

MAINE STATE LEGISLATURE

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L.D. 1614

DATE: 10-11-03

(Filing No. S-273)

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" 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;

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

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

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

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

10 Sec. T-4. 5 MRSA §10051, sub-§3, as amended by PL 1999, c. 12 547, Pt. B, §19 and affected by §80, is further amended to read:

14 3. Appellate jurisdiction. The District Court has 16 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 18 Liquor Enforcement, Gaming and Licensing taken pursuant to Title 28-A, sections 453-A, 458 and 653. Chapter 375, subchapter VII 20 7 governs these proceedings as far as applicable, substituting "District Court" for "Superior Court."

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

24 §391-A. Definitions

26 As used in this chapter, unless the context otherwise 28 indicates, the following terms have the following meanings.

30 1. Bureau. "Bureau" means the Bureau of Liquor, Gaming and 32 Licensing.

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

36 §392-A. Bureau of Liquor, Gaming and Licensing

38 For the purposes of this chapter, the bureau shall enforce 40 the laws relating the possession of firearms by prohibited persons.

42 Sec. T-6. 15 MRSA §393, sub-§2, as amended by PL 1993, c. 368, 44 §3, is further amended to read:

46 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, 48 apply to the ~~Commissioner of Public Safety~~ director for a permit

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

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

6 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.

22 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.

40 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.

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

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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~~ Police director issued to a permittee who rents or leases premises for profit to a licensee to hold, conduct or operate "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 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, 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, conduct or operate the amusement commonly known as "Beano" for the entertainment of the public within the State ~~of-Maine~~. A location permit must accompany the license to be valid.

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

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

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

32 §311-A. Bureau of Liquor, Gaming and Licensing

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

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

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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"
8 or "bingo" for the entertainment of the public within the State
 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
14 a.m. No "Beano" or "Bingo" games may be conducted between the
 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
26 pursuant to the provisions set forth in this section. The
 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
30 the full name and address of the organization and the location
 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
42 any agricultural fair association or bona fide nonprofit
 charitable, educational, political, civic, recreational,
44 fraternal, patriotic, religious or veterans' organization that
 was in existence and founded, chartered or organized in the State
46 at least 2 years prior to its application for a license, when
 sponsored, operated and conducted for the exclusive benefit of
 that organization by duly authorized members. The ~~Chief-of-the~~
48 ~~State-Police~~ director may also issue a license to any auxiliary
 associated with an organization, department or association
50 qualified for a license under this section if the auxiliary was
 founded, chartered or organized in this State and has been in

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

19 The fee for such a license to any nonprofit organization is
20 \$12.00 for each calendar week, or portion thereof, that the
21 amusement is to be operated, or the license may be issued for a
22 calendar month for a fee of \$36.00 or a calendar year for a fee
23 of \$400. A special per-game license may be issued to any
24 qualified nonprofit organization for the purposes of operating a
25 game of "beano" or "bingo" for a fee of \$5.00. The special
26 per-game license may not be issued more than 6 times to any one
27 organization in a calendar year. All license fees must be paid
28 to the Treasurer of State to be credited to the General Fund. A
29 license is not assignable or transferable. ~~Nothing-contained-in~~
30 ~~this~~ This section may not be construed to prohibit any volunteer
31 fire department or any agricultural fair association or bona fide
32 nonprofit charitable, educational, political, civic,
33 recreational, fraternal, patriotic, religious, veterans'
34 organization or auxiliary of any of them from obtaining licenses
35 for a period not to exceed 6 months on one application. No more
36 than one license may be issued to any organization for any one
37 period. No more than one licensee may operate or conduct a game
38 of "beano" or "bingo" on the same premises on the same date.

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

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46 Sec. T-16. 17 MRSa §314-A, sub-§1, as amended by PL 1991, c.
47 426, §3 and affected by §9, is further amended to read:
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1. ~~Chief-of-the-State-Police~~ **Eligible organizations.** The ~~Chief-of-the-State-Police~~ director may issue licenses to operate high-stakes beano or high-stakes bingo to any federally recognized Indian tribe.

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

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

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

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

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

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

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

§315. Seasonal licenses

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2 Notwithstanding section 314, the ~~Chief-of-the-State-Police~~ director may issue seasonal licenses to operate "Beano" or
4 "Bingo" games in bona fide resort hotels, provided they are
6 operated and conducted therein by the management without profit
8 and solely for the entertainment of guests of the hotel
10 registered therein, and provided that charges, if any, to the
12 guests for participation in such entertainment shall must be
14 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."

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

18 **§316. Evidence**

20 The ~~Chief-of-the-State-Police~~ director may require such
22 evidence as the ~~chief~~ director may determine necessary to satisfy
the ~~chief~~ director that an applicant or organization licensed to
24 conduct beano conforms to the restrictions and other provisions
of this chapter. Charters, organizational papers, bylaws or other
26 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.
28 The ~~Chief-of-the-State-Police~~ director may require such evidence
as the ~~chief~~ director may determine necessary regarding the
30 conduct of beano by a licensee to determine compliance with this
chapter.

32 Sec. T-21. 17 MRSA §317, first ¶, as amended by PL 1999, c. 74,
34 §2, is further amended to read:

36 The ~~Chief-of-the-State-Police~~ director has the power to
38 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
40 as "Beano" or "Bingo" and for the permitting and operation of
commercial beano halls. The ~~Chief-of-the-State-Police~~ director
42 has the power and authority to regulate, supervise and exercise
general control over the operation of such amusement and
44 commercial beano halls, including, but not limited to, the
payment of prizes and the use of equipment. Any rule adopted by
46 the ~~Chief-of-the-State-Police~~ director concerning the value of
prizes that may be awarded must include a provision that no
48 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
50 establishing such rules, which are routine technical rules

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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:

9 **§317-A. Investigations; actions on licenses**

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

11 A. Investigate all aspects of this chapter including the
12 direct and indirect ownership or control of any licenses or
13 commercial beano hall permits;

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

20 C. Immediately suspend or revoke a license if there is
21 probable cause to believe that the licensee or the
22 licensee's agent or employee violated a provision of Title
23 17-A, chapter 39;

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

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

34 F. Issue a subpoena in the name of the ~~State-Police~~ bureau
35 in accordance with Title 5, section 9060, except that this
36 authority applies to any stage of an investigation under
37 this chapter and is not limited to an adjudicatory hearing.
38 This authority may not be used in the absence of reasonable
39 cause to believe a violation has occurred. If a witness
40 refuses to obey a subpoena or to give any evidence relevant
41 to proper inquiry by the ~~chief~~ director, the Attorney
42 General may petition the Superior Court in the county where
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2 the refusal occurred to find the witness in contempt. The
3 Attorney General shall cause to be served on that witness an
4 order requiring the witness to appear before the Superior
5 Court to show cause why the witness should not be adjudged
6 in contempt. The court shall, in a summary manner, hear the
7 evidence and, if it is such as to warrant the court in doing
8 so, punish that witness in the same manner and to the same
9 extent as for contempt committed before the Superior Court
10 or with reference to the process of the Superior Court.

11 **2. Licensing action after notice and opportunity for**
12 **hearing.** The ~~Chief-of-the-State-Police~~ director shall notify the
13 applicant, licensee or permittee in writing, before a license or
14 permit is denied, suspended or revoked pursuant to subsection 1,
15 paragraph B or D, of the intended denial or commencement date of
16 the suspension or revocation, which may not be made any sooner
17 than 96 hours after the licensee's or permittee's receipt of the
18 notice, of the duration of the suspension or revocation and of
19 the right to a hearing pursuant to this subsection. The
20 applicant, licensee or permittee has the right to request a
21 hearing before the Commissioner of Public Safety or the
22 commissioner's designee. Upon the applicant's, licensee's or
23 permittee's request for a hearing, the Commissioner of Public
24 Safety shall provide a hearing. The hearing must comply with the
25 Maine Administrative Procedure Act. The purpose of the hearing
26 is to determine whether a preponderance of the evidence
27 establishes that the applicant, applicant's agent or employee,
28 licensee or licensee's agent or employee violated a provision of
29 this chapter or Title 17-A, chapter 39 or the permittee or the
30 permittee's employee committed murder or a Class A, B or C crime
31 or violated a provision of this chapter or Title 17-A, chapter
32 15, 29, 37 or 39. A request for a hearing may not be made any
33 later than 10 days after the applicant, licensee or permittee is
34 notified of the proposed denial, suspension or revocation. The
35 suspension or revocation action must be stayed pending the
36 hearing; the hearing may not be held any later than 30 days after
37 the date the commissioner receives the request unless otherwise
38 agreed by the parties or continued upon request of a party for
39 cause shown.

40 **3. Immediate suspension or revocation.** A licensee whose
41 license or permittee whose permit is immediately suspended or
42 revoked by the ~~Chief-of-the-State-Police~~ director pursuant to
43 subsection 1, paragraph C or E must be notified in writing of the
44 duration of the suspension or revocation and the licensee's or
45 the permittee's right to request a hearing before the
46 Commissioner of Public Safety or the commissioner's designee.
47 Upon the licensee's or permittee's request for a hearing, the
48 Commissioner of Public Safety shall provide a hearing. The
49 hearing must comply with the Maine Administrative Procedure Act.
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2 The purpose of the hearing is to determine whether a
preponderance of the evidence establishes that the licensee or
4 the licensee's agent or employee violated a provision of Title
17-A, chapter 39 or the permittee or the permittee's employee
6 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
8 a hearing may not be made any later than 48 hours after the
licensee or permittee is notified of the suspension or
10 revocation. A hearing may not be held any later than 10 days
after the date the commissioner receives the request.

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

14 **§322. Reports**

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

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

26 **§323. Access to premises**

28 An organization making application to the ~~Chief-of-the~~
30 ~~State-Police~~ director to conduct or operate "Beano" or "Bingo,"
an organization licensed under this chapter to operate "Beano" or
32 "Bingo," a commercial beano hall permit applicant or a commercial
beano hall permittee shall permit inspection of any equipment,
34 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~~
36 ~~State--Police~~ director or the chief's director's authorized
representative.

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

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

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

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2 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.

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

8
10 Sec. T-26. 17 MRSA §325, as amended by PL 1999, c. 74, §6, is
further amended to read:

12 **§325. Penalties**

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

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

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

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

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

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

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

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

22 **Sec. T-28. 17 MRSA §326, sub-§1-B,** as enacted by PL 1993, c.
24 45, §3, is amended to read:

26 1-B. **Filing.** An organization that chooses to use the
28 proceeds or part of the proceeds as allowed by subsection 1-A
30 must file with the ~~Chief-of-the-State-Police~~ director, at least
32 quarterly, a form for the disposition of funds prescribed by the
34 ~~Chief-of-the-State-Police~~ director detailing all payments made.
36 Every statement on the form must be made under oath by an officer
38 of the organization.

40 **Sec. T-29. 17 MRSA §326, sub-§2,** as amended by PL 1993, c. 45,
42 §4, is further amended to read:

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

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

44 **§327. Nonsmoking area**

46 The ~~Chief-of-State-Police~~ director shall adopt rules that
48 allow a licensee to establish a nonsmoking area within the room
50 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

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

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

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

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

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

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

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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.

24 1-E. Director. "Director" means the director of the Bureau
25 of Liquor, Gaming and Licensing.

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

27 §330-A. Bureau of Liquor, Gaming and Licensing

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

30 Sec. T-35. 17 MRSA §331, sub-§1, as amended by PL 1975, c.
31 740, §5, is further amended to read:

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

38 Sec. T-36. 17 MRSA §331, sub-§2-A, as amended by PL 2001, c.
39 672, §5, is further amended to read:

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2 2-A. Games of chance at agricultural fairs. The Chief-of-
the-State-Police director may issue a license to hold, conduct or
4 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.

6
8 Sec. T-37. 17 MRSA §331, sub-§7, ¶¶A to C, as enacted by PL
1989, c. 254, §1, are amended to read:

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

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

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

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

40 A. The Chief-of-the-State-Police director may issue one
42 special exempt raffle license per year to any organization,
department or class eligible to hold a raffle under
44 subsection 6 without obtaining a license. The special
exempt raffle license entitles the licensee to hold one
46 raffle in which the holder of a winning chance receives
something of value worth more than \$10,000 but not more than
48 \$75,000. Section 341 does not apply to raffles licensed
under this section.

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2 B. ~~The Chief-of-the-State-Police~~ director may not issue a
4 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.

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

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

24 **Sec. T-39. 17 MRSA §332, sub-§1**, as amended by PL 2001, c.
26 538, §2, is further amended to read:

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

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

42 A. ~~The Chief-of-the-State-Police~~ director may issue a game
of chance license to operate an electronic video machine to
44 any society or organization listed in subsection 1, ~~which~~
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**

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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
9 by 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.

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

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

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

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

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

22 **3. Rules.** ~~The Chief--of--the--State--Police~~ director shall
24 adopt rules in accordance with the Maine Administrative Procedure
Act, ~~Title-5, chapter-275~~ to carry out this section.

26 **Sec. T-45. 17 MRSA §336, sub-§1-B,** as enacted by PL 2001, c.
28 672, §11, is amended to read:

30 **1-B. Records required for licensee employing tokens.** If a
32 licensee employs tokens to account for revenue from games of
chance and if the licensee maintains direct control over the sale
34 and redemption of the tokens and keeps accurate records of all
tokens used, then the ~~chief~~ director may by rule alter or reduce
36 the record-keeping requirements of subsection 1 to the extent
that a licensee's use of tokens renders those records unnecessary
38 for adequate control of the licensee's games.

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

42 **2. Disposition of funds reports.** Within 10 business days
44 after the last day of any period during which a licensed game of
chance is conducted with other than an annual license or within
46 10 business days after the end of each calendar month during
which a licensed game of chance is conducted with an annual
48 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
50 for the period the total receipts and expenditures of the game

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2 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.

4
6 **Sec. T-47. 17 MRSA §336, sub-§2-A**, as repealed and replaced by
PL 2001, c. 672, §12, is amended to read:

8 **2-A. Disposition of funds reports from licensee using**
10 **tokens.** If tokens are employed to account for revenue from games
of chance, then the licensee shall report the number of tokens
12 sold, the number redeemed and the disposition of funds from the
proceeds of sale in addition to such other information as the
14 chief director may require under subsection 2.

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

18 **4. Location.** All records which--shall required to be
20 maintained by a licensee pursuant to this section and pursuant to
the rules and regulations adopted under this chapter shall must
22 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
24 in the license application. All these records shall must be open
to inspection by the ~~Chief-of-the-State-Police~~ director or his
26 the director's representative and ~~no a licensee shall may not~~
refuse the ~~Chief--of--the--State--Police~~ director or his the
28 director's representative the right to inspect or audit the
records. Refusal to permit inspection or audit of the records
30 shall does not constitute a crime under this chapter but shall
does constitute grounds for revocation of license.

32
34 **Sec. T-49. 17 MRSA §336-A, sub-§§1 and 2**, as enacted by PL
1977, c. 350, §7, are amended to read:

36 **1. Sales agreements.** Each distributor shall forward to the
38 ~~Chief-of-the-State-Police~~ director, prior to delivery of any
gambling machine to the purchaser, a copy of all sales
40 agreements, sales contracts or any other agreements involving the
sale of any gambling machine. The terms of the sales contract
42 shall must include, but are not be limited to, the name of
seller, name of purchaser, address of seller, address of
44 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.

46
48 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.
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2 2. **Service agreements.** With the sale of any gambling
3 machine involving a service agreement, the distributor shall
4 forward to the ~~Chief-of-the-State-Police~~ director a copy of the
5 agreement prior to delivery of the machine. The terms of the
6 service agreements shall must include, but are not be limited to,
7 the name of seller, name of purchaser, address of seller, address
8 of purchaser, description of machine to be serviced, including
9 serial number and model name and number and all prices and
10 payments for that service.

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

14 **Sec. T-50. 17 MRSA §336-A, sub-§2-A,** as enacted by PL 1999, c.
15 716, §6, is amended to read:

16 **2-A. Agricultural societies; lease agreements.** When a
17 gambling apparatus or implement is leased as provided in section
18 337 to an agricultural society, the distributor shall forward to
19 the ~~Chief-of-the-State-Police~~ director a copy of the lease
20 agreement prior to delivery of the gambling apparatus or
21 implement. The terms of the lease must include, but are not
22 limited to, the name of the lessor; address of the lessor; name
23 of the lessee; address of the lessee; description of the gambling
24 apparatus or implement; serial number, model name or number of
25 the gambling apparatus or implement; and all prices and payments
26 for the lease. Each lease must be for a specific period of time
27 no longer than the duration of the annual fair of that lessee,
28 and each gaming apparatus must have its own separate lease.
29 Gambling apparatus or implements leased under this section:

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

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

36 **Sec. T-51. 17 MRSA §336-A, sub-§§3 and 4,** as enacted by PL
37 1977, c. 350, §7, are amended to read:

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

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

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

4 C. The quantities of any equipment distributed.

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

20 **Sec. T-52. 17 MRSA §337, first ¶,** as amended by PL 1999, c.
22 716, §7, is further amended to read:

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

30 **Sec. T-53. 17 MRSA §337, 4th ¶,** as amended by PL 1989, c. 254,
32 §4, is further amended to read:

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

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2 §338. Printer

4 No A Maine printer may not print materials to be used in the
conduct of a licensed game of chance unless licensed by the Chief
6 ~~of the State Police~~ director. A printer licensed under this
section may act as a distributor without having to be licensed as
8 a distributor providing neither the printer nor anyone in the
printer's behalf acts as a seller for services connected with a
10 game of chance outside of the confines of the printer's premises
described in that printer's license. If that printer or someone
12 else acts as a seller for the printer's services in connection
with a game of chance outside of the premises described in that
14 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.
93, §3, is amended to read:

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

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

38 B. The distributor or printer or its resident manager,
40 superintendent or official representative violated any
provision of this chapter or any rule adopted by the Chief
42 ~~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.

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

6 **Sec. T-57. 17 MRSA §341, sub-§4**, as amended by PL 2001, c.
7 538, §4, is further amended to read:

8
9 **4. Games conducted at agricultural fairs by members of**
10 **agricultural society or bona fide nonprofit.** Beginning January
11 1, 2002, games of chance operated and conducted solely by members
12 of an agricultural fair society or games of chance operated and
13 conducted by members of bona fide nonprofit organizations on the
14 grounds of the agricultural society and during the annual fair of
15 the agricultural society may use cash, tickets, tokens or other
16 device approved by the ~~Chief-of-the-State-Police~~ director by rule.

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

26
27 **Sec. T-58. 17 MRSA §342**, as amended by PL 1975, c. 410, §3,
28 is further amended to read:

29 **§342. Reports**

30
31 The ~~Chief-of-the-State-Police~~ director shall require from
32 any licensed printer or distributor, or from any organization
33 authorized to operate a game of chance, whatever reports ~~he deems~~
34 the director considers necessary for the purpose of the
35 administration and enforcement of this chapter.

36
37 **Sec. T-59. 17 MRSA §343, first ¶**, as amended by PL 1997, c.
38 684, §7, is further amended to read:

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

R. of S.

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

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

30 **3. Immediate suspension or revocation.** A licensee whose
31 license is immediately suspended or revoked by the ~~Chief-of-the~~
32 ~~State-Police~~ director pursuant to subsection 1, paragraph C must
33 be notified in writing of the duration of the suspension or
34 revocation and the licensee's right to request a hearing before
35 the Commissioner of Public Safety or the commissioner's
36 designee. Upon the licensee's request for a hearing, the
37 Commissioner of Public Safety shall provide a hearing. The
38 hearing must comply with the Maine Administrative Procedure Act.
39 The purpose of the hearing is to determine whether a
40 preponderance of the evidence establishes that the licensee or
41 the licensee's agent or employee violated section 332, subsection
42 3-A or 3-B, paragraph C or a provision of Title 17-A, chapter
43 39. A request for a hearing may not be made any later than 48
44 hours after the licensee is notified of the suspension or
45 revocation. A hearing may not be held any later than 10 days
46 after the date the commissioner receives the request.

48 **Sec. T-62. 17 MRSA §345, as amended by PL 1997, c. 728, §8,**
49 **is further amended to read:**
50

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§345. Access to premises

2 Any person, firm, corporation, association or organization
4 making application to the ~~Chief-of-the-State-Police~~ director to
6 conduct or operate a game of chance or any such person, firm,
8 corporation, association or organization authorized under this
10 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.

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

18 Sec. T-63. 25 MRSA §2001, sub-§7, as enacted by PL 2001, c.
20 459, §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
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
34 requirements for the issuance of a permit to carry a
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:

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2 1-B. Bureau. "Bureau" means the Bureau of Liquor, Gaming and Licensing.

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

6 2-A. Director. "Director" means the Director of the Bureau of Liquor, Gaming and Licensing.

8 Sec. T-67. 25 MRSA §2002, sub-§9, as amended by PL 1997, c. 10 360, §§2 and 3, is further amended to read:

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

14 A. To a legal resident of a municipality:

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

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

26 B. To a resident of an unorganized territory:

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

30 C. To a nonresident:

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

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

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

38 Sec. T-68. 25 MRSA §2002-A, as amended by PL 1993, c. 524,
40 §4, is further amended to read:

42 **§2002-A. Assignment of authority**

44 The municipal officers of a municipality without a full-time
46 chief of police may designate, if the ~~Chief-of-the-State-Police~~
48 director agrees, the ~~State--Police~~ director as the issuing
50 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

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

9
10 **Sec. T-69. 25 MRSA §2003, sub-§15**, as enacted by PL 1993, c.
11 524, §12, is amended to read:

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

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

21
22 B. If the ~~Chief-of-the-State-Police~~ director is the issuing
23 authority as the designee of a municipality under section
24 2002-A, \$25 of the fee for an original application and \$15
25 of the fee for a renewal must be paid over to the Treasurer
26 of State.

27
28 C. If the ~~Chief-of-the-State-Police~~ director is the issuing
29 authority because the applicant is either a resident of an
30 unorganized territory or a nonresident, the application fee
31 must be paid over to the Treasurer of State. The fee must
32 be applied to the expenses of administration incurred by the
33 State--Police director.

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

37 **§2901. Department; commissioner**

38
39 There is created and established the Department of Public
40 Safety to coordinate and efficiently manage the law enforcement
41 and public safety responsibilities of the State, to consist of
42 the Commissioner of Public Safety, in this chapter called
43 "commissioner," who is appointed by the Governor, subject to
44 review by the joint standing committee of the Legislature having
45 jurisdiction over criminal justice matters and to confirmation by
46 the Legislature, to serve at the pleasure of the Governor, and
47 the following: the Bureau of State Police, the Bureau of Liquor
48 Enforcement, Gaming and Licensing, the Office of the State Fire

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

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

4 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:

8 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;

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

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

16 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.

20 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:

24 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.

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

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

34 10-B. Director. "Director" means the Director of the Bureau of Liquor, Gaming and Licensing.

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

38 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.

42 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:

46 §82. Bureau of Liquor, Gaming and Licensing

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

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2 1. **General supervision.** Enforce the laws relating to the
4 manufacture, importation, storage, transportation and sale of all
liquor and administer those laws relating to licensing and the
6 collection of taxes on malt liquor and wine. The bureau also
shall enforce the laws relating to the issuance of firearms
8 permits for prohibited persons pursuant to Title 15, chapter 15;
enforce the laws relating to the licensing and conduct of beano
and games of chance pursuant to Title 17, chapters 13-A and 14;
10 enforce the laws relating to the issuance of concealed firearms
permits pursuant to Title 25, chapter 252; and enforce the laws
12 relating to the issuance of licenses for private investigators
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.
571, §1, is further amended to read:

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

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

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

42 **Sec. T-81. 28-A MRSA §161, sub-§7,** as enacted by PL 1987, c.
44 45, Pt. A, §4, is amended to read:

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

50

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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 **Sec. T-82. 28-A MRSA §714, sub-§3, ¶¶A and B, as amended by PL**
10 **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**
34 **further amended to read:**

36 1. **Violation of law or rule.** Upon discovering a violation
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**
48 **further amended to read:**

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

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

2 Judge, instead of notifying a licensee against whom a complaint
is pending to appear for hearing, may send the licensee a
4 warning. Warnings must be sent by registered or certified mail
and contain a copy of the complaint. A licensee to whom a
6 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.

8 **Sec. T-85. 28-A MRSA §1001, sub-§2, ¶A**, as amended by PL 1993,
10 c. 410, Pt. ZZ, §6, is further amended to read:

12 A. Full-time (one year).....\$--900 \$1,026.

14 **Sec. T-86. 28-A MRSA §1002, sub-§2, ¶A**, as amended by PL 1993,
c. 410, Pt. ZZ, §7, is further amended to read:

16 A. Full-time (one year).....\$1,100 \$1,254.

18 **Sec. T-87. 28-A MRSA §1003, sub-§2, ¶A**, as amended by PL 1993,
20 c. 410, Pt. ZZ, §8, is further amended to read:

22 A. Full-time (one year).....\$--550 \$627.

24 **Sec. T-88. 28-A MRSA §1004, sub-§2, ¶A**, as amended by PL 1993,
c. 410, Pt. ZZ, §9, is further amended to read:

26 A. Full-time (one year).....\$--220 \$251.

28 **Sec. T-89. 28-A MRSA §1005, sub-§2, ¶A**, as amended by PL 1993,
30 c. 410, Pt. ZZ, §10, is further amended to read:

32 A. Full-time (one year).....\$--220 \$251.

34 **Sec. T-90. 28-A MRSA §1006, sub-§2, ¶A**, as amended by PL 1993,
c. 410, Pt. ZZ, §11, is further amended to read:

36 A. Full-time (one year).....\$--495 \$565.

38 **Sec. T-91. 28-A MRSA §1007, sub-§2, ¶A**, as amended by PL 1993,
40 c. 410, Pt. ZZ, §12, is further amended to read:

42 A. Full-time (one year).....\$--200 \$228.

44 **Sec. T-92. 28-A MRSA §1008, sub-§2, ¶A**, as amended by PL 1993,
c. 410, Pt. ZZ, §13, is further amended to read:

46 A. Full-time (one year).....\$--200 \$228.

48 **Sec. T-93. 28-A MRSA §1009, sub-§2, ¶A**, as amended by PL 1993,
50 c. 410, Pt. ZZ, §14, is further amended to read:

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2 A. Full-time (one year).....\$--200 \$228.

4 **Sec. T-94. 28-A MRSA §1010, sub-§2, ¶A,** as amended by PL 1993,
c. 410, Pt. ZZ, §15, is further amended to read:

6 A. Full-time (one year).....\$--200 \$228.

8 **Sec. T-95. 28-A MRSA §1011, sub-§2, ¶A,** as amended by PL 1993,
10 c. 410, Pt. ZZ, §16, is further amended to read:

12 A. Full-time (one year)..... \$2,200 \$2,508.

14 **Sec. T-96. 28-A MRSA §1011-A, sub-§2,** as enacted by PL 1993,
c. 410, Pt. ZZ, §17, is amended to read:

16 2. **Fees.** The fee for a Class XI license is \$1,500 \$1,710
18 (one year).

20 **Sec. T-97. 28-A MRSA §1012, sub-§1, ¶A,** as amended by PL 1987,
c. 151, §1, is further amended to read:

22 A. The license fee for each license is
24\$---50 \$57.

26 **Sec. T-98. 28-A MRSA §1012, sub-§3, ¶A,** as amended by PL 1987,
c. 623, §13, is further amended to read:

28 A. The license fee per calendar day of the event or
30 gathering is\$10 \$11.

32 **Sec. T-99. 28-A MRSA §1052, sub-§2,** as amended by PL 1987, c.
34 342, §76, is further amended to read:

36 2. **Fee.** The license fee for the ~~off-premise~~ off-premises
catering license is \$10 \$11 per calendar day of the event or
38 gathering.

40 **Sec. T-100. 28-A MRSA §1502, sub-§1,** as amended by PL 1991, c.
376, §54, is further amended to read:

42 1. **Fee.** The annual license fee is \$50 \$57.

44 **Sec. T-101. 28-A MRSA §1551,** as amended by PL 1991, c. 376,
46 §55, is further amended to read:

48 **§1551. Fees for nonretail licenses**

50 1. **Certificate of approval.** The license fees for
certificates of approval are:

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1190,
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- A. For malt liquor (one year)..... \$600 ~~\$684~~; and
- B. For wine (one year).....\$600 ~~\$684~~.
- 2. **Wholesale licenses.** The license fees for wholesale licenses are:
 - A. For the sale of malt liquor (one year).. \$600 ~~\$684~~;
 - B. For the storage of malt liquor (one month)..
.....\$50 ~~\$57~~;
 - C. For the sale of wine (one year)..... \$600 ~~\$684~~; and
 - D. For the storage of wine (one month).. \$---50 ~~\$57~~.
- 3. **In-state manufacturers.** The license fees for in-state manufacturer licenses are:
 - A. Distiller, includes bottling (one year).....
.....\$1,000;
 - B. Brewery, includes bottling (one year).....
.....\$1,000;
 - C. Rectifier, includes bottling (one year).....
.....\$1,000;
 - D. Bottler only (one year).....
.....\$1,000;
 - E. Winery, includes bottling (one year).....
.....\$1,000;
 - F. Maine farm winery, includes bottling (one year).....\$50; and
 - G. Small Maine brewery, includes bottling (one year).....\$50.
- 4. **Sales representatives.** The fees for sales representatives are as follows:
 - A. Sales representative of manufacturer or certificate of approval holder (one year).....\$50 ~~\$57~~.
- 5. **Other fees.** The fees for the following are:
 - A. Filing fee for license application.....
.....\$10 ~~\$11~~; and

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B. Filing fees for registering label:

- (1) Original registration.....\$10 ~~\$11~~;
- (2) Change of label.....\$1; and
- (3) Annual renewal of label registration...
.....\$1.

Sec. T-102. 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;
- (5) A Department of Conservation vehicle used for
forest fire control;
- (6) A Department of Corrections vehicle used for
responding to the escape of or performing the
high-security transfer of a prisoner, juvenile client
or juvenile detainee;
- (7) A Department of Inland Fisheries and Wildlife
vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by
a liquor law enforcement officer of the Bureau of
Liquor, Gaming and Licensing, a capital security
officer appointed pursuant to Title 25, section 2908, a
state fire investigator or a Maine Drug Enforcement
Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;

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- 2 (11) A hazardous material response vehicle, including
a vehicle designed to respond to a weapon of mass
destruction;
- 4 (12) A railroad police vehicle;
- 6 (13) A sheriff's department vehicle;
- 8 (14) A State Police or municipal police department
10 vehicle;
- 12 (15) A vehicle operated by a chief of police, a
14 sheriff or a deputy sheriff when authorized by the
sheriff;
- 16 (16) A vehicle operated by a municipal fire inspector,
18 a municipal fire chief, an assistant or deputy chief or
a town forest fire warden;
- 20 (17) A vehicle operated by a qualified deputy sheriff
22 or other qualified individual to perform court
security-related functions and services as authorized
24 by the State Court Administrator pursuant to Title 4,
section 17, subsection 15; or
- 26 (18) A Federal Government vehicle operated by a
federal law enforcement officer.

28 **Sec. T-103. 32 MRSA §8102**, as enacted by PL 1981, c. 126, §2,
30 is amended to read:

32 **§8102. Purpose**

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

40 **Sec. T-104. 32 MRSA §8103, sub-§1**, as amended by PL 2001, c.
298, §1, is repealed.

42 **Sec. T-105. 32 MRSA §8103, sub-§§1-A and 1-B** are enacted to
read:

44 1-A. Bureau. "Bureau" means the Bureau of Liquor, Gaming
46 and Licensing.

48 1-B. Director. "Director" means the Director of the
50 Bureau of Liquor, Gaming and Licensing.

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2 **Sec. T-106. 32 MRSA §8104, sub-§1**, as enacted by PL 1981, c.
126, §2, is amended to read:

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

8 **Sec. T-107. 32 MRSA §8105, sub-§4**, as amended by PL 1995, c.
10 694, Pt. D, §56 and affected by Pt. E, §2, is further amended to
read:

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

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

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

30 C. Records of 3 or more convictions of the applicant for
Class D or E crimes;

32 D. Records of 3 or more civil violations by the applicants;
34 or

36 E. Records that the applicant has engaged in recklessness
or negligence that endangered the safety of others,
38 including the use of weapons or motor vehicles;

40 **Sec. T-108. 32 MRSA §8105, sub-§5**, as amended by PL 2001, c.
298, §2, is further amended to read:

42 5. **Application.** Submits an application which contains the
44 following:

46 A. Full name;

48 B. Full current address and addresses for the prior 5 years;

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

- 2 C. The date and place of birth, height, weight and color of eyes;
- 4 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 having his the applicant's fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to his the applicant's identity; and
- 8 E. Answers to the following questions:
- 10 (1) Are you currently under indictment or information for a crime for which the possible penalty is imprisonment for a period equal to or exceeding one year?
- 12 (2) Have you ever been convicted of a crime for which the possible penalty was imprisonment for a period equal to or exceeding one year?
- 14 (3) Are you a fugitive from justice?
- 16 (4) Are you an unlawful user of or addicted to marijuana or any other drug?
- 18 (5) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years? or
- 20 (6) Are you an illegal alien?

32 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.

38 **Sec. T-109. 32 MRSA §8105, sub-§7-A, ¶A, as amended by PL 40 2001, c. 298, §3, is further amended to read:**

42 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;

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2 **Sec. T-110. 32 MRSA §8105, sub-§8,** as enacted by PL 1981, c.
126, §2, is amended to read:

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

10 **Sec. T-111. 32 MRSA §8107,** as enacted by PL 1981, c. 126, §2,
is amended to read:

12 **§8107. Application for original license**

14 Applications for original licenses shall ~~must~~ be made to the
16 ~~commissioner~~ director in writing under oath on forms prescribed
by ~~him~~ the director with respect to the requirements of section
18 8105. The application shall ~~must~~ be accompanied by the fee
required under section 8117, and by a certification, by each of 3
20 reputable citizens of the State, of the following:

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

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

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

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

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

40 **Sec. T-112. 32 MRSA §8108, first ¶,** as enacted by PL 1981, c.
126, §2, is amended to read:

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

48 **Sec. T-113. 32 MRSA §8111,** as enacted by PL 1981, c. 126, §2,
50 is amended to read:

2 **§8111. Bonding requirement**

4 1. **Requirement.** A person licensed as a private investigator
6 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.

8
10 A person licensed as an investigative assistant shall give to the
~~commissioner~~ director a bond in the sum of \$20,000.

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

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

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

20 C. Be conditioned upon the honest conduct of the business
22 of the licensee and the right of any person, including the
officer of any aggrieved labor union or association, whether
24 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.

26 **Sec. T-114. 32 MRSA §8113, first ¶, as amended by PL 2001, c.**
28 **298, §4, is further amended to read:**

30 The ~~commissioner~~ director may, after notice of an
32 opportunity for hearing in conformance with the provisions of the
Maine Administrative Procedure Act, Title 5, chapter 375,
34 subchapter IV 4, refuse to issue or renew a license. The District
Court may suspend or revoke the license of any person licensed
36 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:

38 **Sec. T-115. 32 MRSA §8113, sub-§§3, 4 and 6, as repealed and**
40 **replaced by PL 1985, c. 207, §2, are amended to read:**

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

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

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

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

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

11 **Sec. T-116. 32 MRSA §8113-A, sub-§§1 and 2,** as enacted by PL
12 1989, c. 917, §17, are amended to read:

13 1. **Immediate suspension.** If the ~~commissioner~~ director has
14 probable cause to believe that a person licensed pursuant to this
15 chapter is required to submit to chemical testing for the
16 presence of intoxicating liquor or drugs pursuant to Title 17-A,
17 section 1057 or for conduct that occurs while the licensee is in
18 possession of a loaded firearm and the licensee refuses to submit
19 to the required testing, the ~~commissioner~~ director shall
20 immediately suspend the licensee's right to carry a concealed
21 firearm.
22
23
24

25 2. **Report to director.** The law enforcement officer who has
26 probable cause to require chemical testing shall promptly notify
27 the ~~commissioner~~ director of the licensee's refusal and provide
28 the ~~commissioner~~ director with a report of the facts and
29 circumstances of the requirement to submit to chemical testing
30 and of the licensee's refusal.
31
32

33 **Sec. T-117. 32 MRSA §8114, sub-§1, ¶¶B, C and D,** as enacted by
34 PL 1981, c. 126, §2, are amended to read:

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

37 C. To falsely represent that any person in his the person's
38 employ is a private investigator or investigative assistant;
39 or
40

41 D. To make any false statements or material omission in any
42 application filed with the ~~commissioner~~ director.
43
44

45 **Sec. T-118. 32 MRSA §8114, sub-§2, ¶¶A and C,** as enacted by PL
46 1981, c. 126, §2, are amended to read:

47 A. To make any representation which that suggests, or which
48 that would reasonably cause another person to believe, that
49
50

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2 he the private investigator is a sworn peace officer of this
State, any political subdivision thereof, or any other state
4 or of the Federal Government;

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

8 Sec. T-119. 32 MRSA §§8115 and 8116, as enacted by PL 1981,
10 c. 126, §2, are amended to read:

12 **§8115. Identification cards**

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

18 **§8116. Powers of director**

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

26 2. **Contempt.** If a witness refuses to obey a subpoena or to
give any evidence relevant to proper inquiry by the ~~commissioner~~
28 director, the Attorney General may petition the Superior Court in
the county where the refusal occurred to find the witness in
30 contempt. The Attorney General shall cause to be served on that
witness an order requiring him the witness to appear before the
32 Superior Court to show cause why he the witness should not be
adjudged in contempt. The court shall, in a summary manner, hear
34 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
36 extent as for contempt committed before the Superior Court or
with reference to the process of the Superior Court.

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

44 Sec. T-120. 32 MRSA §8120-A, as enacted by PL 1997, c. 360,
§5, is amended to read:

46 **§8120-A. Firearms**

48 A private investigator licensed under this chapter may carry
50 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-121. 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-122. 32 MRSA §9403, sub-§2, as enacted by PL 1981, c.
113, §2, is repealed.

Sec. T-123. 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-124. 32 MRSA §9403, sub-§5, as enacted by PL 1981, c.
113, §2, is amended to read:

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

Sec. T-125. 32 MRSA §9404, sub-§1, as enacted by PL 1981, c.
113, §2, is amended to read:

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

Sec. T-126. 32 MRSA §9405, sub-§1-A, as enacted by PL 1987, c.
170, §8, is amended by amending the first paragraph to read:

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

R.C.S.

2 **Sec. T-127. 32 MRSA §9405, sub-§2-C**, as amended by PL 1995, c.
3 694, Pt. D, §57 and affected by Pt. E, §2, is further amended to
4 read:

6 **2-C. Good moral character.** The ~~commissioner~~ director, in
7 judging good moral character, shall make ~~his~~ a determination in
8 writing based solely upon information recorded by governmental
9 entities within 5 years of receipt of the application, including,
10 but not limited to, the following matters:

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

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

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

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

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

30 **Sec. T-128. 32 MRSA §9405, sub-§4**, as amended by PL 1995, c.
31 694, Pt. D, §58 and affected by Pt. E, §2, is further amended to
32 read:

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

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

48 B. The records compiled pursuant to Title 19-A, section
49 4012, subsection 1;

50

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C. Juvenile and adult crime records; and

D. Military records.

Sec. T-129. 32 MRSA §9407, sub-§1, as amended by PL 1983, c. 221, §3, is further amended to read:

1. **Application; fee.** Applications for original licenses 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.

Sec. T-130. 32 MRSA §9409, sub-§1, ¶A, as enacted by PL 1981, c. 113, §2, is amended to read:

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

Sec. T-131. 32 MRSA §9409, sub-§2, as enacted by PL 1981, c. 113, §2, is amended to read:

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

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

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

C. Conditioned upon the honest conduct 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 the licensee's own name, an action on the bond.

Sec. T-132. 32 MRSA §9410, sub-§3, as enacted by PL 1981, c. 113, §2, is amended to read:

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

1012

2 Sec. T-133. 32 MRSA §9410-A, as amended by PL 2003, c. 12,
§1, is further amended to read:

4 **§9410-A. Security guard qualifications**

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

12 A. Is 18 years of age or older;

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

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

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

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

30 F. Does not have 3 or more convictions for crimes
punishable by less than one year of imprisonment within the
32 past 5 years;

34 G. Is not a fugitive from justice;

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

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

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

46 K. At the request of the contract security company, the
48 ~~commissioner~~ director or his the director's designee, takes
whatever action is required of him the natural person by law
50 to allow the contract security company, the ~~commissioner~~

2 director or his the director's designee to obtain from:
3 Hospitals and mental institutions either within or outside
4 the State, limited to records of involuntary commitments;
5 the courts; law enforcement agencies; and the military,
6 information relevant to whether the natural person meets the
7 requirements set forth in paragraphs A to J.

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

17 A. The employee's full name;

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

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

22 **3. Background investigation of security guards at site of
23 labor dispute or strike.** For each employee reported to the
24 ~~commissioner~~ director under subsection 2 who will perform
25 security guard functions at the site of a labor dispute or
26 strike, the licensee shall have previously investigated the
27 background of the employee to ensure that the employee meets all
28 of the requirements to be a security guard, as contained in
29 subsection 1. The licensee shall also sign a statement
30 accompanying the notice required by subsection 2, in which the
31 licensee shall state that he the licensee has conducted this
32 investigation and that the employee meets the requirements
33 contained in subsection 1.

34 **4. Background investigation by licensee of all other
35 security guards.** For all other employees reported to the
36 ~~commissioner~~ director under subsection 2, and for each employee
37 on the list required by section 9405, subsection 1-A, paragraph
38 F, subparagraph (6), for whom the licensee has not previously
39 submitted a statement that the employee meets the requirements of
40 subsection 1, the licensee shall investigate the background of
41 the employee to ensure that the employee meets all of the
42 requirements to be a security guard, as contained in subsection
43 1. Within 60 days of the date that the employee begins to
44 perform security guard functions within the State, the licensee
45 shall complete this background investigation and submit to the
46

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2 ~~commissioner~~ director a statement, signed by the licensee, that
the licensee has conducted the background investigation and that
4 the employee meets the requirements of subsection 1. This
statement must be submitted to the ~~commissioner~~ director before
6 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.

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

- 18 A. The records pertaining to involuntary commitments to
20 Augusta Mental Health Institute and Bangor Mental Health
Institute;
- 22 B. The records compiled pursuant to Title 19-A, section
24 4012, subsection 1;
- 26 C. Juvenile and adult crime records; and
- 28 D. Military records.

30 **Sec. T-134. 32 MRSA §9411-A**, as amended by PL 1999, c. 547,
Pt. B, §78 and affected by §80, is further amended to read:

32 **§9411-A. Refusal to renew; suspension; revocation; reapplication**

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

- 44 A. The application, any documents made a part of the
46 application, any notice or any statement filed with the
commissioner contained a material misstatement.
- 48 B. The licensee becomes ineligible to hold a license under
this chapter. Ineligibility is determined on the basis of
50 the criteria contained in section 9405.

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

4
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
8 1.

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

12
14 F. The licensee fails to comply with any of the rules
promulgated by the commissioner under this chapter.

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

18
20 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
22 the expiration of 5 years from the date of refusal to renew or
revocation.

24
26 **Sec. T-135. 32 MRSA §9412, sub-§1, ¶¶C and D,** as amended by PL
1987, c. 170, §15, are further amended to read:

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

30
32 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~~
34 director; or

36 **Sec. T-136. 32 MRSA §§9413 and 9414,** as enacted by PL 1981,
c. 113, §2, are amended to read:

38
40 **§9413. Change in status of license**

42 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
44 previously furnished or required to be furnished to the
~~commissioner~~ director or any occurrence which that could
46 reasonably be expected to affect the licensee's right to a
license under this chapter.

48
50 **§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-137. 32 MRSA §9418, as enacted by PL 1987, c. 170,
§19, is amended to read:

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

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

The ~~commissioner~~ director or ~~his~~ the director's designee
shall make a permanent record of each license to be a contract

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

Sec. T-138. 36 MRSA §172, sub-§1, as amended by PL 1997, c.
373, §171, is further amended to read:

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

Sec. T-139. Transition provisions.

1. All references in the Maine Revised Statutes, Title 15,
chapter 15 to the functions performed by the Commissioner of
Public Safety are deemed to refer to 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 15, chapter 15 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
15, chapter 15. All existing rules and procedures in effect, in
operation or adopted by the Commissioner of Public Safety
regarding Title 15, chapter 15 remain in effect and continue in
effect until rescinded, revised or amended by the proper
authority.

2. All references in the Maine Revised Statutes, Title 17,
chapter 13-A to the functions performed by the Chief of the State
Police are deemed to refer to 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 17, chapter 13-A 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 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.

3. All references in the Maine Revised Statutes, Title 17,
chapter 14 to the functions performed by the Chief of the State
Police are deemed to refer to the Director of the Bureau of

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

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

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
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.

38 6. All existing rules and procedures in effect, in
40 operation or adopted by the Department of Public Safety, Bureau
42 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.

44 7. All existing forms, licenses, letterheads and similar
46 items bearing the name of or referring to the the Department of
48 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 regarding Title 32, chapters 89 and 93 remain in effect and continue in effect until rescinded, revised or amended by the proper authority.

Sec. T-140. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Bureau of Liquor, Licensing and Gaming

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)

2 **Bureau of Liquor, Licensing and Gaming**

4 Initiative: Allocates funds to establish, within the newly
6 established Division of Liquor, Licensing and Gaming, one
8 Director position, one Assistant Director position, one Liquor
10 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.

12	Other Special Revenue Funds	2003-04	2004-05
14	Positions - Legislative Count	(9.000)	(9.000)
	Personal Services	\$557,525	\$562,203
16	All Other	236,190	240,176
	Capital Expenditures	64,500	0
18			
	Other Special Revenue Funds Total	\$858,215	\$802,379

20 **Licensing and Enforcement - Public Safety 0712**

22 Initiative: Deallocates funds to eliminate one State Police
24 Lieutenant position, one State Police Sergeant position, one
26 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.

28	Other Special Revenue Funds	2003-04	2004-05
30	Positions - Legislative Count	(-9.000)	(-9.000)
	Personal Services	(\$617,093)	(\$620,643)
32	All Other	(236,583)	(241,310)
	Capital Expenditures	(64,500)	0
34			
	Other Special Revenue Funds Total	(\$918,176)	(\$861,953)

36 **PUBLIC SAFETY, DEPARTMENT OF**
38 **DEPARTMENT TOTALS**

	2003-04	2004-05
40	GENERAL FUND	\$413,537
	OTHER SPECIAL REVENUE FUNDS	(59,574)
42		
	DEPARTMENT TOTAL - ALL FUNDS	\$353,576
44		\$353,963'

46 **SUMMARY**

48 This amendment creates the Bureau of Liquor, Gaming and
50 Licensing within the Department of Public Safety. The new bureau
is responsible for administering and licensing and enforcing the

2018

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

2 laws and rules related to liquor, beano, games of chance,
firearms and private investigators and security guards. The
4 amendment increases from 9 to 12 the number of law enforcement
officers who would be cross-trained to perform enforcement
6 functions for liquor and gaming. The amendment increases certain
liquor license fees by 14% to fund the new bureau.

8

10

FISCAL NOTE REQUIRED
(See attached)

12

14

SPONSORED BY: 

16

(Senator MARTIN)

18

COUNTY: Aroostook

20

**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(08)

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

Sponsor: Sen. Martin

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	\$413,537	\$413,537	\$413,537	\$413,537
Other Special Revenue Funds	(\$59,961)	(\$59,574)	(\$59,574)	(\$59,574)
Revenue				
General Fund	\$413,537	\$413,537	\$413,537	\$413,537

Fiscal Detail and Notes

This amendment has no net effect on the General Fund.