

MAINE STATE LEGISLATURE

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L.D. 271

(Filing No. H-685)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE OF CONFERENCE AMENDMENT "A" to S.P. 151, L.D. 271, Bill, "An Act to Require Liquor Sellers' Permits"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Require Liquor Seller Compliance and Education'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 28-A MRSA §2, sub-§25-A is enacted to read:

25-A. Retail employee. "Retail employee" means any person employed by a retailer or by the commission to sell liquor in a licensed establishment or state liquor store. For the purposes of violations of this Title and rules of the commission, a retail employee shall be deemed an agent of the retailer or state liquor store that employs that employee.

Sec. 2. 28-A MRSA §601-A is enacted to read:

§601-A. Examination of new applicants

The Bureau of Liquor Enforcement shall investigate the feasibility of developing an examination to be administered to new applicants for retail liquor licenses that will enable the applicants to demonstrate knowledge of the liquor laws and rules. The bureau shall report its findings to the joint standing committee of the Legislature having jurisdiction over legal affairs no later than January 31, 1990.

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Sec. 3. 28-A MRSA §703-A is enacted to read:

§703-A. Prohibition of employment of violators as retail employees

1. Employment prohibited. No retail licensee may employ a person as a retail employee if that person, within 5 years of the date of that person's application for employment, has been convicted of violating section 2078 or section 2081, subsection 1, paragraph A or B.

2. Affidavit required. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 years of the date of the affidavit. The affidavit must be executed at the time of application. The Bureau of Liquor Enforcement shall develop the affidavit required by this section and make single copies of that affidavit available to retailers.

Sec. 4. 28-A MRSA §705, sub-§4, as enacted by PL 1987, c. 342, §39, is amended to read:

4. Permitting consumption or possession by a minor on the premises. No licensee, or agent or employee of a licensee, may permit a minor to consume or possess liquor on the premises.

Sec. 5. 28-A MRSA §801, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§801. Jurisdiction of Administrative Court Judge

1. Jurisdiction. The Administrative Court Judge, as designated in Title 5, chapter 375, shall conduct hearings on all matters concerning violations by licensees and their agents or employees of any federal or state law or regulation relating to liquor or violations of any rule issued by the commission. The Notwithstanding Title 5, chapter 375, subchapter VI, the Administrative Court Judge has exclusive jurisdiction over all violations of this Title by licensees and their agents or employees when no criminal penalty is provided.

2. Powers. The Administrative Court Judge may suspend or revoke licenses of licensees and levy fines or civil forfeitures against licensees and their agents or employees.

Sec. 6. 28-A MRSA §806, sub-§3 is enacted to read:

3. Notice of violators. The Administrative Court clerk shall provide the Bureau of Liquor Enforcement with the names and

COMMITTEE OF CONFERENCE AMENDMENT "A" to S.P. 151, L.D. 271

1 dates of final adjudication of all persons found in violation of
2 this Title or the rules of the commission.

3
4 **Sec. 7. 28-A MRSA §1001, sub-§2, ¶A**, as enacted by PL 1987, c.
5 45, Pt. A, §4, is amended to read:

6 A. Full-time (one year).....\$ 750 825;

7
8 **Sec. 8. 28-A MRSA §1001, sub-§2, ¶B**, as amended by PL 1987, c.
9 342, §56, is further amended to read:

10 B. Part-time (6 months).....\$ 375 415; and

11
12 **Sec. 9. 28-A MRSA §1002, sub-§2, ¶A**, as enacted by PL 1987, c.
13 45, Pt. A, §4, is amended to read:

14 A. Full-time (one year).....\$1,000 1,100;

15
16 **Sec. 10. 28-A MRSA §1002, sub-§2, ¶B**, as amended by PL 1987, c.
17 342, §58, is further amended to read:

18 B. Part-time (6 months).....\$ 500 550; and

19
20 **Sec. 11. 28-A MRSA §1003, sub-§2, ¶A**, as enacted by PL 1987,
21 c. 45, Pt. A, §4, is amended to read:

22 A. Full-time (one year).....\$ 500 550;

23
24 **Sec. 12. 28-A MRSA §1003, sub-§2, ¶B**, as amended by PL 1987, c.
25 342, §59, is further amended to read:

26 B. Part-time (6 months).....\$ 250 275; and

27
28 **Sec. 13. 28-A MRSA §1004, sub-§2, ¶A**, as enacted by PL 1987,
29 c. 45, Pt. A, §4, is amended to read:

30 A. Full-time (one year).....\$ 200 220;

31
32 **Sec. 14. 28-A MRSA §1004, sub-§2, ¶B**, as amended by PL 1987, c.
33 342, §61, is further amended to read:

34 B. Part-time (6 months).....\$ 100 110; and

35
36 **Sec. 15. 28-A MRSA §1005, sub-§2, ¶A**, as enacted by PL 1987,
37 c. 45, Pt. A, §4, is amended to read:

38 A. Full-time (one year).....\$ 200 220;

39
40 **Sec. 16. 28-A MRSA §1005, sub-§2, ¶B**, as amended by PL 1987, c.
41 342, §63, is further amended to read:

42 B. Part-time (6 months).....\$ 100 110; and

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Sec. 17. 28-A MRSA §1006, sub-§2, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Full-time (one year).....\$ 450 495;

Sec. 18. 28-A MRSA §1006, sub-§2, ¶B, as amended by PL 1987, c. 342, §66, is further amended to read:

B. Part-time (6 months).....\$ 225 250; and

Sec. 19. 28-A MRSA §1007, sub-§2, ¶A, as amended by PL 1987, c. 623, §11, is further amended to read:

A. Full-time (one year).....\$ 135 150;

Sec. 20. 28-A MRSA §1007, sub-§2, ¶B, as amended by PL 1987, c. 342, §67, is further amended to read:

B. Part-time (6 months).....\$ 62+50 75; and

Sec. 21. 28-A MRSA §1008, sub-§2, ¶¶A and B, as amended by PL 1987, c. 342, §69, are further amended to read:

A. Full-time (one year).....\$ 135 150;

B. Part-time (6 months).....\$ 67+50 75; and

Sec. 22. 28-A MRSA §1009, sub-§2, ¶¶A and B, as amended by PL 1987, c. 342, §71, are further amended to read:

A. Full-time (one year).....\$ 135 150;

B. Part-time (6 months).....\$ 67+50 75; and

Sec. 23. 28-A MRSA §1010, sub-§2, ¶¶A and B, as amended by PL 1987, c. 342, §73, are further amended to read:

A. Full-time (one year).....\$ 135 150;

B. Part-time (6 months).....\$ 67+50 75; and

Sec. 24. 28-A MRSA §1011, sub-§2, ¶A, as amended by PL 1987, c. 342, §75, is further amended to read:

A. Full-time (one year) and part-time (6 months) \$2,000 2,200.

Sec. 25. 28-A MRSA §2085 is enacted to read:

§2085. False statement by retail employer

1 Notwithstanding Title 17-A, section 453, a person who makes
3 a false statement in the affidavit required under section 703-A
commits a Class E crime.

5 Sec. 26. 28-A MRSA §2520 is enacted to read:

7 §2520. Liquor service education

9 The Bureau of Liquor Enforcement shall provide educational
11 services regarding retail liquor sales as follows.

13 1. Seminars. The Bureau of Liquor Enforcement shall, from
15 time to time, conduct seminars throughout the State to provide
retailers and their employees with information on changes in the
laws governing retail sales of liquor.

17 2. Informational signs. The Bureau of Liquor Enforcement
19 shall develop informational signs which may be located in retail
establishments. These signs shall outline requirements of state
21 law regarding proper identification for retail sales and other
information to enhance compliance with state liquor laws.

23 3. Legal pamphlet. The Bureau of Liquor Enforcement shall
25 prepare a pamphlet summarizing state laws governing retail liquor
sales. The bureau shall make single copies of this pamphlet
27 available to retailers.

29 4. Legislative review. The Bureau of Liquor Enforcement
shall inform the joint standing committee of the Legislature
having jurisdiction over legal affairs of the manner in which
31 that agency intends to comply with this section no later than
33 January 31, 1990.

35 **Sec. 27. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

37 1989-90 1990-91

39 **JUDICIAL DEPARTMENT**

41 **Courts - Supreme, Superior, District**
43 **and Administrative**

45 (1)
Positions \$18,691
Personal Services

47 Provides funds for an
49 additional clerk in the
Administrative Court.

51 **JUDICIAL DEPARTMENT**
TOTAL \$18,691

PUBLIC SAFETY, DEPARTMENT OF

Bureau of Liquor Enforcement

Positions	(2)	(4)
Personal Services	\$30,668	\$95,608
All Other	49,961	25,000
Capital Expenditures	39,746	2,256

Provides funds for 2 additional liquor enforcement officers and, beginning July 1, 1990, 2 additional clerical positions. Also includes funding for developing a seminar program, a standardized sign and booklets for licensees and for data processing equipment and services.

DEPARTMENT OF PUBLIC SAFETY		
TOTAL	<u>\$120,375</u>	<u>\$122,864</u>
TOTAL APPROPRIATIONS	<u>\$120,375</u>	<u>\$141,555</u>

Sec. 28. Effective date. This Act shall take effect July 1, 1990, except that sections 2, 26 and 27 shall take effect 90 days after adjournment of the Legislature.

FISCAL NOTE

This bill will have the following effect on General Fund revenues:

	1989-90	1990-91
Total General Fund Revenues	\$120,375	\$160,500
Total General Fund Appropriations	(120,375)	(141,555)
Net Increase (Decrease) of General Fund Revenues	<u>0</u>	<u>\$18,945'</u>

STATEMENT OF FACT

This committee of conference amendment replaces the committee amendment.

The amendment defines those "retail employees" who are subject to the amendment's provisions.

COMMITTEE OF CONFERENCE AMENDMENT "A" to S.P. 151, L.D. 271

1
2 The amendment clarifies that the Administrative Court may
3 exercise jurisdiction over violations of the Maine Revised
4 Statutes, Title 28-A by retail licensees' employees and levy
5 fines against those employees found in violation.

7 The amendment requires the Bureau of Liquor Enforcement to
8 investigate development of an examination for new applicants for
9 retail licenses. The examination will test understanding of the
10 liquor laws. The bureau will report its findings to the Joint
11 Standing Committee on Legal Affairs.

13 The amendment prohibits a retailer from employing a person
14 who within the last 5 years has been adjudicated to have violated
15 liquor law provisions regarding furnishing liquor to minors and
16 illegal sales. To ensure the effectiveness of this ban, the
17 amendment requires applicants for a position involving retail
18 sale of liquor to provide the prospective employer with an
19 affidavit stating that the applicant has not committed violations
20 subjecting that applicant to the ban. The amendment provides
21 that making a false statement in this affidavit is a Class E
22 crime. In addition, the amendment requires the Administrative
23 Court to provide the Bureau of Liquor Enforcement with the names
24 of those found in violation of the liquor laws.

25 The amendment requires the Bureau of Liquor Enforcement to
26 provide a number of education-related services to foster
27 compliance with the liquor laws. The bureau will report to the
28 Joint Standing Committee on Legal Affairs on how that agency
29 intends to provide these educational services.

31 The amendment also contains an appropriation section
32 providing money from the General Fund for positions and equipment
33 needed to implement the amendment. In turn, the amendment raises
34 the fee for all categories of retail liquor licenses by
35 approximately 10% to cover these costs.

Reported by the Committee of Conference on L.D. 271
Reproduced and distributed under the direction of the Clerk of the
House
6/21/89

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