

## **125th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 821

H.P. 617

House of Representatives, March 3, 2011

An Act To Transfer Responsibility for the Enforcement of Liquor Laws to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations

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

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HEATHER J.R. PRIEST Clerk

Presented by Representative CAREY of Lewiston. Cosponsored by Senator PATRICK of Oxford and Representatives: BEAULIEU of Auburn, DAMON of Bangor, FITTS of Pittsfield, RUSSELL of Portland, VALENTINO of Saco, Senator: PLOWMAN of Penobscot.

Printed on recycled paper

1 Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 28-A MRSA §2, sub-§2-A, as enacted by PL 1997, c. 373, §10, is 3 amended to read: 4 2-A. Alcohol bureau. "Alcohol bureau" means the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and has 5 the same meaning as "bureau" defined in subsection 6. 6 7 Sec. 2. 28-A MRSA §2, sub-§6, as amended by PL 2003, c. 451, Pt. T, §7, is 8 further amended to read: 9 6. Bureau. "Bureau" means the division alcohol bureau within the Department of Public Safety Administrative and Financial Services designated by the commissioner to 10 enforce the law relating to the manufacture, importation, storage, transportation and sale 11 of all liquor and to administer those laws relating to licensing and collection of taxes on 12 13 malt liquor and wine. 14 Sec. 3. 28-A MRSA §2, sub-§9-A, as amended by PL 1993, c. 410, Pt. ZZ, §2, is 15 further amended to read: 9-A. Commissioner. "Commissioner" means the Commissioner of Public Safety 16 17 Administrative and Financial Services. 18 Sec. 4. 28-A MRSA §82, sub-§8, ¶A-1, as enacted by PL 2009, c. 213, Pt. X, §1, is amended to read: 19 20 A-1. The bureau shall provide notification to licensees that the provisions of this 21 Title are available on the Department of Public Safety's bureau's website as described in subsection 8-A and that the bureau will provide a paper copy of the Title to any 22 23 licensee at no charge, upon request from that licensee. 24 Sec. 5. 28-A MRSA §82, sub-§8-A, as enacted by PL 2009, c. 213, Pt. X, §2, is 25 amended to read: 8-A. Post laws and rules. Post on the Department of Public Safety's bureau's 26 publicly accessible website this Title, other laws concerning liquor and all rules adopted 27 28 under this Title. The bureau shall notify all licensees of changes in the law and rules via 29 a publicly accessible website posting within 90 days of adjournment of each regular session of the Legislature. The bureau shall update the posting on the Department of 30 31 Public Safety's <u>bureau's</u> publicly accessible website to reflect new laws and rules; and 32 Sec. 6. 28-A MRSA §82-A, sub-§2, as enacted by PL 2005, c. 139, §4, is 33 amended to read: 34 **2.** Commissioner. The commissioner shall consult with the Commissioner of Public 35 Safety, who may by agreement, with the consent and approval of the affected law enforcement agency, designate the law enforcement agency's officers to exercise the 36 enforcement authority identified in subsection 1. 37

1 Sec. 7. 28-A MRSA §82-A, sub-§3, as enacted by PL 2005, c. 139, §4, is 2 amended to read:

**3 3. Contract officers.** The commissioner may shall inform the Commissioner of Public Safety of the need for law enforcement officers to carry out the purposes of this chapter. The Commissioner of Public Safety may appoint contract officers for the purpose of enforcing this Title and the rules adopted pursuant to this Title against specific violations that may result in an administrative sanction against a licensee, or the licensee's agents or employees.

9 Sec. 8. Report; legislation. The Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services 10 and the Commissioner of Public Safety shall review the laws governing the 11 administration and enforcement of the laws governing alcoholic beverages and submit a 12 report by February 1, 2012 to the Joint Standing Committee on Veterans and Legal 13 Affairs. The report must include recommendations for legislation to amend the laws 14 governing alcoholic beverages to ensure that the bureau is vested with the authority to 15 administer those laws and that the Commissioner of Public Safety will provide law 16 17 enforcement assistance as necessary. The Joint Standing Committee on Veterans and Legal Affairs is authorized to submit legislation in relation to this report to the Second 18 19 Regular Session of the 125th Legislature.

Sec. 9. Effective date. Those sections of this Act that amend the Maine Revised
Statutes, Title 28-A take effect July 1, 2012.

**SUMMARY** 

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This bill transfers the responsibility of liquor licensing and enforcement to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. It provides that the Department of Public Safety may provide assistance when personnel with law enforcement authority are required to enforce the laws governing alcoholic beverages.