

MAINE STATE LEGISLATURE

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New Draft of: S. P. 40, L. D. 66
(New Title)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 970

S. P. 308

In Senate, March 17, 1977

Reported by Senator Collins from Committee on Judiciary and printed
under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Empower Liquor Inspectors with Limited Powers of Arrest.

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

28 MRSA § 59, as repealed and replaced by PL 1975, c. 741, § 4, is repealed and the following enacted in its place:

§ 59. Bureau of Liquor Enforcement

1. **Bureau of Liquor Enforcement.** The enforcement division of the State Liquor Commission shall be the Bureau of Liquor Enforcement within the Department of Public Safety, as heretofore created. The Commissioner of Public Safety shall appoint as Director of the Bureau of Liquor Enforcement a person experienced in law enforcement or enforcement of liquor laws, who may be removed for cause by the commissioner. The director, subject to the Personnel Law, may appoint as many inspectors as may be found necessary. The inspectors shall be under the direct supervision and control of the director.

Notwithstanding any other provisions of law, the Department of Public Safety shall be responsible for the enforcement of the liquor laws and the rules and regulations of the commission.

All business and financial records of licensees shall be confidential.

2. **Enforcement powers.** An inspector appointed under this section shall have the duty and authority to enforce the provisions of this Title, of Title 17, chapter 69, and of Title 29, section 2182. For the purpose of enforcing these provisions, he shall have the same powers throughout the several coun-

ties of the State as sheriffs have in their respective counties to investigate and prosecute violations, to execute warrants, to serve process and to arrest offenders.

3. Other enforcement powers. In addition to the authority in subsection 2, a liquor inspector shall have the authority to arrest without a warrant any person who has committed or is committing any other crime in his presence. An arrest made pursuant to this authority shall be made at the time of the criminal conduct, or some part thereof, or within a reasonable time thereafter. This authority shall be exercised only by a liquor inspector who has completed the basic training course for liquor inspectors at the Maine Criminal Justice Academy or for whom that basic training course or a portion thereof has been waived by the board of trustees of the academy because of successful completion of equivalent training.

STATEMENT OF FACT

The new draft limits the bill only to inspectors of the Bureau of Liquor Enforcement within the Department of Public Safety. Instead of granting them full arrest powers for all crimes, as did the original bill, the new draft grants only limited powers for crimes committed in the presence of a liquor inspector. In such a case, the arrest must be made at the time of the crime or very soon thereafter. After that point, other law enforcement officers would take over.

Liquor inspectors have full arrest powers only in the area of their special jurisdiction, which the bill does not change. The new draft only clarified the wording of the statute in this respect.