

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 857**

S. P. 300

In Senate, February 18, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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### AN ACT Establishing a Maine State Liquor Control Board.

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

Sec. 1. R. S., T. 32, c. 26, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 26, to read as follows:

#### CHAPTER 26

#### MAINE STATE LIQUOR CONTROL BOARD

##### SUBCHAPTER I

##### GENERAL PROVISIONS

##### § 1711. Definitions

1. Board. "Board" as used in this chapter shall mean the Maine State Liquor Control Board.

2. Liquor law. "Liquor law" as used in this chapter shall mean all of the laws of the State which pertain to liquor and shall include those laws which pertain to the manufacturing, importing, storing, transporting, sale, consumption and use of all liquors in the State of Maine.

##### SUBCHAPTER II

#### MAINE STATE LIQUOR CONTROL BOARD

##### § 1721. Maine State Liquor Control Board

There is created a Maine State Liquor Control Board which shall administer this chapter. The board shall consist of 7 members appointed by the

Governor, with the advice and consent of the Council.

The term of office shall be 7 years, except that the appointment of the initial board of 7 members shall be for one, 2, 3, 4, 5, 6 and 7 years for the different members. The members of the board shall elect one of its members as chairman and all members shall hold office until their successors are appointed and qualified. Vacancies arising during the term of a member shall be filled by appointment of the Governor. Such an appointee shall serve the remainder of the term of the vacancy.

§ 1722. Qualifications

Members of the board shall be residents of the State of Maine, of good moral character and representative of various citizen groups, including but not limited to such groups as the clergy, the alcoholic beverage industry, and others which have experience and interest in liquor control.

§ 1723. Compensation and expenses

No member of the board shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual travelling and incidental expenses necessarily incurred in carrying out this chapter.

§ 1724. Responsibilities

It shall be the responsibility of the board to supervise and direct the enforcement of all the liquor laws of the State of Maine, including the rules and regulations enacted by the Maine State Liquor Commission under Title 28. In carrying out this section, the board shall cooperate with the Maine State Liquor Commission.

§ 1725. Annual report

The board shall make an annual report to the Governor of their activities together with such information as they deem advisable or as the Governor may require.

§ 1726. Director

There shall be a full-time director of the board who shall be responsible to it. The director shall be appointed by the Governor, with the advice and consent of the Council. The salary of the director shall be set by the board and approved by the Governor. The director shall serve for 7 years unless earlier removed for good cause.

§ 1727. Qualifications and responsibility of the director

The Director of the Maine State Liquor Control Board shall be a professionally trained law enforcement officer who has had considerable progressively responsible experience and training in the field of law enforcement, including administration, supervision and management of law enforcement personnel.

The director shall be responsible to the board. The director, with the approval of the board, may make rules and regulations with respect to the

discipline, control and training of enforcement officers. Such rules and regulations shall be subject to the Personnel Law.

### SUBCHAPTER III

#### ENFORCEMENT OFFICERS

##### § 1731. Enforcement officers recruitment

Subject to the Personnel Law, the Director of the Maine State Liquor Control Board may employ suitable persons as liquor law enforcement officers to enforce the laws and employ such other employees as may be necessary. Compensation of the enforcement officers shall be determined under the Personnel Law and shall be comparable to that of the detectives of the State Police.

##### § 1732. In-service permanent disability

Upon filing with the director and upon determination by the director that an enforcement officer has incurred permanent disability as a result of injuries received in the line of duty, such officer may be retired on a disability retirement allowance equal to  $\frac{1}{2}$  of the pay per year that is paid to an officer of his grade at the time of his disability. A medical board of 3 physicians, designated by the director, after a medical examination of such officer, shall first certify that such officer is mentally or physically incapacitated for further performance of duty and that such incapacity is permanent.

##### § 1733. Retirement

Any enforcement officer who shall have served as an officer thereof for 20 or more years with a good record shall upon request in writing to the director be retired from active service and placed upon the pension rolls, and receive thereafter  $\frac{1}{2}$  of the pay per year that is paid to an officer of his grade at the time of his retirement.

Sec. 2. Transition of enforcement of the liquor laws. So that there will be an orderly transfer of the responsibility of enforcing the liquor laws from the Maine State Liquor Commission to the board, the liquor inspectors of the State Liquor Commission shall be the initial work force of enforcement officers as established by this chapter.

Sec. 3. R. S., T. 17, § 2001, amended. The last sentence of section 2001 of Title 17 of the Revised Statutes is amended to read as follows:

Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, ~~liquor inspector~~ constable, marshal, police officer or watchman and committed to the watchhouse or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.

Sec. 4. R. S., T. 17, § 2251, amended. The last paragraph of section 2251 of Title 17 of the Revised Statutes is amended to read as follows:

Every law enforcement officer in the State, including wardens of the Department of Inland Fisheries and Game, wardens of the Department of Sea

and Shore Fisheries, foresters and wardens of the Forestry Department ~~and liquor inspectors of the State Liquor Commission~~ shall have authority to enforce this section and section 3961.

**Sec. 5. R. S., T. 17, § 2952, amended.** The first sentence of section 2952 of Title 17 of the Revised Statutes is amended to read as follows:

Whoever assaults, intimidates or in any manner willfully obstructs, intimidates or hinders any sheriff, deputy sheriff, constable, inland fish and game warden, coastal warden, Insurance Commissioner or his authorized representative, ~~liquor inspector~~ police officer or state probation-parole officer while in the lawful discharge of his official duties, whether with or without process, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months.

**Sec. 6. R. S., T. 28, § 55, sub-§ 1, amended.** Subsection 1 of section 55 of Title 28 of the Revised Statutes, is amended to read as follows:

1. **General supervision; rules and regulations.** To have general supervision of manufacturing, importing, storing, transporting and sale of all liquors and to make such rules and regulations as they deem necessary for such purpose and to make rules and regulations for the administration, clarification ~~and carrying out enforcing and preventing violation~~ of all laws pertaining to liquor which rules and regulations shall have the force and effect of law, unless and until set aside by some court of competent jurisdiction or revoked by the commission.

**Sec. 7. R. S., T. 28, § 55, sub-§ 14, repealed.** Subsection 14 of section 55 of Title 28 of the Revised Statutes, as amended by section 18-A of chapter 425 of the public laws of 1965, is repealed.

**Sec. 8. R. S., T. 28, § 401, sub-§ 1, amended.** The first sentence of subsection 1 of section 401 of Title 28 of the Revised Statutes is amended to read as follows:

The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, shall conduct hearings on all matters concerning violations by licensees of any federal or state law or regulation relating to intoxicating liquor or infractions of any rule or regulation issued by the commission after notice of such violation or infraction has been reported to him on a signed complaint by a duly designated enforcement officer ~~of said commission~~.

**Sec. 9. R. S., T. 28, § 401, sub-§ 4, amended.** The 2nd sentence of subsection 4 of section 401 of Title 28 of the Revised Statutes is amended to read as follows:

Upon the written recommendation of ~~the duly designated an enforcement officer of the commission~~, the Administrative Hearing Commissioner, in lieu of notifying a licensee against whom a complaint is pending to appear for hearing, may send such licensee a warning.

**Sec. 10. Appropriation.** There is appropriated to the Maine State Liquor Control Board from the General Fund the sum of \$524,435 to carry out the purposes of this Act. The breakdown shall be as follows:

	1971-72	1972-73
MAINE STATE LIQUOR CONTROL BOARD		
Personal Services	(19) \$190,953	(19) \$195,006
All Other	66,238	66,238
Capital Expenditures	4,000	2,000
	<hr/> \$261,191	<hr/> \$263,244

## STATEMENT OF FACT

The old method of enforcing liquor laws and regulations has, in the light of rising liquor law violations, become obsolete.

The enforcement system followed in the past has been good, and effective, but it is no longer so. The old system of enforcement must be modernized.

The purpose of this bill is to bring about a modernization of liquor law enforcement.