Peter. (filed in District Court on 11/20/02 and filed in Superior Court on 12/24/02)

Position Statement of Maine Department of Public Safety, Bureau of Liquor Enforcement, filed. s/Gauvreau, AAG. (filed in District Court on 12/4/02)

1/6/03  
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Record and Transcript, filed. (filed in District Court on 12/30/02)

1/9/03

Notice of briefing schedule mailed to Pltf. and atty of record.

1/9/03

Notice of incomplete filing mailed to Pltf.

1/28/03

Complaint Summary Sheet and \$100.00 filing fee, filed.

2/18/03

Petitioner's Brief, filed. s/Craig St. Peter.

Notice of setting for 5/29/03

sent to attorneys of record.

4/16/03

Letter from atty Wannemacher inquiring of Pltf. if case has been dropped.

5/1/03

Copy of Memo from Craig St. Peter to AAG regarding appeal.

5/28/03

State's Motion to Dismiss the Appeal as Untimely or Improperly Filed, filed. s/Wannemacher, AAG.

529/03

Hearing had, Studstrup, J. (no courtroom clerk)  
Joseph Wannemacher, AAG and Craig St. Peter present for hearing. Court issues order:

- 1) Respondent has 30 days within which to file its brief.
- 2) Explained to Mr. St. Peter that his corporation must be represented by a Maine attorney.
- 3) Hearing continued to next list.

Copies mailed to atty and Pltf.

6/30/03

State's Memorandum of Law, filed. s/Wannemacher, AAG.