

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1190, L.D. 1614, Bill, "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005"

Amend the amendment by striking out all of Part T and inserting in its place the following:

PART T

Sec. T-1. 3 MRSA §959, sub-§1, ¶D, as amended by PL 2001, c. 439, Pt. EEEE, §1, is further amended to read:

D. The joint standing committee of the Legislature having jurisdiction over criminal justice matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the Bureau of Liquor Enforcement, Gaming and Licensing and the Emergency Services Communication Bureau, in 2001; and

(2) Department of Corrections in 2003.

Sec. T-2. 3 MRSA §959, sub-§1, ¶J, as amended by PL 1999, c. 127, Pt. C, §11, is further amended to read:

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs shall use the following schedule as a guideline for scheduling reviews:

(2) State Liquor and Lottery Commission in 1999;

(3) Bureau of Liquor Enforcement, Gaming and Licensing
within the Department of Public Safety in 1999; and

(4) Department of Defense, Veterans and Emergency
Management in 2001.

Sec. T-3. 5 MRSA §948, sub-§1, ¶B-1 is enacted to read:

B-1. Director, Bureau of Liquor, Gaming and Licensing;

Sec. T-4. 5 MRSA §10051, sub-§3, as amended by PL 1999, c.
547, Pt. B, §19 and affected by §80, is further amended to read:

3. Appellate jurisdiction. The District Court has
exclusive jurisdiction to review disciplinary decisions of
occupational licensing boards and commissions taken pursuant to
Title 10, section 8003 and licensing decisions of the Bureau of
Liquor Enforcement, Gaming and Licensing taken pursuant to Title
28-A, sections 453-A, 458 and 653. Chapter 375, subchapter VII 7
governs these proceedings as far as applicable, substituting
"District Court" for "Superior Court."

Sec. T-5. 15 MRSA §§391-A and 392-A are enacted to read:

§391-A. Definitions

As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

1. Bureau. "Bureau" means the Bureau of Liquor, Gaming and
Licensing.

2. Director. "Director" means the Director of the Bureau
of Liquor, Gaming and Licensing.

§392-A. Bureau of Liquor, Gaming and Licensing

For the purposes of this chapter, the bureau shall enforce
the laws relating the possession of firearms by prohibited
persons.

Sec. T-6. 15 MRSA §393, sub-§2, as amended by PL 1993, c. 368,
§3, is further amended to read:

2. Application after 5 years. A person subject to the
provisions of subsection 1 may, after the expiration of 5 years
from the date that the person is finally discharged from the
sentences imposed as a result of the conviction or adjudication,
apply to the ~~Commissioner of Public Safety~~ director for a permit

to carry a firearm. That person may not be issued a permit to
carry a concealed firearm pursuant to Title 25, chapter 252.

Sec. T-7. 15 MRSA §393, sub-§§3 to 6, as enacted by PL 1977, c.
225, §2 are amended to read:

3. Contents. The application shall must be on a form prepared by the ~~Commissioner--of--Public--Safety~~ director. The application shall must include the following: The applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation; the reason for the request; and any other information deemed determined by the commissioner to be of assistance. The application shall must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge which that are the subject of the conviction.

4. Notification, objection and hearing. Upon receipt of an application, the ~~Commissioner--of--Public--Safety~~ director shall determine if it is in proper form. If the application is proper, ~~he~~ the director shall within 30 days notify in writing the sentencing judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency ~~which~~ that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The ~~commissioner~~ director may direct any appropriate investigation to be carried out. If, within 30 days of the sending of notice, any person so notified objects in writing to the issuance of a permit, none shall be issued. The ~~commissioner~~ director may deny an application if no objection is filed.

5. Appeal. Any person to whom a permit has been denied may appeal to the Superior Court of Kennebec County. The decision of the ~~commissioner~~ director may not be overturned unless the court ~~shall find~~ finds that the applicant's request is reasonable and that the denial of the commissioner was arbitrary, capricious or discriminatory.

6. Filing fee. The ~~commissioner~~ director may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

HOUSE AMENDMENT "^B" to COMMITTEE AMENDMENT "A" to H.P. 1190,
L.D. 1614

2 **Sec. T-8. 17 MRSA §311, sub-§1-A**, as enacted by PL 1999, c.
74, §1, is amended to read:

4 **1-A. Commercial beano hall permit.** "Commercial beano hall
permit" means written authority from the ~~Chief-of-the-State~~
6 Police director issued to a permittee who rents or leases
premises for profit to a licensee to hold, conduct or operate
8 "beano."

10 **Sec. T-9. 17 MRSA §311, sub-§1-B**, as enacted by PL 2001, c.
342, §1, is repealed.

12 **Sec. T-10. 17 MRSA §311, sub-§§1-C and 1-D** are enacted to read:

14 **1-C. Bureau.** "Bureau" means the Department of Public
16 Safety, Bureau of Liquor, Gaming and Licensing.

18 **1-D. Director.** "Director" means the Director of the Bureau
of Liquor, Gaming and Licensing.

20 **Sec. T-11. 17 MRSA §311, sub-§§3 to 5**, as enacted by PL 1975,
22 c. 307, §2, are amended to read:

24 **3. License.** "License" shall--mean means that written
authority from the ~~Chief-of-the-State-Police~~ director to hold,
26 conduct or operate the amusement commonly known as "Beano" for
the entertainment of the public within the State ~~of-Maine~~. A
28 location permit must accompany the license to be valid.

30 **4. Licensee.** "Licensee" shall-mean means any organization
which that has been granted a license by the ~~Chief-of-the-State~~
32 Police director to hold, conduct or operate "Beano" or "Bingo."

34 **5. Location permit.** "Location permit" shall-mean means that
card issued by the ~~Chief-of-the-State-Police~~, director describing
36 the premises or area in which "Beano" may be conducted. Such
location permit must be accompanied by a license. Only such
38 locations expressly described in the location permit shall may be
used for the conduct of any game.

40 **Sec. T-12. 17 MRSA §311-A** is enacted to read:

42 **§311-A. Bureau of Liquor, Gaming and Licensing**

44 For the purposes of this chapter, the bureau shall enforce
46 the laws relating to the conduct and licensing of beano and bingo.

48 **Sec. T-13. 17 MRSA §312**, as amended by PL 1991, c. 426, §2,
is further amended to read:

2 **§312. License required**

4 No A person, firm, association or corporation shall may not
6 hold, conduct or operate the amusement commonly known as "beano"
 or "bingo" for the entertainment of the public within the State
8 unless a license therefor is obtained from the ~~Chief-of-the-State~~
 Police director. This chapter shall may not be construed to
 apply to any other amusement or game.

10 "Beano" or "Bingo" may not be conducted on Christmas.
12 "Beano" or "Bingo" may be played on Sunday after the hour of 11
 a.m. No "Beano" or "Bingo" games may be conducted between the
14 hours of 12 midnight and 7 a.m. The prevailing time for the
 State is used to determine these hours.

16 **Sec. T-14. 17 MRSA §313**, as enacted by PL 1975, c. 307, §2,
18 is amended to read:

20 **§313. Application**

22 Any organization desiring to conduct such an amusement shall
24 apply to the ~~Chief-of-the-State-Police~~ director for a license
 pursuant to the provisions set forth in this section. The
26 application shall must be on forms provided by the ~~Chief-of-the~~
 State-Police director, shall must be signed by a duly authorized
28 officer of the organization to be licensed, shall must contain
 the full name and address of the organization and the location
30 where it is desired to conduct the amusement and shall must bear
 the consent of the municipal officers of the town or city in
 which it is proposed to operate such amusement.

32 **Sec. T-15. 17 MRSA §314**, as amended by PL 1999, c. 63, §1, is
34 further amended to read:

36 **§314. Issuance of license; fees**

38 The ~~Chief-of-the-State-Police~~ director may issue licenses to
40 operate beano or bingo games to any volunteer fire department or
 any agricultural fair association or bona fide nonprofit
42 charitable, educational, political, civic, recreational,
 fraternal, patriotic, religious or veterans' organization that
44 was in existence and founded, chartered or organized in the State
 at least 2 years prior to its application for a license, when
 sponsored, operated and conducted for the exclusive benefit of
46 that organization by duly authorized members. The ~~Chief-of-the~~
 State-Police director may also issue a license to any auxiliary
48 associated with an organization, department or association
 qualified for a license under this section if the auxiliary was
50 founded, chartered or organized in this State and has been in

existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization, except as provided in sections 326 and 335. The 2 years' limitation does not apply to any organizations in this State having a charter from a national organization, or auxiliaries of those organizations, even though the organizations have not been in existence for 2 years prior to their application for a license. The 2 years' limitation does not apply to any volunteer fire department or rescue unit or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.

The fee for such a license to any nonprofit organization is \$12.00 for each calendar week, or portion thereof, that the amusement is to be operated, or the license may be issued for a calendar month for a fee of \$36.00 or a calendar year for a fee of \$400. A special per-game license may be issued to any qualified nonprofit organization for the purposes of operating a game of "beano" or "bingo" for a fee of \$5.00. The special per-game license may not be issued more than 6 times to any one organization in a calendar year. All license fees must be paid to the Treasurer of State to be credited to the General Fund. A license is not assignable or transferable. ~~Nothing contained in this~~ This section may not be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious, veterans' organization or auxiliary of any of them from obtaining licenses for a period not to exceed 6 months on one application. No more than one license may be issued to any organization for any one period. No more than one licensee may operate or conduct a game of "beano" or "bingo" on the same premises on the same date.

All fees required by this chapter shall must accompany the application for a license. Fees submitted as license fees shall must be refunded if the license is not issued. Fees shall may not be refunded for unused licenses or for any license which that is suspended or revoked as provided by this chapter.

Sec. T-16. 17 MRSA §314-A, sub-§1, as amended by PL 1991, c. 426, §3 and affected by §9, is further amended to read:

1. **Eligible organizations.** ~~The Chief-of-the-State-Police~~
2 director may issue licenses to operate high-stakes beano or
high-stakes bingo to any federally recognized Indian tribe.

4
A. ~~The Chief-of-the-State-Police~~ director may also issue,
6 to any federally recognized tribe, licenses to sell lucky
seven or other similar sealed tickets in accordance with
8 section 324.

10 B. In conjunction with the operation of high-stakes beano,
federally recognized Indian tribes holding a license under
12 this section may advertise and offer prizes for attendance
with a value of up to \$25,000 under the terms prescribed for
14 raffles in section 331, subsection 6. Any prize awarded
under this paragraph must be awarded only on the basis of a
16 ticket of admission to the high-stakes beano game and may
only be awarded to a person who holds an admission ticket.

18
Sec. T-17. 17 MRSA §314-A, sub-§3, as repealed and replaced by
20 PL 1991, c. 426, §4, is amended to read:

22 3. **Twenty-seven weekends per year.** An organization
licensed under this section may operate high-stakes beano games
24 on 27 weekends per year, whether or not consecutive. For
purposes of this section, a weekend consists of Saturday and the
26 immediately following Sunday. A high-stakes beano game licensed
under this section and canceled for any reason may be rescheduled
28 at any time, as long as 5 days prior notice of the new date is
given to the ~~Chief-of-the-State-Police~~ director.

30
Sec. T-18. 17 MRSA §314-A, sub-§8, as enacted by PL 1991, c.
32 426, §6, is amended to read:

34 8. **Report.** Beginning January 15, 1992, any federally
recognized Indian tribe licensed to conduct high-stakes beano
36 under this section must submit a quarterly report on the
operation of high-stakes beano to the joint standing committee of
38 the Legislature having jurisdiction over legal affairs matters.
The report must include information on the number of persons
40 playing high-stakes beano during the preceding calendar quarter,
the funds collected for high-stakes beano, the total amount
42 awarded in prizes, including prizes for attendance and any other
information provided to the ~~Bureau--of--State--Police~~ bureau
44 regarding the operation of high-stakes beano.

46 Sec. T-19. 17 MRSA §315, as enacted by PL 1975, c. 307, §2,
is amended to read:

48
50 **§315. Seasonal licenses**

Notwithstanding section 314, the ~~Chief-of-the-State-Police~~ director may issue seasonal licenses to operate "Beano" or "Bingo" games in bona fide resort hotels, provided they are operated and conducted therein by the management without profit and solely for the entertainment of guests of the hotel registered therein, and provided that charges, if any, to the guests for participation in such entertainment shall ~~must~~ be limited to a maximum of \$2 in any 24-hour period. The fee for such license shall ~~be~~ is \$10 and shall ~~must~~ be paid to the Treasurer of State to be credited to the General Fund. Hotel and liquor licenses of any such resort hotel licensees shall ~~may~~ not be withheld because of the conducting ~~of~~ by such resort hotel of the game of "Beano" or "Bingo."

Sec. T-20. 17 MRSA §316, as amended by PL 2001, c. 538, §1, is further amended to read:

§316. Evidence

The ~~Chief-of-the-State-Police~~ director may require such evidence as the ~~chief~~ director may determine necessary to satisfy the ~~chief~~ director that an applicant or organization licensed to conduct beano conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which organizations were founded must, upon request, be forwarded to the ~~Chief-of-the-State-Police~~ director. The ~~Chief-of-the-State-Police~~ director may require such evidence as the ~~chief~~ director may determine necessary regarding the conduct of beano by a licensee to determine compliance with this chapter.

Sec. T-21. 17 MRSA §317, first ¶, as amended by PL 1999, c. 74, §2, is further amended to read:

The ~~Chief-of-the-State-Police~~ director has the power to adopt rules, not inconsistent with law, that are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo" and for the permitting and operation of commercial beano halls. The ~~Chief-of-the-State-Police~~ director has the power and authority to regulate, supervise and exercise general control over the operation of such amusement and commercial beano halls, including, but not limited to, the payment of prizes and the use of equipment. Any rule adopted by the ~~Chief-of-the-State-Police~~ director concerning the value of prizes that may be awarded must include a provision that no single prize may exceed \$400 in value and that no more than \$1,400 in total prizes may be awarded on any one occasion. In establishing such rules, which are routine technical rules

2 pursuant to Title 5, chapter 375, subchapter II-A 2-A, the Chief
3 ~~of the State Police~~ must director shall, in addition to the
4 standards set forth in other provisions of this chapter, use the
5 following standards setting forth conduct, conditions and
6 activity considered undesirable:

7 **Sec. T-22. 17 MRSA §317-A**, as amended by PL 2001, c. 342, §2,
8 is further amended to read:

10 **§317-A. Investigations; actions on licenses**

12 **1. Director.** The ~~Chief of the State Police~~ director may:

14 A. Investigate all aspects of this chapter including the
15 direct and indirect ownership or control of any licenses or
16 commercial beano hall permits;

18 B. Suspend, revoke or refuse to issue a license, after
19 notice of the opportunity for a hearing, if the applicant,
20 applicant's agent or employee, licensee or licensee's agent
21 or employee violates a provision of this chapter or Title
22 17-A, chapter 39 or fails to meet the statutory requirements
23 for licensure pursuant to this chapter;

24 C. Immediately suspend or revoke a license if there is
25 probable cause to believe that the licensee or the
26 licensee's agent or employee violated a provision of Title
27 17-A, chapter 39;

30 D. Suspend or revoke a commercial beano hall permit, after
31 notice of the opportunity for hearing, if a permittee or
32 permittee's employee commits murder or a Class A, B or C
33 crime or violates a provision of this chapter or Title 17-A,
34 chapter 15, 29, 37 or 39;

36 E. Immediately suspend or revoke a commercial beano hall
37 permit if there is probable cause to believe that the
38 permittee or the permittee's employee committed murder or a
39 Class A, B or C crime or violated a provision of Title 17-A,
40 chapter 15, 29, 37 or 39; and

42 F. Issue a subpoena in the name of the ~~State Police~~ bureau
43 in accordance with Title 5, section 9060, except that this
44 authority applies to any stage of an investigation under
45 this chapter and is not limited to an adjudicatory hearing.
46 This authority may not be used in the absence of reasonable
47 cause to believe a violation has occurred. If a witness
48 refuses to obey a subpoena or to give any evidence relevant
49 to proper inquiry by the ~~chief~~ director, the Attorney
50 General may petition the Superior Court in the county where

the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

2. Licensing action after notice and opportunity for hearing. The ~~Chief-of-the-State-Police~~ director shall notify the applicant, licensee or permittee in writing, before a license or permit is denied, suspended or revoked pursuant to subsection 1, paragraph B or D, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or permittee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant, licensee or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's, licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee, licensee or licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee or permittee is notified of the proposed denial, suspension or revocation. The suspension or revocation action must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

3. Immediate suspension or revocation. A licensee whose license or permittee whose permit is immediately suspended or revoked by the ~~Chief-of-the-State-Police~~ director pursuant to subsection 1, paragraph C or E must be notified in writing of the duration of the suspension or revocation and the licensee's or the permittee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act.

The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 48 hours after the licensee or permittee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

Sec. T-23. 17 MRSA §322, as amended by PL 1999, c. 74, §4, is further amended to read:

§322. Reports

~~The Chief-of-the-State-Police~~ director shall require from any organization licensed to operate "Beano" or "Bingo" and any individual, corporation, partnership or unincorporated association that has a permit to operate a commercial beano hall whatever reports the ~~chief~~ director determines necessary for the purpose of the administration and enforcement of this chapter.

Sec. T-24. 17 MRSA §323, as amended by PL 1999, c. 74, §5, is further amended to read:

§323. Access to premises

An organization making application to the ~~Chief-of-the-State-Police~~ director to conduct or operate "Beano" or "Bingo," an organization licensed under this chapter to operate "Beano" or "Bingo," a commercial beano hall permit applicant or a commercial beano hall permittee shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of "Beano" or "Bingo" by the ~~Chief-of-the-State--Police~~ director or the ~~chief's~~ director's authorized representative.

The licensee or permittee shall permit at any time an inspector from the ~~Department-of-Public-Safety~~ bureau or the city or town fire inspectors of the municipality in which "Beano" is being conducted to enter and inspect the premises.

Sec. T-25. 17 MRSA §324, sub-§3, as amended by PL 1997, c. 373, §8, is further amended to read:

3. Lucky seven. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the ~~Chief-of-the-State--Police~~ director and when a valid license certificate is properly displayed. Notwithstanding the other provisions of this

section and section 312, Lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after any "Beano" game.

A. Notwithstanding any other rule, Lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less.

Sec. T-26. 17 MRSA §325, as amended by PL 1999, c. 74, §6, is further amended to read:

§325. Penalties

Any person, firm, association or corporation holding or conducting or aiding or abetting in the holding or conducting of such amusement within the State without a license therefor duly issued by the ~~Chief of the State Police~~ director, or any person, firm, association or corporation who violates any of the provisions of this chapter or any of the rules or regulations of the ~~Chief of the State Police~~ director prescribed by authority of said chapter, shall must be punished by a fine of not more than \$1,000.

An individual, corporation, partnership or unincorporated association that rents or leases a building or facilities to hold, conduct or operate "Beano" or "Bingo" without a commercial beano hall permit issued by the ~~Chief of the State Police~~ director or who violates any of the provisions of this chapter or any rules adopted by the ~~Chief of the State Police~~ director pursuant to this chapter is guilty of a Class E crime.

Sec. T-27. 17 MRSA §326, sub-§1-A, ¶C, as enacted by PL 1993, c. 45, §3, is amended to read:

C. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application and the application is approved by the licensing division within the ~~Bureau of State Police~~ bureau.

(1) An application must be made in the form and contain the information the licensing division requires.

(a) In the case of serious illness or injury, the licensing division may require certification by a licensed physician setting out the facts in support of the application.

(b) In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

Sec. T-28. 17 MRSA §326, sub-§1-B, as enacted by PL 1993, c. 45, §3, is amended to read:

1-B. Filing. An organization that chooses to use the proceeds or part of the proceeds as allowed by subsection 1-A must file with the ~~Chief of the State Police~~ director, at least quarterly, a form for the disposition of funds prescribed by the ~~Chief of the State Police~~ director detailing all payments made. Every statement on the form must be made under oath by an officer of the organization.

Sec. T-29. 17 MRSA §326, sub-§2, as amended by PL 1993, c. 45, §4, is further amended to read:

2. Rules. The rules adopted pursuant to section 317 must contain standards governing payments made under this section. Payments under subsection 1-A, paragraph A may not exceed 20% of the revenue generated by the games and the rules must limit payments to reasonable compensation, taking into account the nature of the services rendered, comparable wage rates, the size of the organization and other revenues, the size of the games and the revenue generated by the games. The ~~Chief of the State Police~~ director may disallow any excessive payment of proceeds, may suspend an organization's license for excessive payment of proceeds and may condition the restoration of an organization's license on the repayment of an excessive payment of proceeds by the organization.

Sec. T-30. 17 MRSA §327, as enacted by PL 1997, c. 232, §1, is amended to read:

§327. Nonsmoking area

The ~~Chief of State Police~~ director shall adopt rules that allow a licensee to establish a nonsmoking area within the room or outdoor area where the operator calls the numbers. Visibility and access between the smoking and nonsmoking areas may not be impeded except that a doorway may be installed. Both the smoking

and nonsmoking areas must have a public address system and a master board, electric flashboard or chalkboard visible to all players. A member of the licensee must be present during the game in both the smoking and the nonsmoking areas. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A 2-A.

Sec. T-31. 17 MRSA §328, sub-§§1 to 5, as enacted by PL 1999, c. 74, §7, are amended to read:

1. Permit required. An individual, corporation, partnership or unincorporated association may not rent or lease space for profit to a licensee to hold, conduct or operate "Beano" or "Bingo" unless a commercial beano hall permit is obtained from the ~~Chief-of-the-State-Police~~ director.

2. Application. An individual, corporation, partnership or unincorporated association desiring to rent or lease space for profit for the purpose given in subsection 1 shall apply to the ~~Chief-of-the-State-Police~~ director for a commercial beano hall permit. The application must be on forms provided by the ~~Chief of-the-State-Police~~ director, must contain the full name and address of the individual or entity seeking to be permitted and the location of the building or facility to be rented or leased. An applicant who is an individual shall list the individual's name and address. An applicant that is a corporation, partnership or unincorporated association shall also list the names and addresses of any owners with a 10% or greater interest in the corporation, partnership or unincorporated association seeking the permit.

A. The applicant shall submit 2 fingerprint cards bearing the legible rolled and flat impression of the fingerprints of the owner, if the owner is an individual, of any owner who owns or controls a 50% or greater interest in the corporation, partnership or the unincorporated association, and, of the manager, if the manager is not the owner as previously described, prepared by a state or local public law enforcement agency to be forwarded to the State Bureau of Identification for the purpose of conducting state and national criminal history record checks.

3. Renewal; change of ownership or manager. A permittee seeking to renew a permit shall submit an application, but is not required to submit additional fingerprint cards. The permittee ~~is--required--to~~ shall notify the ~~Chief--of--the--State--Police~~ director of any change in ownership or management of the commercial beano hall. The ~~Chief-of-the-State-Police~~ director may require additional information or fingerprint submission subsequent to a change in ownership or management.

2 **4. Use of criminal history record.** ~~The Chief-of-the-State~~
3 ~~Police~~ director may use state and federal criminal history record
4 information for the purpose of screening applicants. ~~The Chief~~
5 ~~of-the-State-Police~~ director may refuse to issue or renew a
6 permit for an individual, corporation, partnership or
7 unincorporated association if an owner or manager has been found
8 guilty of murder or a Class A, B or C crime or a violation of
9 this chapter or Title 17-A, chapter 15, 29, 37 or 39 or a similar
10 law in another state or jurisdiction, unless that conduct is not
11 punishable as a crime under the laws of that state or other
12 jurisdiction in which it occurred.

14 **5. Duration of permit and fee.** ~~The Chief-of-the-State~~
15 ~~Police~~ director may issue a commercial beano hall permit for a
16 calendar year for a fee of \$500.

18 **Sec. T-32. 17 MRSA §330, sub-§1-B,** as enacted by PL 2001, c.
19 342, §3, is repealed.

20 **Sec. T-33. 17 MRSA §330, sub-§§1-D and 1-E** are enacted to read:

22 **1-D. Bureau.** "Bureau" means the Bureau of Liquor, Gaming
23 and Licensing.

26 **1-E. Director.** "Director" means the director of the Bureau
27 of Liquor, Gaming and Licensing.

28 **Sec. T-34. 17 MRSA §330-A** is enacted to read:

30 **§330-A. Bureau of Liquor, Gaming and Licensing**

32 For the purposes of this chapter, the bureau shall enforce
33 the laws relating to the conduct and licensing of games of chance.

36 **Sec. T-35. 17 MRSA §331, sub-§1,** as amended by PL 1975, c.
37 740, §5, is further amended to read:

38 **1. License required.** ~~No~~ A person, firm, corporation,
39 association or organization ~~shall~~ may not hold, conduct or
40 operate a game of chance within the State unless a license
41 therefor is obtained from the ~~Chief-of-the-State-Police,~~ director
42 or the game of chance constitutes "social gambling" as that term
43 is defined by Title 17-A, section 952, subsection 8.

46 **Sec. T-36. 17 MRSA §331, sub-§2-A,** as amended by PL 2001, c.
47 672, §5, is further amended to read:

2-A. Games of chance at agricultural fairs. The Chief-of-the-State-Police director may issue a license to hold, conduct or operate the game of chance commonly known as "penny falls" or "quarter falls" at any agricultural fair as long as the fair controls the revenue from such games.

Sec. T-37. 17 MRSA §331, sub-§7, ¶¶A to C, as enacted by PL 1989, c. 254, §1, are amended to read:

A. Except as provided in subsection 8, the Chief-of-the-State-Police director may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000. Section 341 does not apply to raffles licensed under this section.

B. The Chief-of-the-State-Police director may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000.

C. All tickets sold pursuant to a special exempt raffle license shall must be purchased from a licensed distributor or licensed printer. Tickets shall must be sequentially numbered and have printed on their faces the following information: the name of the special exempt raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 6 that conducts a raffle under section 331-A shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the Chief-of-the-State-Police director.

Sec. T-38. 17 MRSA §331, sub-§8-A, ¶¶A to D, as enacted by PL 1991, c. 796, §3, are amended to read:

A. The Chief-of-the-State-Police director may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$75,000. Section 341 does not apply to raffles licensed under this section.

2 B. The ~~Chief-of-the-State-Police~~ director may not issue a
license under this subsection to hold a raffle in which the
4 holder of a winning chance receives a cash prize worth more
than \$10,000.

6 C. All tickets sold pursuant to a special exempt raffle
license must be purchased from a licensed distributor or
8 licensed printer. Tickets must be sequentially numbered and
have printed on their faces the following information: the
10 name of the special exempt raffle licensee; a description of
the prize or prizes; the price of the ticket; and the date,
12 time and place of the drawing. Any organization, department
or class listed in subsection 6 that conducts a raffle under
14 section 331-A shall retain all unsold raffle tickets for 6
months after the raffle drawing and make those tickets
16 available for inspection at the request of the ~~Chief-of-the~~
State-Police director.

18 D. The ~~Chief-of-the-State-Police~~ director may issue only
20 one special exempt raffle license per year, either under
this subsection or subsection 7, to the same organization,
22 department or class listed in subsection 6.

24 **Sec. T-39. 17 MRSA §332, sub-§1**, as amended by PL 2001, c.
538, §2, is further amended to read:

26 **1. Organizations eligible.** Notwithstanding other provisions
28 of law, the ~~Chief-of-the-State-Police~~ director may issue a
license to operate a game of chance to an agricultural society
30 eligible for the state stipend under Title 7, section 62, or to a
bona fide nonprofit charitable, educational, political, civic,
32 recreational, fraternal, patriotic or religious organization, or
to a volunteer fire department or to an auxiliary of any of these
34 organizations, any of which must be founded, chartered or
organized in this State for a period of not less than 2
36 consecutive years before applying for a license.

38 **Sec. T-40. 17 MRSA §332, sub-§3-B, ¶A**, as enacted by PL 1983,
c. 705, §6, is amended to read:

40 A. The ~~Chief-of-the-State-Police~~ director may issue a game
42 of chance license to operate an electronic video machine to
any society or organization listed in subsection 1, ~~which~~
44 that has been founded, chartered or organized in this State
at least 2 years prior to its application for a license.

46 **Sec. T-41. 17 MRSA §333**, as enacted by PL 1973, c. 735, §3,
48 is amended to read:

50 **§333. Application**

2 An application to operate or conduct a game of chance shall
3 must be on forms provided by the ~~Chief-of-the-State-Police~~
4 director. ~~Such~~ The application shall must be signed by a duly
5 authorized officer of the organization. It shall must contain
6 the full name and address of the organization, a full description
7 of the game of chance, the location where the game is to be
8 conducted and any other information ~~deemed-necessary~~ required by
9 the ~~Chief-of-the-State-Police~~ director for the issuance of a
10 license to operate a game of chance. An application to operate or
11 conduct a game of chance shall must bear the consent of the
12 municipal officers of the town or city in which ~~such~~ that game of
13 chance is to be operated or conducted.

14 **Sec. T-42. 17 MRSA §334**, as amended by PL 2001, c. 538, §3,
15 is further amended to read:

16 **§334. Evidence**

17 The ~~Chief-of-the-State-Police~~ director may require such
18 evidence as the ~~chief~~ director may determine necessary to satisfy
19 the ~~chief~~ director that an applicant or organization licensed to
20 conduct games of chance conforms to the restrictions and other
21 provisions of this chapter. Charters, organizational papers,
22 bylaws or other such written orders of founding that outline or
23 otherwise explain the purpose for which such organization was
24 founded, must, upon request, be forwarded to the ~~Chief-of-the~~
25 ~~State-Police~~ director. The ~~Chief-of-the-State-Police~~ director
26 may require of any licensee or of any person operating,
27 conducting or assisting in the operation of a licensed game of
28 chance such evidence as the ~~chief~~ director may determine
29 necessary to satisfy the ~~chief~~ director that the person is a duly
30 authorized member of the licensee, or a person employed by the
31 licensee as a bartender, as required by section 332, subsection
32 2. Upon request, this evidence must be forwarded to the ~~Chief-of~~
33 ~~the--State--Police~~ director. The ~~Chief--of--the--State--Police~~
34 director may require such evidence as the ~~chief~~ director may
35 determine necessary regarding the conduct of games of chance by a
36 licensee to determine compliance with this chapter.

37 **Sec. T-43. 17 MRSA §355, sub-§2-A, ¶B**, as enacted by PL 1993,
38 c. 45, §7, is amended to read:

39 B. Defray the expenses or part of the expenses of a member,
40 auxiliary member, officer or employee of the organization
41 for a serious illness, injury or casualty loss if the
42 licensee makes an application pursuant to this section and
43 the application is approved by the licensing division within
44 the ~~Bureau-of-State-Police~~ bureau.

45

(1) An application must be made in the form and contain the information the licensing division requires.

(a) In the case of serious illness or injury, the licensing division may require certification by a licensed physician in support of the application.

(b) In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

Sec. T-44. 17 MRSA §335, sub-§3, as enacted by PL 1989, c. 825, §3, is amended to read:

3. Rules. The ~~Chief-of-the-State-Police~~ director shall adopt rules in accordance with the Maine Administrative Procedure Act, ~~Title-5, chapter-375~~ to carry out this section.

Sec. T-45. 17 MRSA §336, sub-§1-B, as enacted by PL 2001, c. 672, §11, is amended to read:

1-B. Records required for licensee employing tokens. If a licensee employs tokens to account for revenue from games of chance and if the licensee maintains direct control over the sale and redemption of the tokens and keeps accurate records of all tokens used, then the ~~chief~~ director may by rule alter or reduce the record-keeping requirements of subsection 1 to the extent that a licensee's use of tokens renders those records unnecessary for adequate control of the licensee's games.

Sec. T-46. 17 MRSA §336, sub-§2, as amended by PL 1999, c. 63, §2, is further amended to read:

2. Disposition of funds reports. Within 10 business days after the last day of any period during which a licensed game of chance is conducted with other than an annual license or within 10 business days after the end of each calendar month during which a licensed game of chance is conducted with an annual license, the licensee shall file with the ~~Chief-of-the-State-Police~~ director a disposition of funds form prescribed and furnished by the ~~Chief-of-the-State-Police~~ director, detailing for the period the total receipts and expenditures of the game

and the disposition of funds. Every statement must be made under oath by an officer of the licensee or by the member in charge of the conduct of the game.

Sec. T-47. 17 MRSA §336, sub-§2-A, as repealed and replaced by PL 2001, c. 672, §12, is amended to read:

2-A. Disposition of funds reports from licensee using tokens. If tokens are employed to account for revenue from games of chance, then the licensee shall report the number of tokens sold, the number redeemed and the disposition of funds from the proceeds of sale in addition to such other information as the chief director may require under subsection 2.

Sec. T-48. 17 MRSA §336, sub-§4, as enacted by PL 1977, c. 350, §6, is amended to read:

4. Location. All records which--shall required to be maintained by a licensee pursuant to this section and pursuant to the rules and regulations adopted under this chapter shall must be kept and maintained on the premises where the game of chance has been conducted or at the primary business office of the licensee, which office shall must be designated by the licensee in the license application. All these records shall must be open to inspection by the ~~Chief-of-the-State-Police~~ director or his ~~the director's~~ representative and ~~no a licensee shall may not~~ refuse the ~~Chief--of--the--State--Police~~ director or his ~~the~~ director's representative the right to inspect or audit the records. Refusal to permit inspection or audit of the records shall does not constitute a crime under this chapter but shall does constitute grounds for revocation of license.

Sec. T-49. 17 MRSA §336-A, sub-§§1 and 2, as enacted by PL 1977, c. 350, §7, are amended to read:

1. Sales agreements. Each distributor shall forward to the ~~Chief-of-the-State-Police~~ director, prior to delivery of any gambling machine to the purchaser, a copy of all sales agreements, sales contracts or any other agreements involving the sale of any gambling machine. The terms of the sales contract shall must include, but are not be limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of the gambling machine including serial number and model name and number, total sale price, any arrangement or terms for payments and the date of final payment.

Any change, modification or alteration of these agreements shall must be reported to the ~~Chief-of-the-State-Police~~ director by the purchaser within 6 days of the change, modification or alteration.

2. **Service agreements.** With the sale of any gambling machine involving a service agreement, the distributor shall forward to the ~~Chief-of-the-State-Police~~ director a copy of the agreement prior to delivery of the machine. The terms of the service agreements shall must include, but are not be limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of machine to be serviced, including serial number and model name and number and all prices and payments for that service.

Any change, modification or alteration of the agreement shall must be reported to the ~~Chief-of-the-State-Police~~ director by the purchaser within 6 days of the change, modification or alteration.

Sec. T-50. 17 MRSA §336-A, sub-§2-A, as enacted by PL 1999, c. 716, §6, is amended to read:

2-A. Agricultural societies; lease agreements. When a gambling apparatus or implement is leased as provided in section 337 to an agricultural society, the distributor shall forward to the ~~Chief-of-the-State-Police~~ director a copy of the lease agreement prior to delivery of the gambling apparatus or implement. The terms of the lease must include, but are not limited to, the name of the lessor; address of the lessor; name of the lessee; address of the lessee; description of the gambling apparatus or implement; serial number, model name or number of the gambling apparatus or implement; and all prices and payments for the lease. Each lease must be for a specific period of time no longer than the duration of the annual fair of that lessee, and each gaming apparatus must have its own separate lease. Gambling apparatus or implements leased under this section:

A. May only be operated for the exclusive benefit of the agricultural society, except for leased amounts subject to the provisions of section 337 amounts for the gambling apparatus or implements may be paid to the distributor for the lease; and

B. Must bear the name and address of the distributor.

Sec. T-51. 17 MRSA §336-A, sub-§§3 and 4, as enacted by PL 1977, c. 350, §7, are amended to read:

3. Reports. At the end of each calendar month, every distributor and printer shall file with the ~~Chief-of-the-State-Police~~ director a report ~~which shall~~ that must indicate:

A. The names and addresses of all persons or organizations to which the distributor or printer has distributed equipment and the dates of the distribution;

2 B. A description of the equipment distributed, including
3 serial number and model name and number; and

4 C. The quantities of any equipment distributed.

6
7 **4. Retention and inspection of records.** Each distributor
8 and printer shall maintain and keep for a period of 3 years, on
9 the premises of the distributor or printer, any records that may
10 be necessary to substantiate the reports required by this section
11 or by the rules and ~~regulations~~ adopted under this chapter. All
12 distributor's and printer's records shall must be open to
13 inspection and ~~no a licensee shall may not~~ refuse the ~~Chief-of~~
14 ~~the-State-Police director~~ or his the director's representative
15 the right to inspect or audit the records. Refusal to permit
16 inspection or audit of the records shall does not constitute a
17 crime under this chapter but shall does constitute grounds for
18 revocation of license.

20 **Sec. T-52. 17 MRSA §337, first ¶,** as amended by PL 1999, c.
21 716, §7, is further amended to read:

22
23 A distributor may not sell, lease, market or otherwise
24 distribute gambling apparatus or implements unless licensed by
25 the ~~Chief-of-the-State-Police director~~, except that a license is
26 not required for the sale, marketing or distribution of raffle
27 tickets when the holder of the winning chance receives something
28 of value worth less than \$10,000.

30 **Sec. T-53. 17 MRSA §337, 4th ¶,** as amended by PL 1989, c. 254,
31 §4, is further amended to read:

32
33 Every licensee shall acquire all gambling apparatus and
34 implements from a distributor licensed under this section, unless
35 that gambling apparatus or implements are printed, manufactured
36 or constructed by the licensed organization. At no time may any
37 licensee print, manufacture or construct any gambling implements
38 or apparatus for distribution to any other licensee. The
39 applicant for a distributor's license, or if the applicant is a
40 firm, corporation, association or other organization, its
41 resident manager, superintendent or official representative shall
42 file an application with the ~~Chief-of-the-State-Police director~~
43 on forms furnished by the ~~Chief-of-the-State-Police director~~. The
44 ~~Chief-of-the-State-Police director~~ shall furnish each applicant
45 with a current copy of this chapter and the rules adopted under
46 section 343. The ~~Chief-of-the-State-Police director~~ shall furnish
47 each licensee with a copy of any changes or additions to this
48 chapter and the rules adopted under section 343.

50 **Sec. T-54. 17 MRSA §338,** as amended by PL 1989, c. 254, §5,
is further amended to read:

2 **§338. Printer**

4 No A Maine printer may not print materials to be used in the
6 conduct of a licensed game of chance unless licensed by the Chief
 ~~of--the--State--Police~~ director. A printer licensed under this
8 section may act as a distributor without having to be licensed as
 a distributor providing neither the printer nor anyone in the
10 printer's behalf acts as a seller for services connected with a
 game of chance outside of the confines of the printer's premises
12 described in that printer's license. If that printer or someone
 else acts as a seller for the printer's services in connection
14 with a game of chance outside of the premises described in that
 printer's license, either that printer or any person or persons
 acting in that printer's behalf must be licensed as a distributor.

16 The applicant for a printer's license, or if the applicant
18 is a firm, corporation, association or other organization, its
 resident manager, superintendent or official representative shall
20 file an application with the ~~Chief--of--the--State--Police~~ director
 on forms furnished by the ~~Chief--of--the--State--Police~~ director. The
22 ~~Chief--of--the--State--Police~~ director shall furnish each applicant
 with a current copy of this chapter and the rules adopted under
24 section 343. The ~~Chief--of--the--State--Police~~ director shall furnish
 each licensee with a copy of any changes or additions to this
26 chapter and the rules adopted under section 343.

28 **Sec. T-55. 17 MRSA §338-A, sub-§1**, as enacted by PL 1985, c.
30 93, §3, is amended to read:

32 **1. Investigation.** The ~~Chief--of--the--State--Police~~ director
 shall investigate or cause to be investigated all complaints made
34 to him the bureau and all violations of this chapter or the rules
 adopted pursuant to section 343.

36 **Sec. T-56. 17 MRSA §338-A, sub-§2, ¶B**, as enacted by PL 1985,
38 c. 93, §3, is amended to read:

40 B. The distributor or printer or its resident manager,
 superintendent or official representative violated any
42 provision of this chapter or any rule adopted by the Chief
 ~~of--the--State--Police~~ director under section 343.

44 (1) Except as provided in subparagraph (2), the Chief
 ~~of--the--State--Police~~ director shall give written notice
46 of any violation to the distributor or printer, who
 then has 14 days to comply. Failure to comply within
48 the 14-day period is grounds for an action under this
 section.

50

(2) If a distributor or printer violates section 337 or 338, the ~~Chief-of-the-State-Police~~ director is not required to give the notice or allow the compliance period provided in subparagraph (1).

Sec. T-57. 17 MRSA §341, sub-§4, as amended by PL 2001, c. 538, §4, is further amended to read:

4. Games conducted at agricultural fairs by members of agricultural society or bona fide nonprofit. Beginning January 1, 2002, games of chance operated and conducted solely by members of an agricultural fair society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other device approved by the ~~Chief-of-the-State-Police~~ director by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other device approved by the ~~Chief-of-the-State-Police~~ director must be unique to the agricultural society and may be in denominations of 25¢, 50¢ or \$1. The tickets, tokens or device approved by the ~~Chief-of-the-State-Police~~ director may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

Sec. T-58. 17 MRSA §342, as amended by PL 1975, c. 410, §3, is further amended to read:

§342. Reports

The ~~Chief-of-the-State-Police~~ director shall require from any licensed printer or distributor, or from any organization authorized to operate a game of chance, whatever reports ~~he deems~~ the director considers necessary for the purpose of the administration and enforcement of this chapter.

Sec. T-59. 17 MRSA §343, first ¶, as amended by PL 1997, c. 684, §7, is further amended to read:

The ~~Chief-of-the-State-Police~~ director has the power to adopt rules, not inconsistent with law, ~~which that~~ that are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of games of chance. The ~~chief-of-the-State-Police~~ director has the power and authority to regulate, supervise and exercise general control over the operation of such games. In establishing such rules, the ~~Chief-of-the-State-Police~~ director must, in addition to the standards set forth in other provisions of this chapter, use the following

standards setting forth conduct, conditions and activity
considered undesirable.

Sec. T-60. 17 MRSA §343, last ¶, as enacted by PL 1995, c.
674, §3, is amended to read:

~~The Chief-of-the-State-Police~~ director shall provide a
mechanism for individuals and businesses to request a
determination from the ~~State-Police~~ director as to whether a
particular game, contest, scheme or device qualifies as a game of
chance or a game of skill.

Sec. T-61. 17 MRSA §343-A, as amended by PL 2001, c. 342, §4,
is further amended to read:

§343-A. Investigations; actions on licenses

1. Director. The ~~Chief-of-the-State-Police~~ director may:

A. Investigate all aspects of this chapter including the
direct and indirect ownership or control of any licenses;

B. Suspend, revoke or refuse to issue a license, after
notice and the opportunity for a hearing, if the applicant,
applicant's agent or employee, licensee or licensee's agent
or employee violates a provision of this chapter or Title
17-A, chapter 39 or fails to meet the statutory requirements
for licensure pursuant to this chapter;

C. Immediately suspend or revoke a license if there is
probable cause to believe that the licensee or the
licensee's agent or employee violated section 332,
subsection 3-A or 3-B, paragraph C or a provision of Title
17-A, chapter 39; and

D. Issue a subpoena in the name of the State Police in
accordance with Title 5, section 9060, except that this
authority applies to any stage of an investigation under
this chapter and is not limited to an adjudicatory hearing.
This authority may not be used in the absence of reasonable
cause to believe a violation has occurred. If a witness
refuses to obey a subpoena or to give any evidence relevant
to proper inquiry by the chief, the Attorney General may
petition the Superior Court in the county where the refusal
occurred to find the witness in contempt. The Attorney
General shall cause to be served on that witness an order
requiring the witness to appear before the Superior Court to
show cause why the witness should not be adjudged in
contempt. The court shall, in a summary manner, hear the
evidence and, if it is such as to warrant the court in doing

so, punish that witness in the same manner and to the same
extent as for contempt committed before the Superior Court
or with reference to the process of the Superior Court.

2. Licensing actions after notice and opportunity for hearing. The ~~Chief-of-the-State-Police~~ director shall notify the applicant or licensee in writing, before a license is denied, suspended or revoked pursuant to subsection 1, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant or licensee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's or licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee, licensee or licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant or licensee is notified of the proposed denial, suspension or revocation. The suspension or revocation must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

3. Immediate suspension or revocation. A licensee whose license is immediately suspended or revoked by the ~~Chief-of-the-State-Police~~ director pursuant to subsection 1, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated section 332, subsection 3-A or 3-B, paragraph C or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

Sec. T-62. 17 MRSA §345, as amended by PL 1997, c. 728, §8, is further amended to read:

§345. Access to premises

2
4 Any person, firm, corporation, association or organization
6 making application to the ~~Chief-of-the-State-Police~~ director to
8 conduct or operate a game of chance or any such person, firm,
10 corporation, association or organization authorized under this
12 chapter to operate or conduct a game of chance, shall permit
inspection of any equipment, prizes, records or items and
materials used or to be used in the conduct or operation of a
game of chance by the ~~Chief-of-the-State-Police~~ director or the
chief's director's authorized representative.

14 Any firm, corporation, association or organization licensed
16 to operate a game of chance shall permit at any time the
18 ~~Department-of-Public-Safety~~ bureau or the city or town fire
inspectors of the municipality in which the licensed game is
being conducted to enter and inspect the licensed premises.

20 **Sec. T-63. 25 MRSA §2001, sub-§7**, as enacted by PL 2001, c.
459, §2, is amended to read:

22 **7. Permit issued by another state.** A firearm carried by a
24 person to whom a valid permit to carry a concealed firearm has
been issued by another state if a permit to carry a concealed
firearm issued from that state has been granted reciprocity. The
26 ~~Chief-of-the-State-Police~~ Director of the Bureau of Liquor,
Gaming and Licensing may enter into reciprocity agreements with 2
28 other states. Reciprocity may be granted to a permit to carry a
concealed firearm issued from another state if:

30 A. The other state that issued the permit to carry a
32 concealed firearm has substantially equivalent or stricter
requirements for the issuance of a permit to carry a
34 concealed firearm; and

36 B. The other state that issued the permit to carry a
38 concealed firearm observes the same rules of reciprocity in
regards to a person issued a permit to carry a concealed
firearm under this chapter.

40 **Sec. T-64. 25 MRSA §2001-A** is enacted to read:

42 **§2001-A. Bureau of Liquor, Gaming and Licensing**

44 For the purposes of this chapter, the bureau shall enforce
46 the laws relating to concealed firearms permits.

48 **Sec. T-65. 25 MRSA §2002, sub-§1-B** is enacted to read:

1-B. **Bureau.** "Bureau" means the Bureau of Liquor, Gaming
and Licensing.

Sec. T-66. 25 MRSA §2002, sub-§2-A is enacted to read:

2-A. **Director.** "Director" means the Director of the Bureau
of Liquor, Gaming and Licensing.

Sec. T-67. 25 MRSA §2002, sub-§9, as amended by PL 1997, c.
360, §§2 and 3, is further amended to read:

9. **Issuing authority.** "Issuing authority" means the
following:

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of
a city, the municipal officers or councilors of a town
or the assessors of a plantation or, if they so choose,
their full-time chief of police as their designee; or

(2) The ~~Chief-of-the-State-Police~~ director as the
designee of the municipal officers under section 2002-A;

B. To a resident of an unorganized territory:

(1) The ~~Chief-of-the-State-Police~~ director;

C. To a nonresident:

(1) The ~~Chief-of-the-State-Police~~ director; and

D. To a private investigator licensed under Title 32,
chapter 89:

(1) The ~~Chief-of-the-State-Police~~ director.

Sec. T-68. 25 MRSA §2002-A, as amended by PL 1993, c. 524,
§4, is further amended to read:

§2002-A. Assignment of authority

The municipal officers of a municipality without a full-time
chief of police may designate, if the ~~Chief-of-the-State-Police~~
director agrees, the ~~State--Police~~ director as the issuing
authority for that municipality. The designation must be made by
written agreement with the ~~Chief-of-the-State-Police~~ director.
The agreement must include provisions for termination of the
agreement. During the term of an agreement, the ~~State--Police~~
director shall perform all the functions of the issuing

authority, including suspension and revocation of permits. The
2 ~~State--Police--are~~ director is entitled to receive any fees
authorized for performing the functions of an issuing authority.
4 ~~The Chief-of-the-State-Police~~ director continues to serve as the
issuing authority until the ~~chief~~ director receives from the
6 municipal officers written notice of cancellation or revocation
of the designation.

8
Sec. T-69. 25 MRSA §2003, sub-§15, as enacted by PL 1993, c.
10 524, §12, is amended to read:

12 15. Duty of issuing authority; application fees. The
application fees submitted by the applicant as required by
14 subsection 1, paragraph E, subparagraph (4) are subject to the
following.

16 A. If the issuing authority is other than the ~~Chief-of-the~~
18 ~~State--Police~~ director, \$25 of the fee for an original
application and \$15 of the fee for a renewal must be paid
20 over to the Treasurer of State.

22 B. If the ~~Chief-of-the-State-Police~~ director is the issuing
authority as the designee of a municipality under section
24 2002-A, \$25 of the fee for an original application and \$15
of the fee for a renewal must be paid over to the Treasurer
26 of State.

28 C. If the ~~Chief-of-the-State-Police~~ director is the issuing
authority because the applicant is either a resident of an
30 unorganized territory or a nonresident, the application fee
must be paid over to the Treasurer of State. The fee must
32 be applied to the expenses of administration incurred by the
~~State-Police~~ director.

34
Sec. T-70. 25 MRSA §2901, as amended by PL 1999, c. 668,
36 §114, is further amended to read:

38 **§2901. Department; commissioner**

40 There is created and established the Department of Public
Safety to coordinate and efficiently manage the law enforcement
42 and public safety responsibilities of the State, to consist of
the Commissioner of Public Safety, in this chapter called
44 "commissioner," who is appointed by the Governor, subject to
review by the joint standing committee of the Legislature having
46 jurisdiction over criminal justice matters and to confirmation by
the Legislature, to serve at the pleasure of the Governor, and
48 the following: the Bureau of State Police, the Bureau of Liquor
Enforcement, Gaming and Licensing, the Office of the State Fire

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1190,
L.D. 1614

Marshal, the Maine Criminal Justice Academy, the Bureau of
Highway Safety and the Maine Drug Enforcement Agency.

Sec. T-71. 25 MRSA §2902, sub-§3, as amended by PL 2001, c.
559, Pt. KK, §4, is repealed and the following enacted in its
place:

3. Bureau of Liquor, Gaming and Licensing. The Bureau of
Liquor, Gaming and Licensing, which is under the direction of the
Director of Liquor, Gaming and Licensing;

Sec. T-72. 25 MRSA Pt. 10, as amended, is repealed.

Sec. T-73. 28-A MRSA §2, sub-§2-B is enacted to read:

2-B. Beano and Games of Chance Division. "Beano and Games
of Chance Division" means the division of the bureau that
administers Title 17, chapters 13-A and 14.

Sec. T-74. 28-A MRSA §2, sub-§6, as amended by PL 1993, c.
730, §4, is repealed and the following enacted in its place:

6. Bureau. "Bureau" means the Bureau of Liquor, Gaming and
Licensing, which includes the Liquor Licensing and Tax Division,
the Beano and Games of Chance Division and the Licensing Division
within the Department of Public Safety.

Sec. T-75. 28-A MRSA §2, sub-§8-A, as amended by PL 1997, c.
373, §12, is repealed.

Sec. T-76. 28-A MRSA §2, sub-§10-B is enacted to read:

10-B. Director. "Director" means the Director of the
Bureau of Liquor, Gaming and Licensing.

Sec. T-77. 28-A MRSA §2, sub-§14-A is enacted to read:

14-A. Licensing Division. "Licensing Division" means the
division of the bureau that administers the laws of Title 15,
chapter 15; Title 25, chapter 252; and Title 32, chapters 89 and
93.

Sec. T-78. 28-A MRSA §82, as amended by PL 1999, c. 547, Pt.
B, §78 and affected by §80, is further amended by repealing the
headnote and enacting the following in its place:

§82. Bureau of Liquor, Gaming and Licensing

Sec. T-79. 28-A MRSA §82, sub-§1, as enacted by PL 1997, c.
373, §28, is amended to read:

2 **1. General supervision.** Enforce the laws relating to the
3 manufacture, importation, storage, transportation and sale of all
4 liquor and administer those laws relating to licensing and the
5 collection of taxes on malt liquor and wine. The bureau also
6 shall enforce the laws relating to the issuance of firearms
7 permits for prohibited persons pursuant to Title 15, chapter 15;
8 enforce the laws relating to the licensing and conduct of beano
9 and games of chance pursuant to Title 17, chapters 13-A and 14;
10 enforce the laws relating to the issuance of concealed firearms
11 permits pursuant to Title 25, chapter 252; and enforce the laws
12 relating to the issuance of licenses for private investigators
13 and private security guards pursuant to Title 32, chapters 89 and
14 93;

16 **Sec. T-80. 28-A MRSA §82, sub-§5,** as amended by PL 1997, c.
17 571, §1, is further amended to read:

18 **5. Appeals.** Review all appeals from the decisions of
19 municipal officers. The chief director may conduct appeal
20 hearings or appoint a hearings officer to conduct appeal
21 hearings. Except as provided in section 805, the decision of the
22 chief director is final.

24 The chief director or the hearings officer may conduct hearings
25 in any licensing matter pending before the bureau. If a hearings
26 officer conducts the hearing, the hearings officer, after holding
27 the hearing, shall file with the bureau all papers connected with
28 the case and report the findings to the chief director. The
29 chief director shall render a final decision based upon the
30 record of the hearing.

32 The chief director or the hearings officer may administer oaths
33 and issue subpoenas for witnesses and subpoenas duces tecum to
34 compel the production of books and papers relating to any license
35 question in dispute before the bureau or to any matter involved
36 in a hearing. Witness fees in all proceedings are the same as
37 for witnesses before the Superior Court and must be paid by the
38 bureau, except that, notwithstanding Title 16, section 253, the
39 bureau is not required to pay the fees before the travel and
40 attendance occur;

42 **Sec. T-81. 28-A MRSA §161, sub-§7,** as enacted by PL 1987, c.
43 45, Pt. A, §4, is amended to read:

46 **7. Right of access.** Every bottle club shall allow ~~liquor~~
47 ~~enforcement officers and other~~ law enforcement officers to enter
48 the premises at reasonable times for the purpose of investigating
49 compliance with this Title.
50

2 A. Entry into the premises under this subsection must be
conducted in a reasonable manner so as not to disrupt the
operation of the bottle club.

4 B. The investigation must be limited to those areas
6 involved in the actual operation of the bottle club,
including storage areas.

8
10 **Sec. T-82. 28-A MRSA §714, sub-§3, ¶¶A and B,** as amended by PL
1993, c. 730, §35, are further amended to read:

12 A. Every keg of malt liquor offered for sale by an
14 ~~off-premise~~ off-premises retail licensee must be tagged in a
manner and with a label approved by the ~~chief~~ director
16 identifying the keg. The tag must be supplied for each keg,
without fee, by the wholesaler or small brewer of the keg.

18 B. The retail seller of the keg shall complete a form
designed and approved by the ~~chief~~ director and affix the
20 label to each keg supplied to the retail seller by the
distributor of the keg. The form must be printed and
22 distributed, without fee, by the wholesaler or small brewer
of the keg. The form must include the name, address and
24 date of birth of the purchaser and the identification number
of the keg. The form must summarize the requirements of
26 this section, the penalties for violating any provision of
this section and the penalties for providing alcohol to a
28 minor. The seller shall retain the form as a record subject
to chapter 31.

30 **Sec. T-83. 28-A MRSA §803, sub-§1,** as amended by PL 1997, c.
32 373, §76 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is
further amended to read:

34 **1. Violation of law or rule.** Upon discovering a violation
36 of federal or state law, rule or regulation relating to liquor,
or an infraction of a rule adopted by the bureau, the ~~chief~~
38 director, or the ~~chief's~~ director's designee, shall:

40 A. Report the violation to the District Court Judge in a
signed complaint; or

42 B. Issue warnings to the licensees involved.

44 **Sec. T-84. 28-A MRSA §803, sub-§6,** as amended by PL 1997, c.
46 373, §79 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is
further amended to read:

48 **6. Warnings.** Upon the written recommendation of the ~~chief~~
50 director, or the ~~chief's~~ director's designee, the District Court

Judge, instead of notifying a licensee against whom a complaint is pending to appear for hearing, may send the licensee a warning. Warnings must be sent by registered or certified mail and contain a copy of the complaint. A licensee to whom a warning is sent may demand a hearing by notifying the District Court Judge by registered or certified mail within 10 days from the date the warning was mailed.

Sec. T-85. 28-A MRSA §1703, sub-§3, ¶A, as amended by PL 1997, c. 767, §6, is further amended to read:

A. Ten Thirteen cents per gallon on all malt beverages and hard cider sold in the State;

Sec. T-86. 28-A MRSA §1703, sub-§5, as amended by PL 1997, c. 373, §144, is further amended to read:

5. Appropriation; funding for Bureau of Liquor, Gaming and Licensing. The amount of funds appropriated from the General Fund to the Office of Substance Abuse, as established in Title 5, chapter 521, may not be less than the dollar amount collected or received by the alcohol bureau and bureau under this section; however, as the first priority of any funds collected from 3¢ per gallon of the premium imposed pursuant to subsection 3, paragraph A, funding must be provided to the Bureau of Liquor, Gaming and Licensing in the Department of Public Safety and the balance of the revenue from the 3¢ per gallon premium must be provided to the Office of Substance Abuse to fund substance abuse, jail and correctional facility diversion programs administered by that office.

Sec. T-87. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2001, c. 360, §5, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

(1) An ambulance;

(2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;

(3) A Bureau of Marine Patrol vehicle operated by a coastal warden;

(4) A Department of Conservation vehicle operated by a forest ranger;

- 2 (5) A Department of Conservation vehicle used for
forest fire control;
- 4 (6) A Department of Corrections vehicle used for
6 responding to the escape of or performing the
high-security transfer of a prisoner, juvenile client
8 or juvenile detainee;
- 10 (7) A Department of Inland Fisheries and Wildlife
vehicle operated by a warden;
- 12 (8) A Department of Public Safety vehicle operated by
14 a ~~liquor~~ law enforcement officer of the Bureau of
Liquor, Gaming and Licensing, a capital security
16 officer appointed pursuant to Title 25, section 2908, a
state fire investigator or a Maine Drug Enforcement
18 Agency officer;
- 20 (9) An emergency medical service vehicle;
- 22 (10) A fire department vehicle;
- 24 (11) A hazardous material response vehicle, including
a vehicle designed to respond to a weapon of mass
26 destruction;
- 28 (12) A railroad police vehicle;
- 30 (13) A sheriff's department vehicle;
- 32 (14) A State Police or municipal police department
vehicle;
- 34 (15) A vehicle operated by a chief of police, a
sheriff or a deputy sheriff when authorized by the
36 sheriff;
- 38 (16) A vehicle operated by a municipal fire inspector,
a municipal fire chief, an assistant or deputy chief or
40 a town forest fire warden;
- 42 (17) A vehicle operated by a qualified deputy sheriff
or other qualified individual to perform court
44 security-related functions and services as authorized
by the State Court Administrator pursuant to Title 4,
46 section 17, subsection 15; or
- 48 (18) A Federal Government vehicle operated by a
federal law enforcement officer.
- 50

2 **Sec. T-88. 32 MRSA §8102**, as enacted by PL 1981, c. 126, §2,
is amended to read:

4 **§8102. Purpose**

6 It is the purpose of this chapter to regulate any person,
firm, corporation or other legal entity engaging in the business
8 of private investigating. For the purposes of this chapter, the
bureau shall enforce the laws relating to private investigators.

10 **Sec. T-89. 32 MRSA §8103, sub-§1**, as amended by PL 2001, c.
12 298, §1, is repealed.

14 **Sec. T-90. 32 MRSA §8103, sub-§§1-A and 1-B** are enacted to
read:

16 **1-A. Bureau.** "Bureau" means the Bureau of Liquor, Gaming
18 and Licensing.

20 **1-B. Director.** "Director" means the Director of the
22 Bureau of Liquor, Gaming and Licensing.

24 **Sec. T-91. 32 MRSA §8104, sub-§1**, as enacted by PL 1981, c.
126, §2, is amended to read:

26 **1. License.** No A person may not act as a private
investigator without first obtaining from the ~~commissioner~~
28 director a license to be a private investigator or investigative
assistant.

30 **Sec. T-92. 32 MRSA §8105, sub-§4**, as amended by PL 1995, c.
32 694, Pt. D, §56 and affected by Pt. E, §2, is further amended to
read:

34 **4. Character.** Has demonstrated good moral character and has
36 not been convicted of a crime ~~which~~ that is punishable by a
maximum term of imprisonment equal to or exceeding one year, or a
38 crime enumerated in this chapter. The determination of good moral
character shall must be made in writing, based upon evidence
40 recorded by a governmental entity. The ~~commissioner~~ director
shall consider matters recorded within the previous 5 years
42 including, but not limited to, the following:

44 A. Records of incidents of abuse by the applicant of family
or household members provided pursuant to Title 19-A,
46 section 4012, subsection 1;

48 B. Records provided by the Department of Human Services
regarding the failure of the applicant to meet child or
50 family support obligations;

- 2 C. Records of 3 or more convictions of the applicant for
Class D or E crimes;
- 4
- 6 D. Records of 3 or more civil violations by the applicants;
or
- 8 E. Records that the applicant has engaged in recklessness
or negligence that endangered the safety of others,
10 including the use of weapons or motor vehicles;

12 **Sec. T-93. 32 MRSA §8105, sub-§5,** as amended by PL 2001, c.
298, §2, is further amended to read:

14 **5. Application.** Submits an application which contains the
16 following:

- 18 A. Full name;
- 20 B. Full current address and addresses for the prior 5 years;
- 22 C. The date and place of birth, height, weight and color of
24 eyes;
- 26 D. A statement granting the ~~chief--of--police~~ director
authority to check the criminal records of any law
enforcement agency. The applicant must agree to submit to
28 having his the applicant's fingerprints taken by the issuing
authority if it becomes necessary to resolve any question as
30 to his the applicant's identity; and
- 32 E. Answers to the following questions:
- 34 (1) Are you currently under indictment or information
for a crime for which the possible penalty is
36 imprisonment for a period equal to or exceeding one
year?
- 38 (2) Have you ever been convicted of a crime for which
the possible penalty was imprisonment for a period
40 equal to or exceeding one year?
- 42 (3) Are you a fugitive from justice?
- 44 (4) Are you an unlawful user of or addicted to
46 marijuana or any other drug?
- 48 (5) Have you been adjudged mentally defective or been
committed to a mental institution within the past 5
50 years? or

(6) Are you an illegal alien?

By affixing his the applicant's signature, the applicant certifies that the information in the application provided by him the applicant is true and correct and that he the applicant understands that an affirmative answer to the questions in paragraph E, subparagraph (5) is cause for refusal and any false statement may result in prosecution as provided in section 8114.

Sec. T-94. 32 MRSA §8105, sub-§7-A, ¶A, as amended by PL 2001, c. 298, §3, is further amended to read:

A. Has been employed for consideration for a minimum of 1,700 hours as an investigative assistant possessing a valid license issued by the ~~commissioner~~ director. The 1,700 hours must have been completed within 2 years after the date of issuance of the investigative assistant license but may not have been completed in less than one year after the date of issuance of the license;

Sec. T-95. 32 MRSA §8105, sub-§8, as enacted by PL 1981, c. 126, §2, is amended to read:

8. Examination. Has passed an examination administered by the ~~commissioner~~ director covering subjects pertaining to private investigation to be prescribed by him the director, provided that a person currently licensed, as described in section 8106, may at no time be required to take any such examination.

Sec. T-96. 32 MRSA §8107, as enacted by PL 1981, c. 126, §2, is amended to read:

§8107. Application for original license

Applications for original licenses ~~shall~~ must be made to the ~~commissioner~~ director in writing under oath on forms prescribed by him the director with respect to the requirements of section 8105. The application ~~shall~~ must be accompanied by the fee required under section 8117, and by a certification, by each of 3 reputable citizens of the State, of the following:

1. Residence. That he the certifying citizen resides in the community in which the applicant resides, has a place of business or proposes to conduct his the applicant's private investigator business;

2. Knowledge of applicant. That he the certifying citizen has personally known the applicant for at least 3 years;

3. **Relation to applicant.** That he the certifying citizen is not related to the applicant by blood or marriage;

4. **Character of applicant.** That the applicant is honest and of good moral character; and

5. **Truth of statements in application.** That he the certifying citizen has read the application and believes each statement in it to be true.

Sec. T-97. 32 MRSA §8108, first ¶, as enacted by PL 1981, c. 126, §2, is amended to read:

The ~~commissioner~~ director shall grant a license to an applicant who has a valid private investigator's license granted under the laws of another state or territory of the United States, upon payment of the required fee and the production of satisfactory proof that:

Sec. T-98. 32 MRSA §8111, as enacted by PL 1981, c. 126, §2, is amended to read:

§8111. Bonding requirement

1. **Requirement.** A person licensed as a private investigator shall give to the ~~commissioner~~ director a bond in the sum of \$10,000 if he the person is a resident of the State and in the sum of \$50,000 if he the person is not a resident of the State.

A person licensed as an investigative assistant shall give to the ~~commission~~ director a bond in the sum of \$20,000.

2. **Form of bond.** Each bond shall must:

A. Be in a form prescribed by the ~~commissioner~~ director;

B. Be executed by the licensee as principal and by a surety company authorized to do business in this State as surety; and

C. Be conditioned upon the honest conduct of the business of the licensee and the right of any person, including the officer of any aggrieved labor union or association, whether or not incorporated, injured by the intentional, knowing, reckless or negligent act of the licensee to bring, in his own name, an action on the bond.

Sec. T-99. 32 MRSA §8113, first ¶, as amended by PL 2001, c. 298, §4, is further amended to read:

The ~~commissioner~~ director may, after notice of an opportunity for hearing in conformance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV 4, refuse to issue or renew a license. The District Court may suspend or revoke the license of any person licensed under this chapter. The following are grounds for an action to refuse to issue, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

Sec. T-100. 32 MRSA §8113, sub-§§3, 4 and 6, as repealed and replaced by PL 1985, c. 207, §2, are amended to read:

3. Violation of chapter or rule. Any violation of this chapter or any rule adopted by the ~~commissioner~~ director;

4. Aiding or abetting unlicensed practice of private investigation. Aiding or abetting the practice of private investigation by a person not duly licensed under this chapter and who represents himself-to-be that the person is duly licensed;

6. Incompetence. Incompetence in the practice for which he the person is licensed. A licensee ~~shall-be-deemed is considered~~ incompetent in the practice if the licensee has:

A. Engaged in conduct ~~which~~ that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or the general public; or

B. Engaged in conduct ~~which~~ that evidences a lack of knowledge, or inability to apply principles or skills to carry out the practice for which he the licensee is licensed;

Sec. T-101. 32 MRSA §8113-A, sub-§§1 and 2, as enacted by PL 1989, c. 917, §17, are amended to read:

1. Immediate suspension. If the ~~commissioner~~ director has probable cause to believe that a person licensed pursuant to this chapter is required to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the licensee is in possession of a loaded firearm and the licensee refuses to submit to the required testing, the ~~commissioner~~ director shall immediately suspend the licensee's right to carry a concealed firearm.

2. Report to director. The law enforcement officer who has probable cause to require chemical testing shall promptly notify the ~~commissioner~~ director of the licensee's refusal and provide the ~~commissioner~~ director with a report of the facts and

circumstances of the requirement to submit to chemical testing
and of the licensee's refusal.

Sec. T-102. 32 MRSA §8114, sub-§1, ¶¶B, C and D, as enacted by
PL 1981, c. 126, §2, are amended to read:

B. To falsely represent that he the person is the holder of
a valid license;

C. To falsely represent that any person in his the person's
employ is a private investigator or investigative assistant;
or

D. To make any false statements or material omission in any
application filed with the ~~commissioner~~ director.

Sec. T-103. 32 MRSA §8114, sub-§2, ¶¶A and C, as enacted by PL
1981, c. 126, §2, are amended to read:

A. To make any representation ~~which~~ that suggests, or which
that would reasonably cause another person to believe, that
he the private investigator is a sworn peace officer of this
State, any political subdivision thereof, or any other state
or of the Federal Government;

C. To fail or refuse to surrender his the private
investigator's license to the ~~commissioner~~ director
following revocation or suspension.

Sec. T-104. 32 MRSA §§8115 and 8116, as enacted by PL 1981,
c. 126, §2, are amended to read:

§8115. Identification cards

The ~~commissioner~~ director shall design and issue to each
person licensed under this chapter an identification card
featuring a recent photograph of the licensee.

§8116. Powers of director

1. **Subpoenas.** In any investigation conducted by the
~~commissioner~~ director under this chapter, the ~~commissioner~~
director may issue subpoenas to compel the attendance of
witnesses and the production of evidence relevant to any fact in
issue.

2. **Contempt.** If a witness refuses to obey a subpoena or to
give any evidence relevant to proper inquiry by the ~~commissioner~~
director, the Attorney General may petition the Superior Court in
the county where the refusal occurred to find the witness in

contempt. The Attorney General shall cause to be served on that witness an order requiring him the witness to appear before the Superior Court to show cause why he the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant him the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

3. **Rules.** The ~~commissioner~~ director shall adopt all rules necessary to administer this chapter including, but not limited to, fixing application and license fees and establishing a training requirement for investigative assistants.

Sec. T-105. 32 MRSA §8120-A, as enacted by PL 1997, c. 360, §5, is amended to read:

§8120-A. Firearms

A private investigator licensed under this chapter may carry a firearm while performing the duties of a private investigator only after being issued a concealed weapons permit by the Chief ~~of the State Police~~ director under Title 25, chapter 252 and passing the written firearms examination prescribed by the ~~commissioner~~ director.

Sec. T-106. 32 MRSA §9402, as enacted by PL 1981, c. 113, §2, is amended to read:

§9402. Purpose

It is the purpose of this chapter to regulate any person engaging in the business of providing a private security guard or private security guards. For the purposes of this chapter, the bureau shall enforce the laws relating to private security guards.

Sec. T-107. 32 MRSA §9403, sub-§2, as enacted by PL 1981, c. 113, §2, is repealed.

Sec. T-108. 32 MRSA §9403, sub-§§2-A and 2-B are enacted to read:

2-A. Bureau. "Bureau" means the Department of Public Safety, Bureau of Liquor, Gaming and Licensing.

2-B. Director. "Director" means the Director of the Bureau of Liquor, Gaming and Licensing.

Sec. T-109. 32 MRSA §9403, sub-§5, as enacted by PL 1981, c. 113, §2, is amended to read:

2 **5. Licensing authority.** "Licensing authority" means the
Commissioner-of-Public-Safety director.

4 **Sec. T-110. 32 MRSA §9404, sub-§1,** as enacted by PL 1981, c.
6 113, §2, is amended to read:

8 1. No A person may not act as a security guard without
10 first obtaining from the ~~commissioner~~ director a license to be a
contract security company.

12 **Sec. T-111. 32 MRSA §9405, sub-§1-A,** as enacted by PL 1987, c.
14 170, §8, is amended by amending the first paragraph to read:

16 **1-A. Criteria for issuing license.** The ~~commissioner~~
director shall issue, upon written application, a license to be a
18 contract security company to any person who has demonstrated good
moral character and who meets the following requirements:

20 **Sec. T-112. 32 MRSA §9405, sub-§2-C,** as amended by PL 1995, c.
22 694, Pt. D, §57 and affected by Pt. E, §2, is further amended to
read:

24 **2-C. Good moral character.** The ~~commissioner~~ director, in
judging good moral character, shall make ~~his~~ a determination in
26 writing based solely upon information recorded by governmental
entities within 5 years of receipt of the application, including,
28 but not limited to, the following matters:

30 A. Information of record relative to incidents of abuse by
the applicant of family or household members, provided
32 pursuant to Title 19-A, section 4012, subsection 1;

34 B. Information of record relative to 3 or more convictions
of the applicant for crimes punishable by less than one year
36 imprisonment or 3 or more adjudications of the applicant for
juvenile offenses involving conduct which, if committed by
38 an adult, is punishable by less than one year imprisonment;

40 C. Information of record relative to 3 or more
adjudications of the applicant for civil violations;

42 D. Information of record relative to license suspensions
44 under section 9411-A; or

46 E. Information of record indicating that the applicant has
engaged in reckless or negligent conduct.

48 **Sec. T-113. 32 MRSA §9405, sub-§4,** as amended by PL 1995, c.
50 694, Pt. D, §58 and affected by Pt. E, §2, is further amended

to read:

2
4 **4. Access to confidential records.** Notwithstanding that
6 certain records retained by governmental entities are by law made
8 confidential, yet are necessary to the ~~commissioner's~~ director's
10 determination of the applicant's good moral character and
12 compliance with the additional requirements of this section and
of section 9411-A, the following records ~~shall~~ must be made
available, at the request of the commissioner or his ~~the~~
director's designee, for inspection by and dissemination to the
~~commissioner~~ director or his director's designee:

14 A. The records pertaining to involuntary commitments to
16 Augusta Mental Health Institute and Bangor Mental Health
Institute;

18 B. The records compiled pursuant to Title 19-A, section
4012, subsection 1;

20 C. Juvenile and adult crime records; and

22 D. Military records.

24 **Sec. T-114. 32 MRSA §9407, sub-§1,** as amended by PL 1983, c.
26 221, §3, is further amended to read:

28 **1. Application; fee.** Applications for original licenses
30 ~~shall~~ must be made to the ~~commissioner~~ director on forms
prescribed by ~~him~~ the director with respect to the requirements
of section 9405. The fee for a license application is \$400, of
which \$100 must be submitted with the application and \$300 must
be submitted upon issuance of the license. If the previously
issued license has expired and has not been renewed within a
period of 60 days, the application ~~shall~~ must be considered the
original application and the same fees and all requirements of an
original application ~~shall~~ must apply.

38 **Sec. T-115. 32 MRSA §9409, sub-§1, ¶A,** as enacted by PL 1981,
40 c. 113, §2, is amended to read:

42 A. A person licensed under this chapter shall give to the
~~commissioner~~ director a bond in the sum of \$10,000 if he ~~he~~ the
44 person is a resident, and in the sum of \$50,000 if he ~~he~~ the
person is not a resident, of the State.

46 **Sec. T-116. 32 MRSA §9409, sub-§2,** as enacted by PL 1981, c.
48 113, §2, is amended to read:

50 **2. Form of bond.** Each bond ~~shall~~ must be:

2 A. In a form prescribed by the ~~commissioner~~ director;

4 B. Executed by the licensee as principal and by a surety
6 company authorized to do business as such in this State as
surety; and

8 C. Conditioned upon the honest conduct of the licensee and
the right of any person, including the officer of any
10 aggrieved labor union or association, whether or not
incorporated, injured by the intentional, knowing, reckless
12 or negligent act of the licensee to bring, in ~~his~~ the
licensee's own name, an action on the bond.

14 **Sec. T-117. 32 MRSA §9410, sub-§3**, as enacted by PL 1981, c.
16 113, §2, is amended to read:

18 3. **Filing.** For good cause, the ~~commissioner~~ director may
extend the period of filing the application required by
subsection 2.

20 **Sec. T-118. 32 MRSA §9410-A**, as amended by PL 2003, c. 12,
22 §1, is further amended to read:

24 **§9410-A. Security guard qualifications**

26 1. **Qualifications to be security guard.** No A natural
person may not be employed as a security guard by a contract
28 security company unless the natural person meets the following
minimum requirements:

30 A. Is 18 years of age or older;

32 B. Is a citizen or resident alien of the United States;

34 C. Has not been dishonorably discharged from military
36 service within the last 5 years;

38 D. Has not been convicted of a crime punishable by one year
or more of imprisonment or, within the past 5 years, any
40 crime enumerated in section 9412;

42 E. Has not been adjudicated to have committed a juvenile
offense involving conduct which, if committed by an adult,
44 is punishable by one year or more of imprisonment or, within
the past 5 years, a juvenile offense involving conduct
46 which, if committed by an adult, is a crime enumerated in
section 9412;

48 F. Does not have 3 or more convictions for crimes
50 punishable by less than one year of imprisonment within the

past 5 years;

G. Is not a fugitive from justice;

H. Is not a drug abuser, drug addict or drug-dependent person;

I. Is not potentially dangerous to himself that natural person or others as the result of a mental disorder;

J. Has not been adjudicated to be an incapacitated person pursuant to Title 18-A, article -V- 5, Parts 3 and 4, or if so adjudicated, has had that designation removed by an order under Title 18-A, section 5-307, subsection (b); and

K. At the request of the contract security company, the ~~commissioner~~ director or ~~his~~ the director's designee, takes whatever action is required of ~~him~~ the natural person by law to allow the contract security company, the ~~commissioner~~ director or ~~his~~ the director's designee to obtain from: Hospitals and mental institutions either within or outside the State, limited to records of involuntary commitments; the courts; law enforcement agencies; and the military, information relevant to whether the natural person meets the requirements set forth in paragraphs A to J.

2. Reporting new security guards to director. A licensee shall notify the ~~commissioner~~ director of all employees who will perform security guard functions in the State and who were not listed in the application for a contract security company license before the date that the employee begins to perform security guard functions in the State. The notice shall must be made on forms prescribed by the ~~commissioner~~ director. The forms shall must contain, ~~but not be limited to~~ without limitation, the following information:

A. The employee's full name;

B. The employee's full current address and addresses for the prior 5 years; and

C. The employee's date and place of birth, height, weight and color of eyes.

3. Background investigation of security guards at site of labor dispute or strike. For each employee reported to the ~~commissioner~~ director under subsection 2 who will perform security guard functions at the site of a labor dispute or strike, the licensee shall have previously investigated the background of the employee to ensure that the employee meets all

of the requirements to be a security guard, as contained in subsection 1. The licensee shall also sign a statement accompanying the notice required by subsection 2, in which the licensee shall state that he the licensee has conducted this investigation and that the employee meets the requirements contained in subsection 1.

4. Background investigation by licensee of all other security guards. For all other employees reported to the ~~commissioner~~ director under subsection 2, and for each employee on the list required by section 9405, subsection 1-A, paragraph F, subparagraph (6), for whom the licensee has not previously submitted a statement that the employee meets the requirements of subsection 1, the licensee shall investigate the background of the employee to ensure that the employee meets all of the requirements to be a security guard, as contained in subsection 1. Within 60 days of the date that the employee begins to perform security guard functions within the State, the licensee shall complete this background investigation and submit to the ~~commissioner~~ director a statement, signed by the licensee, that the licensee has conducted the background investigation and that the employee meets the requirements of subsection 1. This statement must be submitted to the ~~commissioner~~ director before an employee may wear, carry or use a firearm in the performance of security guard functions and before an employee may perform security guard functions at the site of a labor dispute or strike.

5. Access to confidential records. Notwithstanding that certain records retained by governmental entities are by law made confidential, yet are necessary to the ~~commissioner's~~ director's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 9411-A, the following records shall must be made available, at the request of the ~~commissioner~~ director or his the director's designee, for inspection by and dissemination to the ~~commissioner~~ director's or his the director's designee:

A. The records pertaining to involuntary commitments to Augusta Mental Health Institute and Bangor Mental Health Institute;

B. The records compiled pursuant to Title 19-A, section 4012, subsection 1;

C. Juvenile and adult crime records; and

D. Military records.

Sec. T-119. 32 MRSA §9411-A, as amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§9411-A. Refusal to renew; suspension; revocation; reapplication

1. Refusal to renew; suspension; revocation. The ~~commissioner~~ director may refuse to renew a license, after a hearing in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV 4. The District Court may suspend or revoke the license of any person licensed under this chapter. The ~~commissioner~~ director may refuse to renew a license and the District Court may suspend or revoke a license on any one or more of the following grounds.

A. The application, any documents made a part of the application, any notice or any statement filed with the commissioner contained a material misstatement.

B. The licensee becomes ineligible to hold a license under this chapter. Ineligibility is determined on the basis of the criteria contained in section 9405.

C. The licensee fails to comply with the requirements of section 9405, subsection 1-A, paragraph F, subparagraph (6).

D. The licensee has knowingly employed as a security guard, or has knowingly kept as an employee, any natural person who does not meet the requirements of section 9410-A, subsection 1.

E. The licensee fails to comply with the requirements of section 9410-A, subsection 2, 3 or 4.

F. The licensee fails to comply with any of the rules promulgated by the commissioner under this chapter.

G. The licensee has knowingly encouraged or allowed any employee to violate section 9412, subsection 4, 5 or 6.

2. Reapplication. No A person, otherwise eligible, whose license the ~~commissioner~~ director has refused to renew or who has had a license revoked, is not eligible for reapplication until the expiration of 5 years from the date of refusal to renew or revocation.

Sec. T-120. 32 MRSA §9412, sub-§1, ¶¶C and D, as amended by PL 1987, c. 170, §15, are further amended to read:

C. To falsely represent that a person is or was in his the employee's employ as a licensee;

D. To make any false statement or material omission in any

application, any documents made a part of the application,
any notice or any statement filed with the ~~commissioner~~
director; or

Sec. T-121. 32 MRSA §§9413 and 9414, as enacted by PL 1981,
c. 113, §2, are amended to read:

§9413. Change in status of license

The licensee shall notify the ~~commissioner~~ director within
30 days of any change in his the licensee's qualifying agent,
officers or directors or material change in the information
previously furnished or required to be furnished to the
~~commissioner~~ director or any occurrence which that could
reasonably be expected to affect the licensee's right to a
license under this chapter.

§9414. Powers of director

1. Subpoenas. In any investigation conducted by the
~~commissioner~~ director under this chapter, the ~~commissioner~~
director may issue subpoenas to compel the attendance of
witnesses and the production of evidence relevant to any fact in
issue.

2. Contempt. If a witness refuses to obey a subpoena or to
give any evidence relevant to proper inquiry by the ~~commissioner~~
director, the Attorney General may petition the Superior Court in
the county where the refusal occurred to find the witness in
contempt. The Attorney General shall cause to be served on the
witness an order requiring him the witness to appear before the
Superior Court to show cause why he the witness should not be
adjudged in contempt. The court shall, in a summary manner, hear
the evidence and, if it is such as to warrant him the court to do
so, punish the witness in the same manner and to the same extent
as for contempt committed before the Superior Court or with
reference to the process of the Superior Court.

3. Rules. The ~~commissioner~~ director shall adopt all rules
necessary to administer this chapter.

4. Expenses. The fees required under this chapter shall
must be applied to the expense of administering this chapter.

Sec. T-122. 32 MRSA §9418, as enacted by PL 1987, c. 170,
§19, is amended to read:

**§9418. Confidentiality of application and information
collected by director**

2 Notwithstanding Title 1, sections 401 to 410, all
3 applications for a license to be a contract security company and
4 any documents made a part of the application, refusals and any
5 information of record collected by the ~~commissioner~~ director
6 during the process of ascertaining whether an applicant is of
7 good moral character and meets the additional requirements of
8 sections 9405 and 9411-A, and all information of record collected
9 by the ~~commissioner~~ director during the process of ascertaining
10 whether a natural person meets the requirements of section
11 9410-A, are confidential and may not be made available for public
12 inspection or copying. The applicant or natural person may waive
13 this confidentiality by written notice to the ~~commissioner~~
director. All proceedings relating to the issuance of a license
14 to be a contract security company are not public proceedings
15 under Title 1, chapter 13, unless otherwise requested by the
16 applicant.

17 The ~~commissioner~~ director or his ~~the director's~~ designee
18 shall make a permanent record of each license to be a contract
19 security company in a suitable book or file kept for that
20 purpose. The record shall must include a copy of the license and
21 shall must be available for public inspection. Upon a specific
22 request, the ~~commissioner~~ director or his ~~the director's~~ designee
23 shall provide a list of names and current addresses of security
24 guards employed by licensed contract security companies.

25 **Sec. T-123. 36 MRSA §172, sub-§1,** as amended by PL 1997, c.
26 373, §171, is further amended to read:

27 **1. Liquor licensee.** If the taxpayer is a liquor licensee,
28 to the Department of Public Safety, Bureau of Liquor ~~Enforcement,~~
29 Gaming and Licensing, which shall construe that liability and
30 lack of cooperation to be a ground for denying, suspending or
31 revoking the taxpayer's liquor license in accordance with Title
32 28-A, section 707 and chapter 33; or

33 **Sec. T-124. Transition provisions.**

34 1. All references in the Maine Revised Statutes, Title 15,
35 chapter 15 to the functions performed by the Commissioner of
36 Public Safety are deemed to refer to the Director of the Bureau
37 of Liquor, Gaming and Licensing within the Department of Public
38 Safety. It is the express intent of the Legislature that all
39 provisions of Title 15, chapter 15 remain fully enforceable and
40 in order to effectuate this intent the Director of the Bureau of
41 Liquor, Gaming and Licensing may enforce any provision of Title
42 15, chapter 15. All existing rules and procedures in effect, in
43 operation or adopted by the Commissioner of Public Safety
44 regarding Title 15, chapter 15 remain in effect and continue in
45 effect until rescinded, revised or amended by the proper
46 authority.

authority.

2

4 2. All references in the Maine Revised Statutes, Title 17,
6 chapter 13-A to the functions performed by the Chief of the State
8 Police are deemed to refer to the Director of the Bureau of
10 Liquor, Gaming and Licensing within the Department of Public
12 Safety. It is the express intent of the Legislature that all
14 provisions of Title 17, chapter 13-A remain fully enforceable and
16 in order to effectuate this intent the Director of the Bureau of
Liquor, Gaming and Licensing may enforce any provision of Title
17, chapter 13-A. All existing rules and procedures in effect,
in operation or adopted by the Chief of the State Police
regarding Title 17, chapter 13-A remain in effect and continue in
effect until rescinded, revised or amended by the proper
authority.

16

18 3. All references in the Maine Revised Statutes, Title 17,
20 chapter 14 to the functions performed by the Chief of the State
22 Police are deemed to refer to the Director of the Bureau of
24 Liquor, Gaming and Licensing within the Department of Public
26 Safety. It is the express intent of the Legislature that all
28 provisions of Title 17, chapter 14 remain fully enforceable and
in order to effectuate this intent the Director of the Bureau of
Liquor, Gaming and Licensing may enforce any provision of Title
17, chapter 14. All existing rules and procedures in effect, in
operation or adopted by the Chief of the State Police regarding
Title 17, chapter 14 remain in effect and continue in effect
until rescinded, revised or amended by the proper authority.

30

32 4. All references in the Maine Revised Statutes, Title 25,
34 chapter 252 to the functions performed by the Chief of the State
36 Police are deemed to refer to the Director of the Bureau of
38 Liquor, Gaming and Licensing within the Department of Public
40 Safety. It is the express intent of the Legislature that all
42 provisions of Title 25, chapter 252 remain fully enforceable and
in order to effectuate this intent the Director of the Bureau of
Liquor, Gaming and Licensing may enforce any provision of Title
25, chapter 252. All existing rules and procedures in effect, in
operation or adopted by the Commissioner of Public Safety
regarding Title 25, chapter 252 remain in effect and continue in
effect until rescinded, revised or amended by the proper
authority.

44

46 5. All references in the Maine Revised Statutes, Title 28-A
48 to the functions performed by the Chief of the Bureau of Liquor
50 Enforcement within the Department of Public Safety are deemed to
refer to functions of the Director of the Bureau of Liquor,
Gaming and Licensing, and all functions performed by the Bureau
of Liquor Enforcement are deemed to refer to functions of the
Department of Public Safety, Bureau of Liquor, Gaming and

Licensing. It is the express intent of the Legislature that all provisions of Title 28-A remain fully enforceable and, in order to effectuate this intent, the Director of Liquor, Gaming and Licensing or officials designated by the director may enforce any provision of Title 28-A.

6. All existing rules and procedures in effect, in operation or adopted by the Department of Public Safety, Bureau of Liquor Enforcement or the Chief of the Bureau of Liquor Enforcement remain in effect and continue in effect until rescinded, revised or amended by the proper authority.

7. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the the Department of Public Safety, Bureau of Liquor Enforcement may be utilized by the Bureau of Liquor, Gaming and Licensing until existing supplies of those items are exhausted.

8. All references in the Maine Revised Statutes, Title 32, chapters 89 and 93 to the functions performed by the Commissioner of Public Safety are deemed to refer to functions performed by the Director of the Bureau of Liquor, Gaming and Licensing within the Department of Public Safety. It is the express intent of the Legislature that all provisions of Title 32, chapters 89 and 93 remain fully enforceable and in order to effectuate this intent the Director of the Bureau of Liquor, Gaming and Licensing may enforce any provision of Title 32, chapters 89 and 93. All existing rules and procedures in effect, in operation or adopted by the Commissioner of Public Safety reagarding Title 32, chapters 89 and 93 remain in effect and continue in effect until rescinded, revised or amended by the proper authority.

Sec. T-125. Appropriations and allocations. The following appropriations and allocations are made.

**BEHAVIORAL AND DEVELOPMENTAL SERVICES,
DEPARTMENT OF**

Office of Substance Abuse 0679

Initiative: Appropriates additional funds for substance abuse, jail and correctional diversion services.

General Fund	2003-04	2004-05
All Other	\$414,463	\$414,463
General Fund Total	<hr/> \$414,463	<hr/> \$414,463

BEHAVIORAL AND DEVELOPMENTAL SERVICES,

HOUSE AMENDMENT "*B*" to COMMITTEE AMENDMENT "A" to H.P. 1190,
L.D. 1614

DEPARTMENT OF

DEPARTMENT TOTALS

2003-04

2004-05

GENERAL FUND

\$414,463

\$414,463

DEPARTMENT TOTAL - ALL FUNDS

\$414,463

\$414,463

PUBLIC SAFETY, DEPARTMENT OF

Bureau of Liquor, Gaming and Licensing

Initiative: Appropriates funds for one Liquor Tax Auditor position, one Account Clerk I position, one Clerk Typist II position, 2 Clerk Typist III positions, 2 Public Safety Inspector I positions, 7 Special Agent positions, 2 Special Agent Supervisor positions and necessary operating costs.

General Fund

2003-04

2004-05

Positions - Legislative Count

(16.000)

(16.000)

Personal Services

\$1,004,278

\$1,015,496

All Other

\$238,811

\$245,824

General Fund Total

\$1,243,089

\$1,261,320

Liquor Enforcement 0293

Initiative: Deappropriates funds to reflect the elimination of one Liquor Tax Auditor position, one Account Clerk I position, one Clerk Typist II position, 2 Clerk Typist III positions, 5 Public Safety Inspector I positions, one Public Safety Inspector III position and operating costs.

General Fund

2003-04

2004-05

Positions - Legislative Count

(-11.000)

(-11.000)

Personal Services

(\$632,425)

(\$644,286)

All Other

(\$197,127)

(\$203,497)

General Fund Total

(\$829,552)

(\$847,783)

Bureau of Liquor, Gaming and Licensing

Initiative: Allocates funds to establish, within the newly established Bureau of Liquor, Gaming and Licensing, one Director position, one Assistant Director position, one Liquor Training Coordinator position, 2 Public Safety Inspector I positions, one Administrative Secretary position, 2 Clerk Typist III positions, one Clerk Typist II position and necessary operating costs.

2	Other Special Revenue Funds	2003-04	2004-05
4	Positions - Legislative Count	(9.000)	(9.000)
	Personal Services	\$557,525	\$562,203
6	All Other	\$236,190	\$240,176
	Capital Expenditures	\$64,500	\$0
8			
	Other Special Revenue Funds Total	\$858,215	\$802,379

10
12 **Licensing and Enforcement - Public Safety 0712**

14 Initiative: Deallocates funds to eliminate one State Police
Lieutenant position, one State Police Sergeant position, one
16 State Police Detective position, 2 Public Safety Inspector I
positions, one Clerk IV position, 2 Clerk Typist III positions,
one Clerk Typist II position and operating costs.

18	Other Special Revenue Funds	2003-04	2004-05
20	Positions - Legislative Count	(-9.000)	(-9.000)
	Personal Services	(\$617,093)	(\$620,643)
22	All Other	(\$236,583)	(\$241,310)
	Capital Expenditures	(\$64,500)	\$0
24			
	Other Special Revenue Funds Total	(\$918,176)	(\$861,953)

26
28 **PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

		2003-04	2004-05
30	GENERAL FUND	\$413,537	\$413,537
	OTHER SPECIAL REVENUE FUNDS	(\$59,961)	(\$59,574)
32			
	DEPARTMENT TOTAL - ALL FUNDS	\$353,576	\$353,963

34	SECTION TOTALS	2003-04	2004-05
36			
	GENERAL FUND	\$828,000	\$828,000
38	OTHER SPECIAL REVENUE FUNDS	(\$59,961)	(\$59,574)
40			
	SECTION TOTAL - ALL FUNDS	\$768,039	\$768,426

42 **Sec. T-126. Effective date.** That section of this Part that
amends the Maine Revised Statutes, Title 28-A, section 1703,
44 subsection 3, paragraph A takes effect July 1, 2003.'

46
48 **SUMMARY**

This amendment creates the Bureau of Liquor, Gaming and
50 Licensing within the Department of Public Safety. The new bureau

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1190,
L.D. 1614

2 is responsible for administering and licensing and enforcing the
laws and rules related to liquor, beano, games of chance,
4 firearms and private investigators and security guards. The
amendment increases from 9 to 12 the number of law enforcement
6 officers who would be cross-trained to perform enforcement
functions for liquor and gaming. The amendment increases the
8 premium imposed on malt beverages and hard cider by 3¢ per gallon
and requires that the increase be used to fund the new bureau and
10 the excess to fund jail and correctional facility substance abuse
diversion programs administered by the Office of Substance
12 Abuse. The increased premium adds approximately 1.7¢ per 6-pack
of beer.

14

16

FISCAL NOTE REQUIRED
(See attached)

18

20

SPONSORED BY:

22

(Representative BUNKER)

24

TOWN: Kossuth Township

26



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1614

**An Act to Make Supplemental Appropriations and Allocations for the
Expenditures of State Government and to Change Certain Provisions of
the Law Necessary to the Proper Operations of State Government for the
Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005**

LR 1999(05)

Fiscal Note for House Amendment " " to Committee Amendment "A"

Sponsor: Rep. Bunker

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$828,000	\$828,000	\$828,000	\$828,000
Other Special Revenue Funds	(\$59,961)	(\$59,574)	(\$59,574)	(\$59,574)
Revenue				
General Fund	\$828,000	\$828,000	\$828,000	\$828,000

Fiscal Detail and Notes

This amendment has no net effect on the General Fund.