

MAINE STATE LEGISLATURE

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STATE OF MAINE
BUREAU OF LIQUOR ENFORCEMENT



Bureau Overview and 2002 Annual Report

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January 2003

State of Maine **Bureau of Liquor Enforcement**

Enabling Legislation:

- MRSA 25, section 3901
- MRSA 28-A, section 82
- 21st Amendment of the U.S. Constitution

Organizational Purpose:

- Enforce State liquor laws and Bureau rules and regulations governing the manufacture, importation, transportation, storage, and sale of liquor
- Responsible for issuing all liquor licenses and the taxation of all alcoholic beverages except spirituous liquor sold by the Bureau of Alcoholic Beverages

Organizational Structure:

- 28 positions
- Divided into two divisions - Enforcement Division and Licensing & Taxation Division
- Enforcement Division: (1) Director, (1) Assistant Director, (3) Liquor Enforcement Officers II, (13) Liquor Enforcement Officers I, (1) sworn Training Coordinator, (1) Administrative Secretary and (1) Clerk Typist II
- Licensing & Taxation Division: (1) Liquor Tax Auditor, (1) Account Clerk I, (2) Clerk Typist III and (3) Public Safety Inspector I.
- (See attached organization chart)

Tax Revenue Collected FY 2002:

- \$11,869,730.08

Licensing Revenue Collected FY 2002:

- \$3,180,380.40

Types of Licenses Issued: (license applications are available on-line at the Bureau's web site)

- Certificate of Approval
- Wholesaler
- Brewery
- Small Brewery
- Farm Winery
- Agency Liquor Store

I. Class I Licenses

- May sell spirits, wine, and malt liquor to be consumed on the premise where sold
- Premises include:
 - airlines

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- auditoriums
- bowling centers
- civic auditoriums
- class A restaurants
- clubs with catering privileges
- dining cars and passenger cars
- golf clubs
- hotels
- indoor ice skating clubs
- indoor racquet clubs
- performing arts centers
- qualified catering services
- vessels

II. Class I-A licenses

- May sell spirits, wine, and malt liquor to be consumed on the premise where sold
- Premises include:
 - hotels that do not serve food

III. Class II licenses

- May sell spirits to be consumed on the premise where sold
- Premises include:
 - airlines
 - auditoriums
 - bowling centers
 - civic auditoriums
 - class A restaurants
 - clubs with catering privileges
 - dining cars and passenger cars
 - golf clubs
 - hotels
 - indoor ice skating clubs
 - indoor racquet clubs
 - performing arts centers
 - qualified catering services
 - vessels

IV. Class III Licenses

- May sell wine to be consumed on the premise where sold
- Licenses include:
 - airlines
 - auditoriums
 - bowling centers
 - bed and breakfasts
 - civic auditoriums

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- class A restaurants
- clubs with catering privileges
- curling clubs
- dining cars and passenger cars
- golf clubs
- hotels
- indoor ice skating clubs
- indoor racquet clubs
- outdoor stadiums
- performing arts centers
- pool halls
- qualified catering services
- restaurants
- vessels

V Class IV Licenses

- May sell malt liquor to be consumed on the premise where sold
- Licenses include:
 - airlines
 - auditoriums
 - bowling centers
 - bed and breakfasts
 - civic auditoriums
 - class A restaurants
 - clubs with catering privileges
 - dining cars and passenger cars
 - golf clubs
 - hotels
 - indoor ice skating clubs
 - indoor racquet clubs
 - outdoor stadiums
 - performing arts centers
 - pool halls
 - qualified catering services
 - restaurants
 - taverns
 - vessels

VI Class V Licenses

- May sell spirits, wine, and malt liquor to be consumed on the premise where sold
- Premises include:
 - clubs without catering privileges
 - bed and breakfasts

VII Class VI Licenses

- May sell malt liquor to be consumed off the premise where sold
- Premises include:
 - off-premise retailers with qualifying stock of groceries, compatible merchandise, or both

VIII Class VI-A Licenses

- May sell malt liquor to be consumed off the premise where sold
- Premises include:
 - Ship chandlers without a qualifying stock of groceries, compatible merchandise, or both

IX Class VII Licenses

- May sell wine to be consumed off the premise where sold
- Premises include:
 - off-premise retailers with qualifying stock of groceries, compatible merchandise, or both

X Class VII-A Licenses

- May sell wine to be consumed off the premise where sold
- Premises include:
 - Ship chandlers without a qualifying stock of groceries, compatible merchandise, or both

XI Class X Licenses

- May sell spirits, wine, and malt liquor to be consumed on the premise where sold
- Premises include:
 - Class A lounge

XII Class XI Licenses

- May sell spirits, wine, and malt liquor to be consumed on the premise where sold
- Premises include:
 - Class A restaurant/lounge
 - off-track betting facilities

XIII Other Retail Licenses

- Incorporated Civic Organizations
 - May obtain up to 5 licenses per year to sell spirits, wine, and malt liquor to be consumed on the premise
- Auxiliary License
 - A Class A Restaurant or Class I Hotel located at a ski area or golf course, or a Class I Golf Club, or a Class I or Class V Club located at a golf course
 - May apply for this one additional license at the area to consume spirits, wine, or malt liquor on the premise

- Off-Premise Catering License
 - A Class A Restaurant, hotel, bed and breakfast, or club licensed to sell spirits, wine, and malt liquor
 - May obtain a license to conduct off-premise catering of spirits, wine, and malt liquor

Pending Legislation:

1. An act to clarify the definition of table wine. This bill will clarify the definition of table wine and make the distinction between table wine and fortified wine.
2. An act to clarify the delivery of spirits. This bill will clarify the language in Title 28-A, where the word "liquor" is currently incorrectly used instead of "spirits", as agency liquor stores may only deliver spirits, and not all types of liquor, to liquor-licensed premises.
3. An act to increase the application time limit for BYOB Function Permits and Off-Premise Catering Permits. This bill will increase the application time limit for such permits from the current 24-hour time frame to 5 business days. This would create adequate time for the Bureau to process the application, provide notification to the area officer of the pending function and arrange for an inspector to inspect the function site.
4. An act to restrict On-Premise establishments from allowing patrons to possess or consume liquor off the licensed-premise. This bill will clarify current language that is too vague to be effectively enforced. The intent of the current law is to prevent on-premise establishments from allowing patrons to take liquor from the premise, except under certain circumstances, however, the law requires the sale of liquor to be made for the off premise consumption before a violation of law occurs.
5. An Act to restrict the sale of spirits from a delivery vehicle. With the increase in the number of agency liquor stores that provide delivery service of spirits, this modification of a current law is necessary to require these agency stores to adhere the same delivery standards (orders placed and invoices required) as the wholesale licensees who provide delivery service.

Agency Liquor Stores:

The State has closed 18 liquor stores. This past summer, the Bureau advertised for agency liquor store applications in many communities throughout the State. All applicants' premises were inspected by liquor licensing inspectors and hearings were held in Augusta. A number of new agency stores were licensed. Agency liquor stores in the State have now increased from 190 to 230.

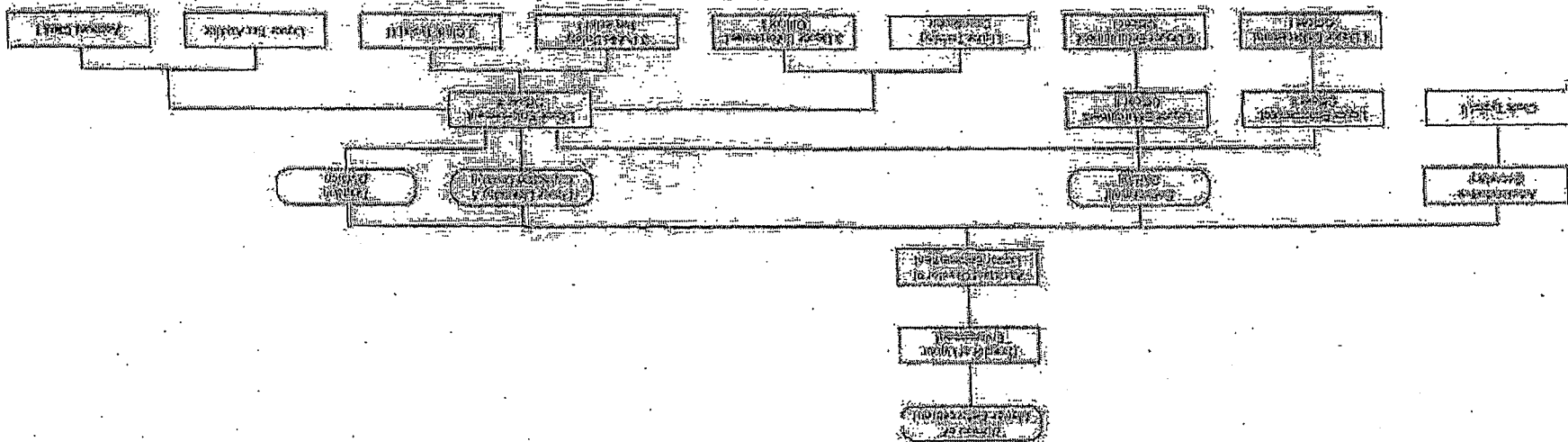
Major Current Projects:

- Statewide compliance checks of retail premises in association with the Maine Attorney General's Office and the Office of Substance Abuse with grant funding provided by the U.S. Office of Juvenile Justice and Delinquency Prevention; Program started Jan 16, 03 = 20 violations detected from 59 retail premise checks. To date, there is a 34% non-compliance rate in the sales of liquor to minors in this program.

- Implementation of tax collection by Internet;
- Transitioning of owned State vehicles to leased State vehicles;
- Accreditation process through CALEA.

Bureau Programs and Publications:

- Officers as Agents Program
 - Developed in 1994 as a result of a Highway Safety Grant
 - Intent is to reduce the number of underage people purchasing and consuming liquor
 - Officers pose as a patron or employee of a liquor licensed premise
 - Officers detect and deter underage liquor purchases, minors using false identification cards, adults furnishing liquor to minors, thefts, and other violations of law
 - Program has prevented many violations
- D.A.R.E.
- B.A.S.I.C. (Bureau's Alcohol Server Informational Course)
 - Developed in 1989 at the request of Maine Legislature
 - 4 hour class for sellers and servers of liquor and liquor licensees
 - Instructed by Liquor Enforcement Officers
 - Topics covered include: liquor laws, identifying minors and intoxicated persons, false identification detection, how to slow alcohol consumption, alcohol affects on people, and preventing lawsuits.
 - Students are tested and certificates are issued for successful completion
 - Class fee: \$28 per person
 - Program is reviewed by the Maine Alcohol Server Education Advisory Committee
 - Program approved biannually by the Commissioner of the Department of Public Safety
 - Currently instructing over 1,500 liquor sellers/servers annually (1,674 in 2002)
- Publications:
 - Maine Liquor Law Book
 - Bureau Rules and Regulations
 - Quick Reference Booklets for Liquor Licensees and Agents
 - Liquor and Tobacco Quick Reference Guides for Law Enforcement Personnel



BUREAU OF LIQUOR ENFORCEMENT

Annual Report 2002

Administrative Court (Licensed premise violations)

Total Amount of Administrative Violations	540
Total Amount of Administrative Violations Cited	291
Total Administrative Warnings Issued	249
Total Cases Adjudicated by Court or Consent Decree	265
Total Pending Cases	26
Total Liquor License Suspension Days	15
Total Amount of Fines	\$ 66,663.50

Administrative Court (Seller/Server Violations)

Total Amount of Administrative Seller/Server Cases	87
Total Amount of BASIC Classes Mandated	26
Total Amount of Fines	\$ 2,429.75

Criminal/Civil Court

Total Amount of Criminal/Civil Cases	1059
Total Amount of Criminal/Civil Fines	\$121,321.50

Total Fines and Other Collected Fees

Administrative & Criminal/Civil Court Fines	\$ 190,414.75
B.A.S.I.C. – Alcohol Server Education Course	78 Classes
B.A.S.I.C. – Alcohol Server Education Course	1,674 Attendees
B.A.S.I.C. – Class Fees collected	\$46,872
Taxes & Premiums Collected	\$11,869,730.08
Liquor License Fees Collected	\$ 3,180,380.40

Criminal/Civil Citations Issued

2002

Violation	Number of cases
Attempting to purchase intoxicating liquor by minor	3
Disorderly Conduct	1
Furnishing Liquor to a minor	53
Furnishing a place for minors to consume	13
Furnishing Tobacco to minor	2
Illegal Possession of Liquor by a Minor	274
Illegal Transportation of Liquor by a Minor	298
Illegal Importation	2
Illegal Sale of intoxicating liquor	3
O.A.S.	30
O.U.I.	27
Open Container	13
Possession of a False I.D.	43
Possession of Altered I.D.	131
Possession of drugs/paraphernalia	18
Possession of Tobacco by minor.	15
Miscellaneous	133
TOTAL CITATIONS ISSUED	1059
TOTAL AMOUNT OF FINES	\$121,321.50

- Note: Not all cases have been adjudicated to date.

2002

PROCEEDINGS BROUGHT BEFORE ADMINISTRATIVE COURT

(Licensed premise violations)

VIOLATION	Number of Cases	Fines
Sale of liquor to a minor	47	\$18,087.50
Possession by minor	8	2,618.75
Consumption by minor	10	3,244.50
Consumption/possession after the legal hour	17	5,057.50
Credit Sales	1	176.50
Delivery to Non-Licensee	1	290.00
Employee consumption while on duty	16	2,697.50
Employee under age	4	706.50
Failure to have proper license/permit	3	347.00
Failure to maintain records	2	119.00
Food not available	11	1,120.00
Illegality	6	669.00
Liquor on premise not purchased in accordance with license issued	9	1,636.50
Minor resort/remain	22	6,949.00
Miscellaneous	13	1,771.00
Others with interest in license	3	1,214.50
Over service	1	176.00
Sale after the legal hour	1	407.50
Sale before the legal hour	29	4,867.00
Sale for off-premise consumption	15	2,130.75
Sale to non-licensee	5	1,742.00
Sale to non-member	16	4,488.00
Sale to VIP	5	1,497.00
VIP to consume	7	2,028.00
VIP to resort/remain	9	2,269.50
Total	265*	\$ 66,663.50

* Note: 291 violations were cited - not all cases have been adjudicated to date.

2002 ADMINISTRATIVE WARNINGS ISSUED

Advertising	28
Consumption/possession after the legal hour	3
Credit Sales	3
Employee Consumption	18
Employee under age	5
Failure to Display license	4
Failure to have proper license/permit	10
Failure to maintain records	7
Failure to maintain required food	1
Food not available	7
Give away drinks free	4
Giving a thing of value to a retail license	1
Illegality	11
Kegs	4
Licensee/employee showing effects	2
Liquor not purchased in accordance with license	4
Minor to resort/remain	14
Miscellaneous	40
Others with interest in license	5
Possession by a minor	1
Possession of liquor other than licensed for	3
Receiving a thing of value from a wholesaler	4
Reusing liquor bottles	1
Sale before legal hour	4
Sale for off premise consumption	21
Sale to a minor	17
Sale to non-licensee	2
Sale to VIP	10
Tobacco	5
VIP to consume	4
VIP to resort/remain	12
TOTAL	255

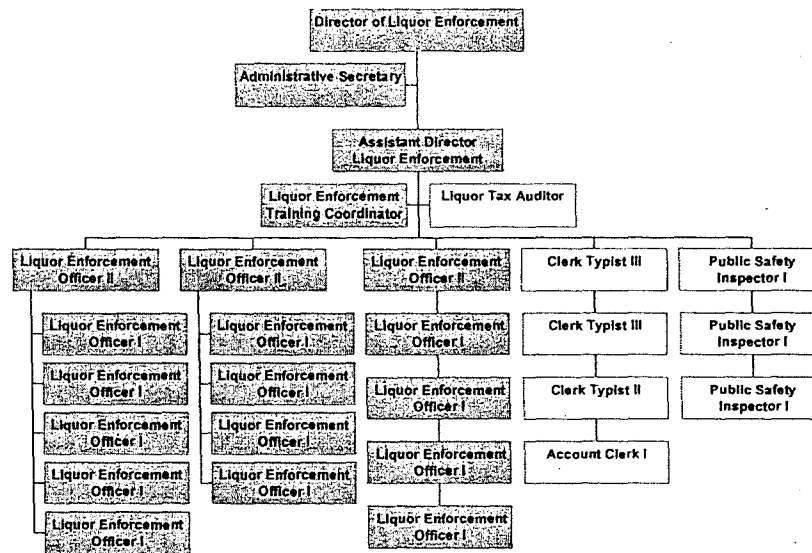
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PREMISE INSPECTION REPORTING SYSTEM (P.I.R.S.)

Federal Permits	331
State Permits	375
Municipal Permits	74
Records	114
Inventory	11
Advertising	41
Liquor license not posted	53
Operational Adjustments	120
Total Discrepancies	1,117
Total Corrections	982
Total Warnings	123
Violations Cited	12
Number of Inspections	1,614
Number of Alcohol Servers	14,308
Number of Premise Checks	14,880

PUBLIC SAFETY

Bureau of Liquor Enforcement



Criminal/Civil Citations Issued

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