

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 6-11-03

(Filing No. S-274)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

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

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

PART T

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

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

- (1) Department of Public Safety, except for the Bureau of Liquor Enforcement, Gaming and Licensing and the Emergency Services Communication Bureau, in 2001; and
(2) Department of Corrections in 2003.

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

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

- (2) State Liquor and Lottery Commission in 1999;

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
6 Management in 2001.

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

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

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

14 3. **Appellate jurisdiction.** The District Court has
16 exclusive jurisdiction to review disciplinary decisions of
occupational licensing boards and commissions taken pursuant to
18 Title 10, section 8003 and licensing decisions of the Bureau of
Liquor Enforcement, Gaming and Licensing taken pursuant to Title
20 28-A, sections 453-A, 458 and 653. Chapter 375, subchapter VII 7
governs these proceedings as far as applicable, substituting
"District Court" for "Superior Court."

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
Licensing.

32 2. Director. "Director" means the Director of the Bureau
34 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
48 sentences imposed as a result of the conviction or adjudication,
apply to the ~~Commissioner of Public Safety~~ director for a permit

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
8 **3. Contents.** The application shall must be on a form
prepared by the ~~Commissioner--of--Public--Safety~~ director. The
10 application shall must include the following: The applicant's
full name; all aliases; date and place of birth; place of legal
12 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
14 address of probation or parole officer; date of discharge or
release from prison or jail or termination of probation; the
16 reason for the request; and any other information deemed
determined by the commissioner to be of assistance. The
18 application shall must be accompanied by certified or attested
copies of the indictment, information or complaint, judgment and
20 commitment and discharge which that are the subject of the
conviction.

22
24 **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,
26 he the director shall within 30 days notify in writing the
sentencing judge, the Attorney General, the district attorney for
28 the county where the applicant resides, the district attorney for
the county where the conviction occurred, the law enforcement
30 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
32 applicant resides as of the filing of the application. The
~~commissioner~~ director may direct any appropriate investigation to
34 be carried out. If, within 30 days of the sending of notice, any
person so notified objects in writing to the issuance of a
36 permit, none shall be issued. The ~~commissioner~~ director may deny
38 an application if no objection is filed.

40
42 **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
44 shall-~~find~~ finds that the applicant's request is reasonable and
that the denial of the commissioner was arbitrary, capricious or
discriminatory.

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

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
6 permit" means written authority from the ~~Chief-of-the-State~~
7 ~~Police~~ director issued to a permittee who rents or leases
8 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.
12 342, §1, is repealed.

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

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

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

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

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

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

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

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

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

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

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

2 **§312. License required**

4 No A person, firm, association or corporation shall may not
6 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
16 hours of 12 midnight and 7 a.m. The prevailing time for the
 State is used to determine these hours.

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 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

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

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

45
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:
48

1. **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

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
operated and conducted therein by the management without profit
6 and solely for the entertainment of guests of the hotel
registered therein, and provided that charges, if any, to the
8 guests for participation in such entertainment shall ~~must~~ be
limited to a maximum of \$2 in any 24-hour period. The fee for
10 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
12 liquor licenses of any such resort hotel licensees shall ~~may~~ not
be withheld because of the conducting ~~of~~ by such resort hotel of
14 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
evidence as the ~~chief~~ director may determine necessary to satisfy
22 the ~~chief~~ director that an applicant or organization licensed to
conduct beano conforms to the restrictions and other provisions
24 of this chapter. Charters, organizational papers, bylaws or other
such written orders of founding that outline or otherwise explain
26 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
adopt rules, not inconsistent with law, that are necessary for
38 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

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

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

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

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

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

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

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

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

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

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

2 the refusal occurred to find the witness in contempt. The
Attorney General shall cause to be served on that witness an
4 order requiring the witness to appear before the Superior
Court to show cause why the witness should not be adjudged
6 in contempt. The court shall, in a summary manner, hear the
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
extent as for contempt committed before the Superior Court
or with reference to the process of the Superior Court.

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

40
42 **3. Immediate suspension or revocation.** A licensee whose
license or permittee whose permit is immediately suspended or
44 revoked by the ~~Chief-of-the-State-Police~~ director pursuant to
subsection 1, paragraph C or E must be notified in writing of the
46 duration of the suspension or revocation and the licensee's or
the permittee's right to request a hearing before the
Commissioner of Public Safety or the commissioner's designee.
48 Upon the licensee's or permittee's request for a hearing, the
Commissioner of Public Safety shall provide a hearing. The
50 hearing must comply with the Maine Administrative Procedure Act.

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

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

6 A. Notwithstanding any other rule, Lucky seven or other
similar sealed tickets may be sold that have a sale value of
8 \$1 or less.

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

24 An individual, corporation, partnership or unincorporated
association that rents or leases a building or facilities to
26 hold, conduct or operate "Beano" or "Bingo" without a commercial
beano hall permit issued by the ~~Chief of the State Police~~
28 director or who violates any of the provisions of this chapter or
any rules adopted by the ~~Chief of the State Police~~ director
30 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,
c. 45, §3, is amended to read:

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

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

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

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:

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

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

§327. Nonsmoking area

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

2 2-A. Games of chance at agricultural fairs. The Chief-of
the-State-Police director may issue a license to hold, conduct or
operate the game of chance commonly known as "penny falls" or
4 "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
State-Police director may issue one special exempt raffle
12 license per year to any organization, department or class
eligible to hold a raffle under subsection 6 without
14 obtaining a license. The special exempt raffle license
entitles the licensee to hold one raffle in which the holder
16 of a winning chance receives something of value worth more
than \$10,000 but not more than \$25,000. Section 341 does
18 not apply to raffles licensed under this section.

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

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

42 A. The Chief-of-the-State-Police director may issue one
special exempt raffle license per year to any organization,
department or class eligible to hold a raffle under
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.
50

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

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

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

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

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

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

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

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

50 **§333. Application**

2 An application to operate or conduct a game of chance shall
3 must be on forms provided by the ~~Chief-of-the-State-Police~~
4 director. ~~Such~~ The application shall must be signed by a duly
5 authorized officer of the organization. It shall must contain
6 the full name and address of the organization, a full description
7 of the game of chance, the location where the game is to be
8 conducted and any other information ~~deemed-necessary~~ required
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
17 **§334. Evidence**

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

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

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

47
48
49
50

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
12 law enforcement agency, rescue or other emergency
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
18 would receive the proceeds has adequate means of
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.
22 825, §3, is amended to read:

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

28 **Sec. T-45. 17 MRSA §336, sub-§1-B,** as enacted by PL 2001, c.
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
and redemption of the tokens and keeps accurate records of all
34 tokens used, then the ~~chief~~ director may by rule alter or reduce
the record-keeping requirements of subsection 1 to the extent
36 that a licensee's use of tokens renders those records unnecessary
for adequate control of the licensee's games.

38 **Sec. T-46. 17 MRSA §336, sub-§2,** as amended by PL 1999, c. 63,
40 §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
50 furnished by the ~~Chief-of-the-State-Police~~ director, detailing
for the period the total receipts and expenditures of the game

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

14
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
19 maintained by a licensee pursuant to this section and pursuant to
20 the rules and regulations adopted under this chapter shall must
21 be kept and maintained on the premises where the game of chance
22 has been conducted or at the primary business office of the
23 licensee, which office shall must be designated by the licensee
24 in the license application. All these records shall must be open
25 to inspection by the ~~Chief-of-the-State-Police~~ director or his
26 the director's representative and ~~no a licensee shall may not~~
27 refuse the Chief--of--the--State--Police director or his the
28 director's representative the right to inspect or audit the
29 records. Refusal to permit inspection or audit of the records
30 shall does not constitute a crime under this chapter but shall
31 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
37 ~~Chief-of-the-State-Police~~ director, prior to delivery of any
38 gambling machine to the purchaser, a copy of all sales
39 agreements, sales contracts or any other agreements involving the
40 sale of any gambling machine. The terms of the sales contract
41 shall must include, but are not be limited to, the name of
42 seller, name of purchaser, address of seller, address of
43 purchaser, description of the gambling machine including serial
44 number and model name and number, total sale price, any
45 arrangement or terms for payments and the date of final payment.

46
47 Any change, modification or alteration of these agreements shall
48 must be reported to the ~~Chief-of-the-State-Police~~ director by the
purchaser within 6 days of the change, modification or alteration.

50

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

15 **Sec. T-50. 17 MRSA §336-A, sub-§2-A,** as enacted by PL 1999, c.
16 716, §6, is amended to read:

17 **2-A. Agricultural societies; lease agreements.** When a
18 gambling apparatus or implement is leased as provided in section
19 337 to an agricultural society, the distributor shall forward to
20 the ~~Chief-of-the-State-Police~~ director a copy of the lease
21 agreement prior to delivery of the gambling apparatus or
22 implement. The terms of the lease must include, but are not
23 limited to, the name of the lessor; address of the lessor; name
24 of the lessee; address of the lessee; description of the gambling
25 apparatus or implement; serial number, model name or number of
26 the gambling apparatus or implement; and all prices and payments
27 for the lease. Each lease must be for a specific period of time
28 no longer than the duration of the annual fair of that lessee,
29 and each gaming apparatus must have its own separate lease.
30 Gambling apparatus or implements leased under this section:
31

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

37 B. Must bear the name and address of the distributor.
38

39 **Sec. T-51. 17 MRSA §336-A, sub-§§3 and 4,** as enacted by PL
40 1977, c. 350, §7, are amended to read:
41

42 **3. Reports.** At the end of each calendar month, every
43 distributor and printer shall file with the ~~Chief-of-the-State~~
44 ~~Police~~ director a report ~~which shall~~ that must indicate:
45

46 A. The names and addresses of all persons or organizations
47 to which the distributor or printer has distributed
48 equipment and the dates of the distribution;
49
50

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

4
6 C. The quantities of any equipment distributed.

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

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

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

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

32
34 Every licensee shall acquire all gambling apparatus and
implements from a distributor licensed under this section, unless
that gambling apparatus or implements are printed, manufactured
36 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:

2 **§338. Printer**

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

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

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

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

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

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

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

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
40 The ~~Chief-of-the-State-Police~~ director has the power to
41 adopt rules, not inconsistent with law, ~~which that~~ are necessary
42 for the administration and enforcement of this chapter and for
43 the licensing, conduct and operation of games of chance. The
44 ~~chief-of-the-State-Police~~ director has the power and authority to
45 regulate, supervise and exercise general control over the
46 operation of such games. In establishing such rules, the ~~Chief-of-~~
47 ~~the-State-Police~~ director must, in addition to the standards set
48 forth in other provisions of this chapter, use the following
49
50

standards setting forth conduct, conditions and activity
2 considered undesirable.

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

6
8 The ~~Chief-of-the-State-Police~~ director shall provide a
mechanism for individuals and businesses to request a
10 determination from the ~~State-Police~~ director as to whether a
particular game, contest, scheme or device qualifies as a game of
12 chance or a game of skill.

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

16 **§343-A. Investigations; actions on licenses**

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

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

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

30 C. Immediately suspend or revoke a license if there is
probable cause to believe that the licensee or the
32 licensee's agent or employee violated section 332,
subsection 3-A or 3-B, paragraph C or a provision of Title
34 17-A, chapter 39; and

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

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

§345. Access to premises

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

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

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

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

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

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

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

44 **§2001-A. Bureau of Liquor, Gaming and Licensing**

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

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

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
10 Sec. T-67. 25 MRSA §2002, sub-§9, as amended by PL 1997, c.
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
or the assessors of a plantation or, if they so choose,
20 their full-time chief of police as their designee; or

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

24
26 B. To a resident of an unorganized territory:

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

28
30 C. To a nonresident:

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

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

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

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

40 **§2002-A. Assignment of authority**

42
44 The municipal officers of a municipality without a full-time
chief of police may designate, if the ~~Chief-of-the-State-Police~~
director agrees, the ~~State--Police~~ director as the issuing
46 authority for that municipality. The designation must be made by
written agreement with the ~~Chief-of-the-State-Police~~ director.
48 The agreement must include provisions for termination of the
agreement. During the term of an agreement, the ~~State--Police~~
50 director shall perform all the functions of the issuing

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

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

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

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

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

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

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

38 **§2901. Department; commissioner**

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

SENATE AMENDMENT "B" 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
6 place:

8 **3. Bureau of Liquor, Gaming and Licensing.** The Bureau of
Liquor, Gaming and Licensing, which is under the direction of the
10 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
18 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:

22 **6. Bureau.** "Bureau" means the Bureau of Liquor, Gaming and
24 Licensing, which includes the Liquor Licensing and Tax Division,
the Beano and Games of Chance Division and the Licensing Division
26 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:

32 **10-B. Director.** "Director" means the Director of the
34 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,
40 chapter 15; Title 25, chapter 252; and Title 32, chapters 89 and
42 93.

44 **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
46 headnote and enacting the following in its place:

48 **§82. Bureau of Liquor, Gaming and Licensing**

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

2 **1. General supervision.** Enforce the laws relating to the
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
7 shall enforce the laws relating to the issuance of firearms
8 permits for prohibited persons pursuant to Title 15, chapter 15;
9 enforce the laws relating to the licensing and conduct of beano
10 and games of chance pursuant to Title 17, chapters 13-A and 14;
11 enforce the laws relating to the issuance of concealed firearms
12 permits pursuant to Title 25, chapter 252; and enforce the laws
13 relating to the issuance of licenses for private investigators
14 and private security guards pursuant to Title 32, chapters 89 and
15 93;

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

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

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

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

39 **Sec. T-81. 28-A MRSA §161, sub-§7,** as enacted by PL 1987, c.
40 45, Pt. A, §4, is amended to read:

41 **7. Right of access.** Every bottle club shall allow liqueur
42 enforcement-officers-and-ether law enforcement officers to enter
43 the premises at reasonable times for the purpose of investigating
44 compliance with this Title.

45

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

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

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

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

30
32 **Sec. T-83. 28-A MRSA §803, sub-§1,** as amended by PL 1997, c.
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
46 **Sec. T-84. 28-A MRSA §803, sub-§6,** as amended by PL 1997, c.
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

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

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

14
16 **Sec. T-86. 28-A MRSA §1703, sub-§5**, as amended by PL 1997, c.
373, §144, is further amended to read:

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

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

34
36 B. "Authorized emergency vehicle" means any one of the
following vehicles:

- 38 (1) An ambulance;
- 40 (2) A Baxter State Park Authority vehicle operated by
a Baxter State Park ranger;
- 42 (3) A Bureau of Marine Patrol vehicle operated by a
44 coastal warden;
- 46 (4) A Department of Conservation vehicle operated by a
48 forest ranger;

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

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

4 **§8102. Purpose**

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

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

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

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

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

24 **Sec. T-91. 32 MRSA §8104, sub-§1**, as enacted by PL 1981, c.
26 126, §2, is amended to read:

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

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

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

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

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

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

12 **Sec. T-93. 32 MRSA §8105, sub-§5**, as amended by PL 2001, c.
14 298, §2, is further amended to read:

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

18 A. Full name;

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

22 C. The date and place of birth, height, weight and color of
24 eyes;

26 D. A statement granting the ~~chief--of--police~~ director
authority to check the criminal records of any law
enforcement agency. The applicant must agree to submit to
28 having ~~his~~ the applicant's fingerprints taken by the issuing
authority if it becomes necessary to resolve any question as
30 to ~~his~~ the applicant's identity; and

32 E. Answers to the following questions:

34 (1) Are you currently under indictment or information
36 for a crime for which the possible penalty is
imprisonment for a period equal to or exceeding one
38 year?

40 (2) Have you ever been convicted of a crime for which
the possible penalty was imprisonment for a period
42 equal to or exceeding one year?

44 (3) Are you a fugitive from justice?

46 (4) Are you an unlawful user of or addicted to
marijuana or any other drug?

48 (5) Have you been adjudged mentally defective or been
50 committed to a mental institution within the past 5
years? or

(6) Are you an illegal alien?

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

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

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

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

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

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

§8107. Application for original license

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

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

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

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

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

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

10 **Sec. T-97. 32 MRSA §8108, first ¶,** as enacted by PL 1981, c.
12 126, §2, is amended to read:

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

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

22 **§8111. Bonding requirement**

24 **1. Requirement.** A person licensed as a private investigator
26 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
28 sum of \$50,000 if he the person is not a resident of the State.

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

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

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

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

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

48 **Sec. T-99. 32 MRSA §8113, first ¶,** as amended by PL 2001, c.
50 298, §4, is further amended to read:

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

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

12 **3. Violation of chapter or rule.** Any violation of this
14 chapter or any rule adopted by the ~~commissiener~~ director;

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

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

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

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

32 **Sec. T-101. 32 MRSA §8113-A, sub-§§1 and 2,** as enacted by PL
34 1989, c. 917, §17, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

34 **§8115. Identification cards**

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

40 **§8116. Powers of director**

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

48 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
50 the county where the refusal occurred to find the witness in

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

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

14 **Sec. T-105. 32 MRSA §8120-A**, as enacted by PL 1997, c. 360,
15 §5, is amended to read:

16 **§8120-A. Firearms**

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

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

25 **§9402. Purpose**

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

30 **Sec. T-107. 32 MRSA §9403, sub-§2**, as enacted by PL 1981, c.
31 113, §2, is repealed.

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

34 **2-A. Bureau.** "Bureau" means the Department of Public
35 Safety, Bureau of Liquor, Gaming and Licensing.

36 **2-B. Director.** "Director" means the Director of the
37 Bureau of Liquor, Gaming and Licensing.

38 **Sec. T-109. 32 MRSA §9403, sub-§5**, as enacted by PL 1981, c.
39 113, §2, is amended to read:

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

4 **Sec. T-110. 32 MRSA §9404, sub-§1,** as enacted by PL 1981, c.
5 113, §2, is amended to read:

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

9 **Sec. T-111. 32 MRSA §9405, sub-§1-A,** as enacted by PL 1987, c.
10 170, §8, is amended by amending the first paragraph to read:

11 **1-A. Criteria for issuing license.** The ~~commissioner~~
12 director shall issue, upon written application, a license to be a
13 contract security company to any person who has demonstrated good
14 moral character and who meets the following requirements:

15 **Sec. T-112. 32 MRSA §9405, sub-§2-C,** as amended by PL 1995, c.
16 694, Pt. D, §57 and affected by Pt. E, §2, is further amended to
17 read:

18 **2-C. Good moral character.** The ~~commissioner~~ director, in
19 judging good moral character, shall make ~~his~~ a determination in
20 writing based solely upon information recorded by governmental
21 entities within 5 years of receipt of the application, including,
22 but not limited to, the following matters:

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

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

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

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

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

37 **Sec. T-113. 32 MRSA §9405, sub-§4,** as amended by PL 1995, c.
38 694, Pt. D, §58 and affected by Pt. E, §2, is further amended

to read:

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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

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

Sec. T-114. 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-115. 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-116. 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:

- 2 A. In a form prescribed by the ~~commissioner~~ director;
- 4 B. Executed by the licensee as principal and by a surety
6 company authorized to do business as such in this State as
8 surety; and
- 10 C. Conditioned upon the honest conduct of the licensee and
12 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.

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

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

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

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

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

30 A. Is 18 years of age or older;

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

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

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

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

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

past 5 years;

2 G. Is not a fugitive from justice;

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

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

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

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

26
28 **2. Reporting new security guards to director.** A licensee
shall notify the ~~commissioner~~ director of all employees who will
30 perform security guard functions in the State and who were not
listed in the application for a contract security company license
before the date that the employee begins to perform security
32 guard functions in the State. The notice shall ~~shall~~ must be made on
forms prescribed by the ~~commissioner~~ director. The forms shall
34 must contain, ~~but not be limited to~~ without limitation, the
following information:

36 A. The employee's full name;

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

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

44
46 **3. Background investigation of security guards at site of**
labor dispute or strike. For each employee reported to the
~~commissioner~~ director under subsection 2 who will perform
48 security guard functions at the site of a labor dispute or
strike, the licensee shall have previously investigated the
50 background of the employee to ensure that the employee meets all

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

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

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

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

42 B. The records compiled pursuant to Title 19-A, section
43 4012, subsection 1;

44 C. Juvenile and adult crime records; and

46 D. Military records.

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

2 **§9411-A. Refusal to renew; suspension; revocation; reapplication**

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

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

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

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

36 D. The licensee has knowingly employed as a security guard,
38 or has knowingly kept as an employee, any natural person who
40 does not meet the requirements of section 9410-A, subsection
42 1.

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

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

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

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

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

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

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

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

4
6 **Sec. T-121. 32 MRSA §§9413 and 9414**, as enacted by PL 1981,
c. 113, §2, are amended to read:

8 **§9413. Change in status of license**

10 The licensee shall notify the ~~commissioner~~ director within
12 30 days of any change in his the licensee's qualifying agent,
officers or directors or material change in the information
14 previously furnished or required to be furnished to the
~~commissioner~~ director or any occurrence which that could
16 reasonably be expected to affect the licensee's right to a
license under this chapter.

18 **§9414. 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 the
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 to do
so, punish the witness in the same manner and to the same extent
36 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.

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

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

48 **§9418. Confidentiality of application and information**
50 **collected by director**

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

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

26 **Sec. T-123. 36 MRSA §172, sub-§1**, as amended by PL 1997, c.
27 373, §171, is further amended to read:

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

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

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

authority.

2

4 2. All references in the Maine Revised Statutes, Title 17,
6 chapter 13-A to the functions performed by the Chief of the State
8 Police are deemed to refer to the Director of the Bureau of
10 Liquor, Gaming and Licensing within the Department of Public
12 Safety. It is the express intent of the Legislature that all
14 provisions of Title 17, chapter 13-A remain fully enforceable and
16 in order to effectuate this intent the Director of the Bureau of
18 Liquor, Gaming and Licensing may enforce any provision of Title
20 17, chapter 13-A. All existing rules and procedures in effect,
22 in operation or adopted by the Chief of the State Police
24 regarding Title 17, chapter 13-A remain in effect and continue in
26 effect until rescinded, revised or amended by the proper
28 authority.

16

18 3. All references in the Maine Revised Statutes, Title 17,
20 chapter 14 to the functions performed by the Chief of the State
22 Police are deemed to refer to the Director of the Bureau of
24 Liquor, Gaming and Licensing within the Department of Public
26 Safety. It is the express intent of the Legislature that all
28 provisions of Title 17, chapter 14 remain fully enforceable and
30 in order to effectuate this intent the Director of the Bureau of
32 Liquor, Gaming and Licensing may enforce any provision of Title
34 17, chapter 14. All existing rules and procedures in effect, in
36 operation or adopted by the Chief of the State Police regarding
38 Title 17, chapter 14 remain in effect and continue in effect
40 until rescinded, revised or amended by the proper authority.

30

32 4. All references in the Maine Revised Statutes, Title 25,
34 chapter 252 to the functions performed by the Chief of the State
36 Police are deemed to refer to the Director of the Bureau of
38 Liquor, Gaming and Licensing within the Department of Public
40 Safety. It is the express intent of the Legislature that all
42 provisions of Title 25, chapter 252 remain fully enforceable and
44 in order to effectuate this intent the Director of the Bureau of
46 Liquor, Gaming and Licensing may enforce any provision of Title
48 25, chapter 252. All existing rules and procedures in effect, in
50 operation or adopted by the Commissioner of Public Safety
regarding Title 25, chapter 252 remain in effect and continue in
effect until rescinded, revised or amended by the proper
authority.

44

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

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

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

12
13 7. All existing forms, licenses, letterheads and similar
14 items bearing the name of or referring to the the Department of
15 Public Safety, Bureau of Liquor Enforcement may be utilized by
16 the Bureau of Liquor, Gaming and Licensing until existing
17 supplies of those items are exhausted.

18
19 8. All references in the Maine Revised Statutes, Title 32,
20 chapters 89 and 93 to the functions performed by the Commissioner
21 of Public Safety are deemed to refer to functions performed by
22 the Director of the Bureau of Liquor, Gaming and Licensing within
23 the Department of Public Safety. It is the express intent of the
24 Legislature that all provisions of Title 32, chapters 89 and 93
25 remain fully enforceable and in order to effectuate this intent
26 the Director of the Bureau of Liquor, Gaming and Licensing may
27 enforce any provision of Title 32, chapters 89 and 93. All
28 existing rules and procedures in effect, in operation or adopted
29 by the Commissioner of Public Safety regarding Title 32,
30 chapters 89 and 93 remain in effect and continue in effect until
31 rescinded, revised or amended by the proper authority.

32
33 **Sec. T-125. Appropriations and allocations.** The following
34 appropriations and allocations are made.

35 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
36 **DEPARTMENT OF**

37 **Office of Substance Abuse 0679**

38
39 Initiative: Appropriates additional funds for substance abuse,
40 jail and correctional diversion services.

41	General Fund	2003-04	2004-05
42	All Other	\$414,463	\$414,463
43	General Fund Total	<u>\$414,463</u>	<u>\$414,463</u>

44 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**

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

2	DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
4	GENERAL FUND	\$414,463	\$414,463
6	DEPARTMENT TOTAL - ALL FUNDS	\$414,463	\$414,463

8
10 **PUBLIC SAFETY, DEPARTMENT OF**
12 **Bureau of Liquor, Gaming and Licensing**

14 Initiative: Appropriates funds for one Liquor Tax Auditor
16 position, one Account Clerk I position, one Clerk Typist II
18 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.

20	General Fund	2003-04	2004-05
22	Positions - Legislative Count	(16.000)	(16.000)
24	Personal Services	\$1,004,278	\$1,015,496
26	All Other	\$238,811	\$245,824
28	General Fund Total	\$1,243,089	\$1,261,320

28 **Liquor Enforcement 0293**

30 Initiative: Deappropriates funds to reflect the elimination of
32 one Liquor Tax Auditor position, one Account Clerk I position,
34 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.

36	General Fund	2003-04	2004-05
38	Positions - Legislative Count	(-11.000)	(-11.000)
40	Personal Services	(\$632,425)	(\$644,286)
42	All Other	(\$197,127)	(\$203,497)
44	General Fund Total	(\$829,552)	(\$847,783)

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

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

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

Licensing and Enforcement - Public Safety 0712

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

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

**PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

28		2003-04	2004-05
30	GENERAL FUND	\$413,537	\$413,537
	OTHER SPECIAL REVENUE FUNDS	(\$59,961)	(\$59,574)
32			
	DEPARTMENT TOTAL - ALL FUNDS	<u>\$353,576</u>	<u>\$353,963</u>

SECTION TOTALS

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

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

SUMMARY

46
48
50 This amendment creates the Bureau of Liquor, Gaming and
Licensing within the Department of Public Safety. The new bureau

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

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

14

FISCAL NOTE REQUIRED
(See attached)

16

18

20 SPONSORED BY: 

(Senator MARTIN)

22

COUNTY: Aroostook

24

**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(09)**Fiscal Note for Senate Amendment "B" 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	\$828,000	\$828,000	\$828,000	\$828,000
Other Special Revenue Funds	(\$59,961)	(\$59,574)	(\$59,574)	(\$59,574)
Revenue				
General Fund	\$828,000	\$828,000	\$828,000	\$828,000

Fiscal Detail and Notes

This amendment has no net effect on the General Fund.