

MAINE STATE LEGISLATURE

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DEPARTMENT OF PUBLIC SAFETY
LIQUOR LICENSING AND COMPLIANCE DIVISION
PROGRAM EVALUATION REPORT



NOVEMBER 1, 2007



TO: Senator Lisa T. Marrache, Senate Chair
Representative John L. Patrick, House Chair
Members of the Joint Standing Committee on Legal and Veterans' Affairs

FROM: Lieutenant David E. Bowler
Commanding Officer of the Special Investigations Unit
Division of Liquor Licensing and Compliance

DATE: November 1, 2007

RE: Liquor Licensing Bureau Evaluation Report

In accordance with the provisions of Title 3 MRSA section 959 subsection J, I am pleased to provide you with the Liquor Licensing Program Evaluation Report.

Title 3: LEGISLATURE

Chapter 35: STATE GOVERNMENT EVALUATION (HEADING: PL 1995, c. 488, §2 (new))

§959. Scheduling guideline for review of agencies or independent agencies

1. Scheduling guidelines. Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

J. The joint standing committee of the Legislature having jurisdiction over legal and veteran's affairs shall use the following schedule as a guideline for scheduling reviews:
(3) The division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine in 2007

The Bureau's mission is to enforce State of Maine liquor laws and rules governing the manufacture, importation, storage, transportation and sale of all liquor.

Covered in this report are our various programs with descriptions of each. This is a good opportunity for our bureau to discuss at length some of our goals and to show you how we have enhanced education which helps our licensees comply with the law. We will discuss agency store licensing and our recent activity dealing with license denials by municipalities. The Legal and Veterans' Affairs Committee have always been supportive of the Liquor Licensing Bureau and have helped us maintain a reasonable restraint and control of liquor and the liquor industry.

The enclosed report includes a variety of information, including our most recent annual report for 2006. In addition to the written report, we are available to provide more in depth information, if necessary, and members of the Liquor Licensing Bureau are available at your request to provide these details.

1	Introduction
2	Enabling or authorizing law
3	Description of programs administered
4	Organizational structure, position count and flow chart
5	Compliance with federal and state health and safety laws, ADA etc.
6	10 year financial summary: sources of funding, appropriations & expenditures
7	Regulatory agenda and summary of rules adopted
8	Coordinated efforts with state and federal agencies to achieve program objectives
9	Constituents served by the agency
10	Summary of efforts to use alternative delivery systems to meet goals/objectives
11	Emerging issues for the agency
12	Any other information specifically requested by committee
13	Comparison to any related federal laws and regulations to state laws
14	Policies for collecting and managing personal information over the internet
15	List of reports, applications and other similar paperwork used by the public

**MAINE DEPARTMENT OF PUBLIC SAFETY
LIQUOR LICENSING AND ENFORCEMENT
PROGRAM EVALUATION REPORT**

November 1, 2007

Joint Standing Committee on Legal and Veterans' Affairs

INTRODUCTION

The State Government Evaluation Act, 3 MRSA, sections 951-963, provides for a periodic review of agencies of State Government to evaluate their efficiency and performance. The authorizing legislation requires that the agency prepare and submit to the Legislature, through the committee of jurisdiction, a program evaluation report that includes the following:

- * Enabling or authorizing law or other relevant mandates
- * Description of programs administered
- * Organizational structure, position count and flow chart
- * Compliance with federal and state health and safety laws, ADA, etc.
- * 10 year fiscal summary: sources of funding, appropriations and expenditures
- * Regulatory agenda and summary of rules adopted
- * Coordinated efforts with state and federal agencies to achieve program objectives
- * Constituents served by the agency
- * Summary of efforts to use alternative delivery systems to meet goals and objectives
- * Emerging issues for the agency
- * Any other information specifically requested by the committee of jurisdiction
- * Comparison to any related federal laws and regulations to state laws
- * Policies for collecting and managing personal information over the internet
- * List of reports, applications and other similar paperwork used by the public

A. Enabling or authorizing law or other relevant mandate, including any federal mandates:

Enabling State Legislation:

The specific sections of law enabling the Liquor Licensing and Compliance Division are: Title 28-A sections 82 and 82-A. (See pages 16, 17 and 18 in Title 28-A)

I have also added section 653 (Page 51 in 28-A) to the report so you could better understand how the liquor licensing application process works. This section describes how the licensing hearings are completed, the review procedures and how an aggrieved applicant can appeal the Department's decision.

The entire liquor statute, the varied selection of licensing and taxation authority is found in Title 28A. A copy of the 2007 published law book will be disseminated to each committee member.

Enabling Federal Legislation:

The Twenty-First Amendment of the U.S. Constitution (1933) enables states to regulate the importation and use of intoxicating liquor.

Title 28-A section 82 grants the Liquor Licensing Division the right to enforce the liquor laws of the State of Maine. Below are brief descriptions of what the laws signify by corresponding number.

1. Establishes the duties of the Liquor Licensing Division and allows them to collect taxes on malt liquor and wine.
2. Describes the mandate for the Liquor Licensing Division to adopt rules to complement the liquor laws. Mandates rules for licensees and potential licensees to follow.
3. Establishes the mandate for the Liquor Licensing Division to issue and renew liquor licenses. Also allows the division the right to hold licensing hearings.
4. Mandates the Liquor Licensing Division to prevent the sale of liquor by our licensees to minors and intoxicated people.
5. Mandates the Commissioner or the Commissioner's appointed hearings officer to review denials of licenses by municipalities and to conduct appeal's hearings. The hearings officer will render a decision based on the facts of the hearing.
6. Mandates the Liquor Licensing Division to adopt rules to allow sales to organizations that cater to international travelers.
7. Grants the Liquor Licensing Division the power to make recommendations to the District Court on license suspensions and revocations.

8. Mandates that the Liquor Licensing Division publishes a compilation of the liquor laws every 4 years and advise licensees of new law changes within 90 days of adjournment. New licensees receive a copy at no charge while members of the public pay a reasonable fee for new copies.
9. Mandates the Liquor Licensing Division to provide a monthly statement of revenues and expenses for issued licenses to the State Treasurer and the Commissioner of Administrative and Financial Services. Also an annual report in conjunction with the Alcohol Bureau is provided to Legislature and the Governor along with recommendations for changes in the liquor laws.

§82. Bureau of Liquor Enforcement

The bureau shall establish policies and rules concerning the administration and the enforcement of the liquor laws under its jurisdiction. The bureau shall: [1997, c. 373, §28 (new) .]

1. General supervision. Enforce the laws relating to the manufacture, importation, storage, transportation and sale of all liquor and administer those laws relating to licensing and the collection of taxes on malt liquor and wine; [1997, c. 373, §28 (new) .]

2. Rules. Adopt rules consistent with this Title or other laws of the State for the administration, clarification, execution and enforcement of all laws concerning liquor and to prevent violations of those laws. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. The observance of these rules is a condition precedent to the issuing or renewing of any license to sell liquor. The rules adopted by the commission before May 1, 1993 are deemed adopted by the bureau; [1997, c. 373, §28 (new) .]

3. Licensing. Issue and renew all licenses as provided by this Title and hold licensing hearings; [1997, c. 373, §28 (new) .]

4. Prevent sale to minors and others. Prevent the sale of liquor by licensees to minors and intoxicated persons; [1997, c. 373, §28 (new) .]

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

The commissioner or the hearings officer may conduct hearings in any licensing matter pending before the bureau. If a hearings officer conducts the hearing, the hearings officer, after holding the hearing, shall file with the bureau all papers connected with the case and report the findings to the commissioner. The commissioner shall render a final

decision based upon the record of the hearing.

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

[2003, c. 451, Pt. T, §9 (amd).]

6. Food service organizations. Adopt rules permitting food service organizations that cater to passengers on international flights and cruises to purchase wine and malt liquor from wholesale outlets or distributors as long as the wine and malt liquor are resold for consumption during international travel. Food service organizations include ship chandlers as long as the wine and malt liquor are resold to vessels of foreign registry for consumption after those vessels have left port. Food service organizations are not subject to section 2, subsection 15; [1997, c. 373, §28 (new).]

7. Recommend revocation of licenses. Recommend to the District Court that it suspend or revoke, in accordance with sections 802, 803 and 1503, any license issued pursuant to this Title or the rules adopted under this Title; [1997, c. 373, §28 (new); 1999, c. 547, Pt. B, §78 (amd); §80 (aff).]

8. Publish laws and rules. Publish a compilation containing this Title, other laws concerning liquor and all rules adopted under this Title every 4 years.

A. The bureau shall supply a copy of the compilation to every new licensee at no charge. [1997, c. 373, §28 (new).]

B. The bureau shall notify all licensees of changes in the law and rules within 90 days of adjournment of each regular session of the Legislature.

(1) The bureau shall supply a copy of the new laws and rules at no charge when requested by licensees.

(2) The bureau shall supply a copy of the new laws and rules to persons other than licensees for a reasonable fee.

[1997, c. 373, §28 (new).]

C. The bureau may charge a reasonable fee for the compilation to cover the cost of producing the compilation to persons other than licensees; and [1997, c. 373, §28 (new).]

[1997, c. 373, §28 (new).]

9. Certification. Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of revenues and expenses

for licenses issued and for revenues collected by the bureau and submit, in conjunction with the alcohol bureau, an annual report that includes a complete statement of the revenues and expenses for the alcohol bureau and the bureau to the Governor and the Legislature, together with recommendations for changes in this Title. [1997, c. 373, §28 (new) .]

Section History:

PL 1997, Ch. 373, §28 (NEW).

PL 1997, Ch. 571, §1 (AMD).

PL 1999, Ch. 547, §B78 (AMD).

PL 1999, Ch. 547, §B80 (AFF).

PL 2003, Ch. 451, §T9 (AMD).

Title 28-A section 82-A describes who can enforce the laws of this title and what restrictions the Commissioner can institute.

1. This establishes the authority that a law enforcement officer has to enforce the laws or rules of this title to prevent violations that may result in administrative sanctions against a licensee or the licensee's agents or employees.
2. This section allows the Commissioner to grant authority to law enforcement agencies so that they may enforce the laws and rules of this title.
3. This enables the Commissioner to appoint contract officers to enforce this title.
4. This enables the Commissioner the power to limit the enforcement authority granted by this section.

§82-A. Enforcement of licensing

1. Authority. In addition to any authority a law enforcement officer has to enforce the laws, a law enforcement officer may, subject to subsections 2 and 4, enforce this Title or the rules adopted pursuant to this Title against violations that may result in an administrative sanction against a licensee or the licensee's agents or employees. [2005, c. 139, §4 (new) .]

2. Commissioner. The commissioner may by agreement, with the consent and approval of the affected law enforcement agency, designate the law enforcement agency's officers to exercise the enforcement authority identified in subsection 1. [2005, c. 139, §4 (new) .]

3. Contract officers. The commissioner may appoint contract officers for the purpose of enforcing this Title and the rules adopted pursuant to this Title against specific violations that may result in an administrative sanction against a licensee, or the licensee's agents or employees. [2005, c. 139, §4 (new).]

4. Limitation. The commissioner may limit the authority granted by this section to specific sections of this Title and rules adopted pursuant to those sections. [2005, c. 139, §4 (new).]

Section History:

PL 2005, Ch. 139, §4 (NEW).

Title 28-A section 653 describes the hearings process and defines what the Liquor Licensing Division's responsibilities are.

1. This law authorizes Municipal Officers or County Commissioners the right to hold a public hearing for the consideration of applications for new on-premise licenses or applications for transfer of location of existing on-premise licenses. The Municipality or County Commissioner may hold a public hearing for a new license or a renewal license. Parts A through D describes the hearings process in chronological order.
2. Municipal Officers and County Commissioners upon granting or denying an application shall indicate their reasons for the decision and provide a copy of this decision to the applicant. A through F describes the reasons that an applicant may be denied.
3. This section allows an aggrieved applicant the right to appeal a decision to the Liquor Licensing Division within 15 days of receipt of a written decision. The Liquor Licensing Division shall then hold an appeal hearing. Section B. describes that the Liquor Licensing Division must find by clear and convincing evidence that the decision was without justifiable cause in order to overturn the decision by the Municipal Officer or County Commissioner.
4. REPEALED
5. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (amd) .]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (amd) .]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (amd) .]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended

application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (new).]
[2003, c. 213, §1 (amd).]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (new).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (amd).]

E. A violation of any provision of this Title; and [1989, c. 592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c. 592, §4 (new).]
[1993, c. 730, §27 (amd).]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (rp).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (amd).]
[1995, c. 140, §6 (amd).]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (rp).]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (amd); 1999, c. 547, Pt. B, §78 (amd); §80 (aff).]

Section History:

PL 1987, Ch. 45, §A4 (NEW).

PL 1987, Ch. 342, §32 (AMD).

PL 1987, Ch. 623, §8 (AMD).

PL 1989, Ch. 592, §3,4 (AMD).

PL 1993, Ch. 730, §27 (AMD).

PL 1995, Ch. 10, §1 (AMD).

PL 1995, Ch. 140, §4-7 (AMD).

PL 1999, Ch. 547, §B78 (AMD).

PL 1999, Ch. 547, §B80 (AFF).

PL 1999, Ch. 589, §1 (AMD).

PL 2001, Ch. 500, §1 (AMD).

PL 2003, Ch. 213, §1 (AMD).

B. A description of each program administered by the agency or independent agency, including the following for each program:

- (1) Established priorities, including the goals and objectives in meeting each priority;
- (2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and
- (3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives;

Review of Training, Publications, Programs and the 2006 Annual Report.

TRAINING

In 1989 the legislature requested that the Bureau develop an education program for servers or sellers of alcohol in the State of Maine. The Bureau developed a program based on a core curriculum designated by the legislature, which is outlined by Title 28A subsection 2519. The program addressed the core issues of identification of intoxicated persons and minors, intervention methods for controlling excess consumption, effects of alcohol on the human body including disease concepts of alcoholism, knowledge of the effect of alcohol, fictitious identification detection procedures and State laws relating to the sale and distribution of alcohol. This program, along with the other independent programs, are reviewed by the Maine Alcohol Server Education Advisory Committee and approved by the Commissioner of Public Safety for a 2 year period. The BASIC program fee is \$28.00 per person as mandated by Legislature.

B.A.S.I.C. (Bureau of Liquor licensing Alcohol Server Informational Course)

As the result of the legislative action in 1989 the Bureau developed a server education program named **B.A.S.I.C. (Bureau of Liquor licensing Alcohol Server Informational Course)**. BASIC students attend a 4 hour seminar on serving practices including control of minors, visible intoxication, alcoholism, fake identification detection and State law. Students are pre-tested as part of a self evaluation process prior to class lecture. At the end of the class the students are retested with a final exam and must pass with a satisfactory score in order to receive certification. There are approximately 40,000 servers of alcohol in the State of Maine and the B.A.S.I.C. program has been the single largest trainer of servers in the State. In 2006, after a retool of the Liquor Enforcement agency, server education was again offered by the Bureau and 520 students were certified from July to December of 2006.

Here are some statistics on the BASIC program. From July of 2006 to July of 2007 we provided 43 classes around the state. There were 520 students in 2006 and 256 in 2007 for a total of 776 students for the calendar year. (That would generate about \$21,728.00 in dedicated revenue for licensee support and training).

When a location for training has been selected the Bureau sends a training announcement to surrounding licensees. The training announcement advises the licensee of time and location of the event along with a description of the training. The announcement also notifies the licensee of the advantages of taking the program; potential reduction in liquor law violations, is admissible in civil actions as evidence of responsible service and may reduce liquor liability insurance premiums.

Priorities

- * Make more BASIC training classes available to sellers and servers. This is a priority because the information gained by individuals who take the course will acquire knowledge that will have a direct impact on public safety. People who receive the BASIC training course tend to pay closer attention to our liquor laws and we see very few participants of the BASIC course violating the liquor laws.

Goals

- * Develop and implement an updated and improved B.A.S.I.C. education program.
- * Increase the number of B.A.S.I.C. classes and increase the number of participants.
- * Train more Inspectors to teach B.A.S.I.C. classes.
- * Develop and implement an updated page to the Bureau's website announcing training availability through the Liquor Licensing and Compliance Bureau and the availability of the other independent training programs.

Timetables

All the above mentioned goals are a work in progress. The issue of manpower will have a direct affect on our agency goals but the bureau continues to move forward in a methodical approach in an effort to reach these goals. At this time training for the BASIC courses are only offered during the day. In the future we would like to be more of a full service unit that can offer some night courses.

Instructor Training

The Bureau is responsible for monitoring the approved programs in the State as well as training program instructors. There are currently about 90 trainers in the approved education programs in Maine. Instructors must attend certification training conducted by the Bureau to obtain certification that is active for 2 years. Training includes review of

newly legislated laws, State requirements to fulfill certifications and trends in current fake identification activities. Instructors are monitored to ensure that training curriculum is adhered to. The instructor training fee of \$10.00 is mandated by the legislature.

Priorities

* Our priority is to have the most qualified, enthusiastic individuals participate in our training programs and for those people to become instructors.

Goals

* To maintain or surpass the number of sellers and servers that we train each year.

Timetables

* The best way for the Bureau to know if it is meeting its goals is to wait until statistics can be compiled for the 2006 through 2007 calendar year.

Available Server Seller Programs List

Program Name	Administrator	Mail Address	Numbers	Online
B.A.S.I.C. Bureau Alcohol Seller/Server Informational Course	Laurence Sanborn	B.A.S.I.C. State of Maine Liquor Licensing 164 State House Station Augusta, ME 04333	Voice (207) 624-7227	
The Maine Course	Larry Risko	The Maine Course 167 Cushman Rd Bryant Pond, ME 04219	Voice (207) 665-2427	
Serve Safe	Richard Grotton	Serve Safe Maine Restaurant Association P.O. Box 5060 Augusta, ME 04332	Voice (207) 623-2178 Fax (207) 623- 8377	Info E-mail
S.T.O.P. Server Training for the Old Port	Linda Melhorn	S.T.O.P. c/o Mainely Rest. Consulting Services PMB# 241 50 Market Place South Portland, ME 04106	Voice (207) 799-2651	
T.I.P.S. Training for Intervention Procedures by Servers	Gary Roberson	T.I.P.S. 1101 Wilson Blvd Suite 1700 Arlington, VA 22209	Voice 1-800- GET-TIPS	
B.C. Consultants	Frank Lyons	B.C. Consultants "Server Seller Training" On and Off Premise Approved Training P.O. Box 2152 South Portland, ME 04116	Voice (207) 756-0260	Frank Lyons E- Mail Alcohol Training Website

Licensee Conferences

The Bureau offers informal training to all licensees upon application. Inspectors provide one hour training with each license that is issued. This training is not mandatory but is completed as a courtesy to our licensees. The training increases our licensee's knowledge of the liquor laws and in turn helps them stay within the boundary of the law. In addition to this training a licensee may request a licensee conference in order to go over any issues or changes in law and fake identification practices. The conference is at no cost and usually takes about an hour.

Law Enforcement

With the changes in administering the liquor laws, local law enforcement has been encouraged to take a leading role in the enforcement of liquor laws. Police Departments are offered an opportunity to enter into a Memorandum of Understanding with the Commissioner of Public Safety and become appointed to enforce a limited amount of administrative liquor laws. Those agencies that adopt the memorandum of understanding must send officers to training in order to be approved for enforcement practices. The bureau provides the training throughout the State at no expense and the course lasts approximately 2 to 3 hours. This MOU program is described in detail on the next page.

Public Speaking

The Bureau also offers itself to educate the public through forums with civic organizations, educational facilities and concerned citizens. For example, the bureau recently held a forum for the Town Clerks Association on behalf of the Maine Municipal Association.

PUBLICATIONS

Maine Law Books

The Bureau prints a new booklet of liquor laws every 4 years. The booklets are distributed free of charge to all licensees.

Bureau Rules & Regulations

In the past the Bureau has produced a separate booklet of Rules & Regulations for the licensee. In an effort to reduce costs the Rules and Regulation booklet has been incorporated as part of the Maine Law book issued to all licensees. This same booklet has been issued to you as part of this report. When new laws are passed and they occur between publications the division notifies the licensees of the changes by mail and we encourage them to visit our Liquor Licensing website from time to time to check for changes and updates.

Licensee Quick Reference Booklet

The Bureau prints a “quick reference booklet” to be distributed free of charge to licensees. The booklet contains employee forms, contact information for the Bureau, liquor laws and answers to the most common questions. The booklet is also distributed to servers attending B.A.S.I.C. as well as new licensees. The inspectors discuss the information contained in the booklet with all new licensees.

Law Enforcement Quick Reference Guide

The Bureau also prints a “quick reference guide booklet” to be distributed free of charge to law enforcement agencies. The booklet contains contact information for the Bureau, investigative tips, a key of complaints and appropriate wording and the most common violations of liquor laws. Law Enforcement Agencies that attend the MOU training receive this booklet and departments that request the booklet will also receive them.

Under 21 Warning Signs

The Bureau distributes signs indicating that a person must be 21 years of age to purchase liquor in Maine. The signs are made available to licensees free of charge for posting these signs in their premises. (A copy of this sign has been added to your report and can be found under section N).

Providing Alcohol to Minors Signs

The Bureau distributes signs warning adults of the penalties for furnishing liquor to minors. Signs are posted near the point of sale areas and in clear view of purchasers of alcohol. (A copy of this sign has been added to your report under section N).

Strategic Programs to Enhance Compliance

1. The MOU Program (Memorandum of Understanding Program)

When the bureau of Liquor Enforcement was absorbed into the State Police in 2003 the authority to enforce administrative liquor violations was left up to the Inspectors assigned to the Bureau. Legislation was passed to allow the Commissioner of Public Safety to enter into MOUs with local Police Departments and Sheriff's Departments so they can enforce these administrative violations. The MOU requires that the departments interested in enforcing these laws attend training put on by Liquor Licensing and they are restricted in the violations they can enforce. The purpose of the program is to get the police into local on- premise establishments and stop some of the problems that are occurring in those facilities. This program is strictly voluntary, unfunded and must be agreed upon by both parties. There is a one year contract that can be terminated at any time by either party without showing cause. There are presently forty police departments that have signed MOU agreements with the Department of Public Safety.

Some examples of the violations that this program targets are as follows:

- Sale of Liquor to a minor. (28A section 354)
- Sale of Liquor to a visibly intoxicated person. (28A section 354)
- After hours sales. (28A section 4)
- Sales by underage employees. (Title 28A section 704)
- Consumption in a retail store. (28A section 1206)
- Allowing employees or entertainers to consume while working. (Located on Page 174 in Title 28A under Rules and Regulations, chapter one section 1.8)

All violations written must be sent into the Liquor Licensing Bureau first to see if a consent decree can be worked out. A consent decree is an agreement between the State and the violator on the penalty for the offense. The consent decree does not become official until a judge signs it. If a consent decree cannot be worked out then it is sent back to the department that wrote it and they work with the court of jurisdiction for prosecution. The Attorney General's office does all the prosecutions of administrative liquor violations.

Priorities for the MOU program

- * To maintain a solid professional relationship with the departments that are investing their time and resources into the MOU program. With the lack of manpower in this bureau we must rely on our MOU departments to help accomplish our goal of compliance. These departments are our eyes and ears out on the street and we must continue the training they need and give them the tools to keep this program successful.

Goals

- * Continue to have an "open door policy" with our MOU departments. Keep them current on any changes that may occur with laws, administrative procedures or training updates.
- * To continually inspect the statistics that come in from our MOU departments so we have a baseline to measure our successes and failures. We also stay focused on our consent decree agreements that the bureau works out with licensees that do not wish to take their violations to court.

Timetables

- * The timetable used for reaching our goals would most certainly be on going and statistics driven.

2. The Liquor Compliance Checks Program

The Liquor Compliance Checks program is a joint venture between the Department of Health and Human Services, the Attorney General's Office and the Department of Public Safety. The Maine Sheriff's Association has been contracted to have underage persons attempt to purchase alcohol at off-premise retailers. The underage agents are always over 18 but less than 21 years of age. An adult employee of the Sheriff's Association supervises all attempted purchases. (There are other municipal departments that complete these checks as well) The results of the compliance checks are forwarded to the Liquor Licensing Bureau for processing. The contract calls for fourteen hundred and fifty checks per year for two years. The violations will be handled much like those in the MOU program except that Liquor Licensing Division will handle the notices if it goes to court.

Priorities for Compliance Checks Program

- * The number one priority for the Bureau is the safety and security of our underage compliance checks inspectors. All efforts must be made to ensure this priority is met.

Goals

- * Make every effort to keep all the departments involved in the program up to date with any modifications the bureau may implement to the program.
- * Make sure all involved departments stay consistent with the guidelines that the Bureau has set forth in the Compliance Checks Program outline. Consistency is essential so we can maintain credibility and the Bureau can be confident that all involved departments are out in the field using the same recommended methods.

Timetables

- * The timetable to confirm success with this program is going to be accomplished by means of periodic inspections of the statistical data. This data is sent into the Bureau by the participating agencies and the bureau keeps track of the statistics.

Attached is a copy of both the MOU agreement and the Compliance Checks Program protocol.

Maine State Police

Support Services Division



Special Investigations Unit

Annual Report 2006

Report prepared by: Lt. Patrick Fleming

1 OVERVIEW

1.1 INTRODUCTION

The Maine State Police Special Investigations Unit is the most diverse command in the State Police. It consists of four separate and distinct sections with vastly different goals and missions. Those sections are Gaming and Weapons, Liquor Licensing, Gambling Control, and Executive Protection. The Unit consists of a Lieutenant, three Sergeants, an Inspector Supervisor, seven Detectives, nine Inspectors, and ten clerks. In order to best cover the accomplishments of each individual section, they will be taken up separately in this report.

2 OVERVIEW – Liquor Licensing

2.1 INTRODUCTION

The Liquor Licensing unit is responsible for the licensing of all manufacturers, distributors, and retailers of alcohol who do business in the State of Maine. They collect and audit all the excise tax and premium payments for beer and wine. The Inspectors assigned to Liquor Licensing ensure that the laws and rules relating to liquor sales are followed. This section consists of an Inspector Supervisor, five Inspectors, and five Clerks.

Liquor Licensing issued eight thousand three hundred thirty one licenses in 2006 and collected over three million dollars in associated licensing fees. Twenty four hundred thirty six tax reports were reviewed for completion and accuracy and nearly fifteen million dollars in excise tax and premiums were processed. During 2006 two hundred and sixty six citations and warnings were written for administrative violations relating to liquor.

2.1.1 Notables:

During the past year there have been several major accomplishments by the unit. Two programs were implemented regarding enforcement of underage liquor laws. Memorandums of Understanding were entered into with eleven local and county agencies giving them the power to write specific administrative violations relating to liquor. A contract was entered into with the Office of Substance Abuse, the Attorney Generals Office, Department of Public Safety, and the Maine Sheriff's Association to have the Sheriff's Association hire underage persons to do compliance checks at off premises licensees. The Liquor Licensing Unit also got back into providing training for sellers and servers during 2006.

2.2 Statistical Information

2.2.1 During 2006 the following licenses and permits were issued with the amount of revenue generated by those licenses and permits.

CLASS A RESTAURANT	979	\$881,185.00
CLASS XI RESTAURANT/LOUNGE INCORPORATED CIVIC ORGANIZATION	293	\$440,000.00
AGENCY	49	\$2,930.00
RESALE AGENCY	340	\$174,200.00
CLASS I-A HOTEL	164	\$8,200.00
SMALL MAINE BREWER	114	\$125,610.00
DISTILLERS & BREWERS	22	\$1,100.00
CLASS X LOUNGE	20	\$20,800.00
AUXILIARY LICENSE	149	\$327,300.00
MAINE FARM WINERY	37	\$3,700.00
RECTIFIERS & BOTTLERS	11	\$550.00
CLASS II RESTAURANT (SPIRITS ONLY)	3	\$3,000.00
B.Y.O.B. FUNCTIONS	3	\$1,870.00
BOTTLE CLUBS	115	\$1,150.00
SPECIAL CATERING PERMITS	25	\$1,500.00
CLASS III RESTAURANT (WINE ONLY)	904	\$9,035.00
CLASS IV RESTAURANT (MALT ONLY)	350	\$77,105.00
CLASS V (CLUB-NO CATERING)	438	\$96,290.00
CERTIFICATE OF APPROVAL -	68	\$33,605.00
	3	\$1,800.00

SPIRITUOUS		
WHOLESALE - WINE	19	\$11,400.00
CLASS VI - OFF PREM. RETAILER - MALT	1891	\$378,200.00
CERTIFICATE OF APPROVAL - MALT	59	\$35,400.00
CERTIFICATE OF APPROVAL - WINE	235	\$141,000.00
WHOLESALE - MALT	10	\$6,000.00
CERT. OF APPROVAL, 120 GAL. MAX	0	0
CLASS VII - OFF PREM. RETAILER - WINE	1821	\$364,200.00
SALESMAN LICENSE	209	\$10,450.00

Totals: 8331 \$3,157,580.00

During 2006 the following excise tax and premiums were paid based on the number of gallons sold in the state of Maine:

<u>EXCISE TAX</u>	<u>2006</u>
MALT	\$7,149,896.31
FLAVORED MALT BEVERAGES	\$1,508,450.70
TABLE WINE	\$1,114,802.41
SPARKLING WINE	\$269,416.61
CIDER	Included in table wine
Totals	\$10,042,566.03
 <u>PREMIUM</u>	
MALT	\$2,858,758.44
FLAVORED MALT BEVERAGES	\$361,833.04
TABLE WINE	\$1,108,198.75
SPARKLING WINE	\$64,667.76
CIDER	Included in table wine
Totals	\$4,857,658.37
 <u>GALLONAGE</u>	
MALT	28,599,585
FLAVORED MALT BEVERAGES	1,508,451
TABLE WINE	3,716,008
SPARKLING WINE	269,416
CIDER	Included in table wine
Totals	34,093,460

The Inspectors assigned to Liquor Licensing were busy during the year visiting licensees and performing their inspections. The following numbers detail the activities of the Licensing Inspectors:

On/Off Premise	Catering	Wine tasting	Inspections		Agency Stores	Breweries	PIR
			Pre-inspections				
2400	474	117	115		200	0	700
Grand Total					4006		

The Inspectors in Liquor Licensing also issue complaints of administrative violations against licensees based on referrals by local police departments and other agencies. During 2006 the following businesses were cited for administrative violations:

Orono Thriftway	Orono	1/7/2006	Sale to minor, 19
Over & Under Beef & Brew	Calais	1/12/2006	Illeg. Drinks as prizes
Boston Connection	Biddeford	1/13/2006	Sale to minor, 20
Coastal Discount Beverage	Biddeford	1/13/2006	Sale to minor, 20
<i>GOULET, Debra</i> (Coastal Discoun	Biddeford	1/13/2006	Sale to minor, 20
Dave's Variety	Biddeford	1/13/2006	Sale to minor, 20
<i>WEST, Hilary</i> (Dave's Variety)	Biddeford	1/13/2006	Sale to minor, 20
Jaky's	Biddeford	1/13/2006	Sale to minor, 20
Paul's Variety	Biddeford	1/13/2006	Sale to minor, 20
<i>TURGEON, Alain</i> (Paul's Variety)	Biddeford	1/13/2006	Sale to minor, 20
Pool Street Market	Biddeford	1/13/2006	Sale to minor, 20
Ray's Market	Biddeford	1/13/2006	Sale to minor, 20
7-Eleven #32540A	Biddeford	1/13/2006	Sale to minor, 20
S & S Super Sub	Biddeford	1/13/2006	Sale to minor, 20
<i>KNIGHT, Tracey</i> (S & S Super)	Biddeford	1/13/2006	Sale to minor, 20
Sea Star Market	Biddeford	1/13/2006	Sale to minor, 20
Three D's Market	Biddeford	1/13/2006	Sale to minor, 20
<i>WORMWOOD, June</i> (Three D's)	Biddeford	1/13/2006	Sale to minor, 20
West Street Market	Biddeford	1/13/2006	Sale to minor, 20
<i>BOISCLAIR, Joanne</i> (West St M)	Biddeford	1/13/2006	Sale to minor, 20
Over & Under Beef & Brew	Calais	1/17/2006	Illeg. Gambling
Rite Aid Pharmacy #3671	Fairfield	1/19/2006	Sale to minor, 18
Rite Aid Pharmacy #3671	Fairfield	1/20/2006	Sale to minor, 18
Tilbury Town Tavern	Gardiner	2/3/2006	Allowing Illegality
Orono Thriftway	Orono	2/5/2006	Sale to minor, 20
Big Apple Food Store #1016	Orono	2/11/2006	Sale to minor, 18
<i>BROWN, Carole</i> (Milo Exxon)	Milo	2/17/2006	Sale to minor, 20
Milo Exxon	Milo	2/17/2006	Sale to minor, 20
Pat's of Milo	Milo	2/17/2006	Sale to minor, 20

Milo Exxon	Milo	2/17/2006	Sale to minor, 20
Pat's of Milo	Milo	2/17/2006	Sale to minor, 20
Reuben's Country Store	Milo	2/17/2006	Sale to minor, 20
Sebec Country Store	Sebec	2/17/2006	Sale to minor, 20
<i>WARREN, Deborah</i> (Sebec Co St)	Sebec	2/17/2006	Sale to minor, 20
Ellsworth Falls Mini Mart	Ellsworth	2/18/2006	Sale to minor, 20
Ellsworth Irving #1408	Ellsworth	2/18/2006	Sale to minor, 20
Ellsworth Mobil Mart	Ellsworth	2/18/2006	Sale to minor, 20
Hilltop One Stop	Ellsworth	2/18/2006	Sale to minor, 20
Mike's Country Store	Ellsworth	2/18/2006	Sale to minor, 20
<i>PANTHER, Martin</i> (Mike's Co St)	Ellsworth	2/18/2006	Sale to minor, 20
Rite Aid Pharmacy #3287	Ellsworth	2/18/2006	Sale to minor, 20
<i>BRADFORD, Laura</i> (Tideway)	Ellsworth	2/18/2006	Sale to minor, 20
Wayside	Ellsworth	2/18/2006	Sale to minor, 20
<i>MURPHY, Lisa</i> (Wayside)	Ellsworth	2/18/2006	Sale to minor, 20
Tideway Market	Hancock	2/18/2006	Sale to minor, 20
Bloomfield's Tavern	Skowhegan	3/5/2006	Offer/deliver free liquor
Orono Thriftway	Orono	3/24/2006	Sale to minor, 18 (AGENCY)
Hannaford Supermarket	Waterville	4/13/2006	Not price sale items 6 labels
Hannaford Food & Drug #238	Waterville	5/3/2006	Not price sale items 27 labels
Orono Irving Mainway #1425	Orono	5/10/2006	Sale to minor, 19
<i>GOULD, David</i> (Orono Irving)	Orono	5/10/2006	Sale to minor, 19
Hot Tamale, The	Boothbay Harbor	5/27/2006	Sale to minor, 19
Lobster Pier Cafe	Boothbay Harbor	5/27/2006	Sale to minor, 19
7-Eleven #32536B	Springvale	6/1/2006	Sale to minor, 20
<i>KUCHURI, Jagadishwar</i> (7-11)	Springvale	6/1/2006	Sale to minor, 20
Hannaford Food & Drug	Gardiner	6/3/2006	Taste Test w/o permission
JB's Tavern	Madison	6/7/2006	Minor to cons/poss, 20
JB's Tavern	Skowhegan	6/7/2006	Minor poss/consume, 20
Bucksport Irving #1480	Bucksport	6/9/2006	Sale to minor, 20
Rite Aid #4171	Bucksport	6/9/2006	Sale to minor, 20
Toziers Variety	Bucksport	6/9/2006	Sale to minor, 20
Townhouse Restaurant	Calais	6/9/2006	Sale to VIP
<i>WESTRACK, Marcia</i> (Townhouse)	Calais	6/9/2006	Sale to VIP
Orland Market, The	Orland	6/9/2006	Sale to minor, 20
Snowman's Grocery	Orland	6/9/2006	Sale to minor, 20
Hannaford	Boothbay Harbor	6/10/2006	Taste Testing w/o permis
Amato's	South Portland	6/10/2006	Sale to minor, 20
Anania's	South Portland	6/10/2006	Sale to minor, 20
Big Apple #1034	South Portland	6/10/2006	Sale to minor, 20
Big Apple #1084	South Portland	6/10/2006	Sale to minor, 20
Broadway Blue Canoe	South Portland	6/10/2006	Sale to minor, 20
Broadway Getty Mart	South Portland	6/10/2006	Sale to minor, 20
Broadway One Stop	South Portland	6/10/2006	Sale to minor, 20
Cumberland Farms #5573	South Portland	6/10/2006	Sale to minor, 20
DiPietro's Market	South Portland	6/10/2006	Sale to minor, 20
J P Thornton's	South Portland	6/10/2006	Sale to minor, 20
Jetport Gas & Convenience	South Portland	6/10/2006	Sale to minor, 20

Plaza 29 Convenience	South Portland	6/10/2006	Sale to minor, 20
7-Eleven #32538A	South Portland	6/10/2006	Sale to minor, 20
Stop & Shoppe Food Mart	South Portland	6/10/2006	Sale to minor, 20
The Lookout	Belfast	6/14/2006	Sale to Minor, 19
Western Avenue Getty	Augusta	7/10/2006	Sale to minor, 19
ASSAF, Mike (West Ave Getty)	Augusta	7/10/2006	Sale to minor, 19
The Old Village Inn	Ogunquit	8/5/2006	Poss/cons after hour
Chez	Waterville	8/11/2006	Sale to VIP
MORISSETTE, Jane (Chez)	Waterville	8/11/2006	Sale to VIP
Club Inside Out	Ogunquit	8/13/2006	VIP to remain
Bob-In Restaurant	Waterville	8/15/2006	Illegality
Bob-In Restaurant	Waterville	8/15/2006	Sale for off premise consum
Nakorn Thia Restaurant	Bar Harbor	8/16/2006	VIP Consume
Murphy's Coffeeshouse	Belfast	8/18/2006	Employee showing effects
Rupununi	Bar Harbor	8/19/2006	Sale to Minor, 20
Rite Aid #4133	Portland	8/20/2006	Sale to VIP
Capital Market	OOB	8/23/2006	Sale to minor, 20
Fat Bellies Deli	OOB	8/23/2006	Sale to minor, 20
Good Toones Dance -Referees	OOB	8/23/2006	Sale to minor, 20
ANDREWS, Katherine(Good Tns)	OOB	8/23/2006	Sale to minor, 20
Ocean Pizza	OOB	8/23/2006	Sale to minor, 20
GAUTHIER, Lucas (Ocean Pizza)	OOB	8/23/2006	Sale to minor, 20
Potvins Market	OOB	8/23/2006	Sale to minor, 20
SRUNGAVARAPU, S.(Potvins)	OOB	8/23/2006	Sale to minor, 20
CABRERA, Rainierys (Radley Mkt	OOB	8/23/2006	Sale to minor, 20
Radley's Market	OOB	8/23/2006	Sale to minor, 20
Red Rocket Gas & Grocery	OOB	8/23/2006	Sale to minor, 20
LEBRECK, Kathleen (Red Rock)	OOB	8/23/2006	Sale to minor, 20
Rite Aid #4112	OOB	8/23/2006	Sale to minor, 20
SMALL, Clifton (Rite Aid OOB)	OOB	8/23/2006	Sale to minor, 20
7-11 #32542C	OOB	8/23/2006	Sale to minor, 20
HOSSAN, Golam (7-11 #32542C)	OOB	8/23/2006	Sale to minor, 20
Vacancy Pub	OOB	8/23/2006	Sale to minor, 20
SAXTON, Marylou (Vacancy)	OOB	8/23/2006	Sale to minor, 20
The Lookout	Belfast	8/27/2006	Off Premise Consumption
Joe Allen	Ogunquit	8/27/2006	Licensee showing effects
Bell Bouy Restaurant	OOB	8/30/2006	Sale to minor, 20
REQUENA, Rafael (Bell Bouy)	OOB	8/30/2006	Sale to minor, 20
Dune Grass Golf Club	OOB	8/30/2006	Sale to minor, 20
LACY, Joseph (Dune Grass)	OOB	8/30/2006	Sale to minor, 20
Harold's	OOB	8/30/2006	Sale to minor, 20
Pinehurst Tent & Trailer	OOB	8/30/2006	Sale to minor, 20
Pirates Patio	OOB	8/30/2006	Sale to minor, 20
EKATIRENA, A. (Pirates Patio)	OOB	8/30/2006	Sale to minor, 20
Vallee's Village Inn	OOB	8/30/2006	Sale to minor, 20
POWERS, Greg (Vallee's V I)	OOB	8/30/2006	Sale to minor, 20
Whaler	OOB	8/30/2006	Sale to minor, 20
QUESNA, Jana (Whaler)	OOB	8/30/2006	Sale to minor, 20

Fish House Grill	Bar Harbor	9/1/2006	Employee consume on duty
Bob-In Restaurant	Waterville	9/16/2006	Sale to VIP
Spring Point Tavern	South Portland	9/21/2006	Sale to minor, 18
Spring Point Tavern	South Portland	9/21/2006	Poss/consump minor 18
Spring Point Tavern	South Portland	9/21/2006	Sale to VIP
Danny's	Lewiston	9/22/2006	Sale to minor, 19
Danny's	Lewiston	9/22/2006	Failure to check ID
Lewiston Irving Mainway	Lewiston	9/22/2006	Sale to minor, 19
Lewiston Irving Mainway	Lewiston	9/22/2006	Failure to check ID
E-Z Mart	Lewiston	9/29/2006	Sale to minor, 19
E-Z Mart	Lewiston	9/29/2006	Failure to check ID
Elizabeth Ann General Store	Lewiston	9/29/2006	Sale to minor, 19
Elizabeth Ann General Store	Lewiston	9/29/2006	Failure to check ID
Gendron's Mobil I	Lewiston	9/29/2006	Sale to minor, 19
Gendron's Mobil I	Lewiston	9/29/2006	Failure to check ID
M & M Getty Mart	Lewiston	9/29/2006	Sale to minor, 19
M & M Getty Mart	Lewiston	9/29/2006	Failure to check ID
On the Way	Lewiston	9/29/2006	Sale to minor, 19
On the Way	Lewiston	9/29/2006	Failure to check ID
Dead River	Caribou	9/30/2006	Sale to minor, 20
<i>PELLETIER, Bryan</i> (Dead River)	Caribou	9/30/2006	Sale to minor, 20
Ouellette's Variety	Caribou	9/30/2006	Sale to minor, 20
<i>SCHWARTZ, Robert</i> (Ouellette's)	Caribou	9/30/2006	Sale to minor, 20
Mobil on the Run	Lewiston	9/30/2006	Sale to minor, 18
Mobil on the Run	Lewiston	9/30/2006	Failure to check ID
Lisbon Falls Market	Lisbon Falls	9/30/2006	Sale to minor, 18
Hannford Supermarket	Waterville	10/4/2006	Incorrect pricing
7-11 #32534A	Gorham	10/5/2006	Sale to minor, 19
Rite Aid #4123	Farmington	10/6/2006	Sale items not marked - 4
Mainely Brews	Waterville	10/6/2006	VIP to remain
<i>BENNER, Zachary</i> (Mainely Brew)	Waterville	10/6/2006	VIP to remain
The Blue Ox Saloon	Millinocket	10/10/2006	Minor to remain, 19
Rite Aid Pharmacy #4120	Winthrop	10/11/2006	Sale prices not marked
Rite Aid Pharmacy #3671	Fairfield	10/12/2006	Sale items not marked
Hannaford	Damariscotta	10/16/2006	Sale prices not marked
7-11 #32534A	Gorham	10/20/2006	Sale to minor, 19
Princeton Irving Mainway #1417	Princeton	10/21/2006	Sale to minor, 20
<i>SOCOBASIN, Kelly</i> (Irving #1417)	Princeton	10/21/2006	Sale to minor, 20
Dave's AG	Boothbay	10/23/2006	Sale prices not marked -10
Hannaford #291	Farmington	10/30/2006	Sale items marked incorrect
Cumberland Farms #5605	Norridgewock	10/30/2006	Sale items not marked - 12
Machias on the Run	Machias	11/4/2006	Sale to minor, 19
<i>ROBBINS, Forrest</i> (Machias Run)	Machias	11/4/2006	Sale to minor, 19
Mathews Country Store	Steuben	11/4/2006	Sale to minor, 19
<i>PERRY, Carol</i> (Mathews Co Store)	Steuben	11/4/2006	Sale to minor, 19
Puffin Stop/On the Run	Waterville	11/4/2006	Sale to VIP
<i>LEGGETT, Dennis</i> (Puffin Stop)	Waterville	11/4/2006	Sale to VIP

New Meadows Super Stop	Bath (West)	11/9/2006	Sale prices not marked
Shaw's	Bath	11/9/2006	Sale prices not marked
Ashland One Stop	Ashland	11/10/2006	Sale to minor, 19
<i>CRAIG, Jessica</i> (Ashland One)	Ashland	11/10/2006	Sale to minor, 19
Babe's Variety	Ashland	11/10/2006	Sale to minor, 19
<i>BURBY, Katherine</i> (Babe's Var)	Ashland	11/10/2006	Sale to minor, 19
C & J Service Center	Caribou	11/10/2006	Sale to minor, 19
Ferris One Stop	Easton	11/10/2006	Sale to minor, 19
<i>McLEAN, Nicole</i> (Ferris One Stop)	Easton	11/10/2006	Sale to minor, 19
Monticello Country Store	Monticello	11/10/2006	Sale to minor, 19
Oakfield Thriftway	Oakfield	11/10/2006	Sale to minor, 19
<i>SCHOLLER, Jordan</i> (Oakfield Thr)	Oakfield	11/10/2006	Sale to minor, 19
Luce's Meats & Family Store	Anson	11/17/2006	Sale to minor, 20
Madison Irving Mainway #1443	Madison	11/17/2006	Sale to minor, 20
Mill Pond General Store	Madison	11/17/2006	Sale to minor, 20
Chris's Boston North	Norridgewock	11/17/2006	Sale to a minor, 20
Cumberland Farms #5605	Norridgewock	11/17/2006	Sale to minor, 20
Norridgewock Irving Mainway 1020	Norridgewock	11/17/2006	Sale to minor, 20
Oosoola Country Store	Norridgewock	11/17/2006	Sale to minor, 20
Riverside Market	Norridgewock	11/17/2006	Sale to minor, 20
York's Market	Norridgewock	11/17/2006	Sale to minor, 20
Cumberland Farms #5580	Brunswick	11/18/2006	Sale to minor, 19
<i>GREENLAW, Steven</i> (Cum Farms)	Brunswick	11/18/2006	Sale to minor, 19
Morning Glory Natural Foods	Brunswick	11/18/2006	Sale to minor, 19
<i>TURLO, Claire</i> (Morning Glory)	Brunswick	11/18/2006	Sale to minor, 19
Provisions	Brunswick	11/18/2006	Sale to minor, 19
7-11 #32545 H	Brunswick	11/18/2006	Sale to minor, 19
<i>BALCIAR, Tracey</i> (7-11)	Brunswick	11/18/2006	Sale to minor, 19
Uncle Tom's Market	Brunswick	11/18/2006	Sale to minor, 19
Big Apple Food Store #1076	Skowhegan	11/21/2006	Sale to minor, 19
Bucks Harbor Market	Brooksville	11/22/2006	Sale to minor, 19
<i>YOUNG, Linsay</i> (Bucks Hrbr Mkt)	Brooksville	11/22/2006	Sale to minor, 19
Bucksport Irving #1480	Bucksport	11/22/2006	Sale to minor, 19
<i>SAWYER, Megan</i> (Bucksport Irv)	Bucksport	11/22/2006	Sale to minor, 19
Galley, The	Deer Isle	11/22/2006	Sale to minor, 19
<i>KLEMENZ, Peter</i> (The Galley)	Deer Isle	11/22/2006	Sale to minor, 19
Acadia Highway Mkt Deli	Orland	11/22/2006	Sale to a minor, 19
<i>PRICE, Cheryl</i> (Acadia Highway)	Orland	11/22/2006	Sale to a minor, 19
Snowman's Grocery	Orland	11/22/2006	Sale to minor, 19
Harborview Store	Stonington	11/22/2006	Sale to minor, 19
Casey's Market	Anson	11/24/2006	Sale to minor, 20
Big Apple Food Store #1051	Madison	11/24/2006	Sale to minor, 20
Clough's Corner Store	Madison	11/24/2006	Sale to minor, 20
Beverage Mart, The	Skowhegan	11/24/2006	Sale to minor, 20
Cumberland Farms #5610	Skowhegan	11/24/2006	Sale to a minor, 20
Damon's Quick Stop	Skowhegan	11/24/2006	Sale to a minor, 20
Katie Q. Convenience	Skowhegan	11/24/2006	Sale to minor, 20

South Side Tavern	Skowhegan	11/24/2006	Take order from 20 year old
Wicked Wines	Orrington	11/25/2006	Sale of unlicensed wine
Southern Wine & Spirits of NE	Concord, NH	12/1/2006	Disturb other's merchandise
<i>COLLINS, Joe</i> (Southern Wine)	Concord, NH	12/1/2006	Disturb other's merchandise
The Lookout	Belfast	12/9/2006	VIP to remain -Seth Burd
The Lookout	Belfast	12/9/2006	VIP to remain -Crystal Barton
The Lookout	Belfast	12/9/2006	VIP to remain -Kenny Young
The Lookout	Belfast	12/9/2006	VIP to remain -Chris O'Brien
<i>McDonald, Angela</i> (The Lookout)	Belfast	12/9/2006	VIP to remain -Chris O'Brien
Bourque's Central Market	Lewiston	12/27/2006	Sale to minor, 19
<i>BROOKS, Corinne</i> (Bourque's Mkt)	Lewiston	12/27/2006	Sale to minor, 19
Allagash Outfitters	Allagash Plt	12/28/2006	Sale to minor, 20
Martin's Country Store	Caribou	12/28/2006	Sale to minor, 20
Al's Tastee Freez	Fort Kent	12/28/2006	Sale to minor, 20
Irving Mainway #1467	Fort Kent	12/28/2006	Sale to minor, 20
<i>BEAULIEU Abel</i> (Irving #1467)	Fort Kent	12/28/2006	Sale to minor, 20
Bryan's Inc.	Madawaska	12/28/2006	Sale to minor, 20
Morin's Variety	Madawaska	12/28/2006	Sale to minor, 20
<i>CHASSE, Christopher</i> (Morin's)	Madawaska	12/28/2006	Sale to minor, 20
Lake Road Grocery	New Canada Plt	12/28/2006	Sale to minor, 20
<i>LABONTE, George</i> (Lake Road)	New Canada Plt	12/28/2006	Sale to minor, 20
Ray's Corner Variety	Presque Isle	12/28/2006	Sale to minor, 20
<i>BELANGER, Kathy</i> (Ray's Corner)	Presque Isle	12/28/2006	Sale to minor, 20
Wal-Mart #1924	Presque Isle	12/28/2006	Sale to minor, 20
<i>MORRISON, Toni</i> (Wal-Mart)	Presque Isle	12/28/2006	Sale to minor, 20
Babin Grocery Outlet	St. Agatha	12/28/2006	Sale to minor, 20
<i>BOUCHER, Brenda</i> (Babin Grocery)	St. Agatha	12/28/2006	Sale to minor, 20
Saucier's IGA	Van Buren	12/28/2006	Sale to minor, 20
<i>GAGNON, Diane</i> (Saucier's IGA)	Van Buren	12/28/2006	Sale to minor, 20
Auburn Center Street Irving	Auburn	12/29/2006	Sale to minor, 19
<i>DUCHAINE, Katherine</i> (Aub Irving)	Auburn	12/29/2006	Sale to minor, 19
Curry in a Hurry	Auburn	12/29/2006	Sale to minor, 19
<i>BERUBE, Mark</i> (Curry in a Hurry)	Auburn	12/29/2006	Sale to minor, 19
Ring's Quick Stop	Auburn	12/29/2006	Sale to minor, 19
<i>PRICE, Hope</i> (Ring's Quick Stop)	Auburn	12/29/2006	Sale to minor, 19
Rooper's	Auburn	12/29/2006	Sale to minor, 19
<i>SNAYSE, Cheryl</i> (Rooper's)	Auburn	12/29/2006	Sale to minor, 19
Tibby's Variety	Auburn	12/29/2006	Sale to minor, 19
<i>CHESSIE, Andrew</i> (Tibby's)	Auburn	12/29/2006	Sale to minor, 19
P J's General Store	Mattawamkeag	12/29/2006	Sale to minor, 20
<i>SOLOMON, Kimberly</i> (P J's)	Mattawamkeag	12/29/2006	Sale to minor, 20
Dad's Place	Mechanic Falls	12/29/2006	Sale to minor, 19
<i>NOYES, Randy</i> (Dad's Place)	Mechanic Falls	12/29/2006	Sale to minor, 19
Medway Redemption Center	Medway	12/29/2006	Sale to minor, 20
Hannaford	Millinocket	12/29/2006	Sale to minor, 20
<i>LEATHERS, Kyle</i> (Hannaford)	Millinocket	12/29/2006	Sale to minor, 20
Rick's Market	E. Millinocket	12/29/2006	Sale to minor, 20
<i>McLAUGHLIN, Jordan</i> (Rick's)	E. Millinocket	12/29/2006	Sale to minor, 20

2.2.2 2006 was a busy year for the Liquor Licensing section. The numbers were up in all the significant categories. The following is the difference in the number of licenses issued, audits done, and inspections between 2004 and 2005.

	2005	2006	% Difference
Licenses Issued	8742	8331	- 4.8%
Audits	2328	2436	+4.6%
Inspections	3823	4006	+4.7%

In 2006 the Liquor Licensing Section collected \$3,157,580 in licensing fees, which was up two percent over 2005. In addition to the licensing fees \$14,900,224.40 was collected in taxes owed on excise and premium tax, up fifteen percent.

Assignments / Projects

2.2.3 Get the E-Tax program up and running:

The E-tax system was going to be used to allow manufacturers and Wholesalers to create permits, submit gallonage, and pay their taxes on line. The system was not user friendly and many of the end users were reluctant to get involved with it. It was determined after a pilot project to not continue with the project at this time. We have plans to revamp this program by switching over to a new computer system. A new system has been demonstrated for the division and we are now waiting for cost analysis and time frames to bring on line.

2.2.4 Implement the Liquor MOU and Compliance Check program:

When Liquor Enforcement was absorbed into the State Police in 2003 it hindered the enforcement of administrative violations. Due to some legislative changes the Commissioner of Public Safety was able to grant the authority to enforce the administrative violations to local and county agencies as well as contract officers. A MOU was entered into with ten

municipal and one county agency to grant them the authority to write the administrative violations. Several agencies used the authority and it worked well. It is not mandatory that the agencies enter into the agreement or that they use the authority.

A contract was entered into with the Maine Sheriff's Association to have them provide underage persons to do compliance checks at off premise retailers. After being trained the checks were started. Three hundred and fifty eight checks were done with forty-three violations written.

2.2.5 Reinstate the Alcohol Server Education Class:

It was decided that the Department should reinstate the B.A.S.I.C seller/server education program that was offered when the Bureau of Liquor Enforcement was still active. The classes started in the late summer and in 2006 there were twenty-eight classes held. Five hundred and eighteen people attended those classes and fourteen thousand five hundred and four dollars were collected as fees for the training.

2.3 *Budget Overview*

The workload for the Liquor Licensing Section has been increasing steadily for the last several years, but the number of employees has not increased. Each year the legislature looks at creating more licenses or expanding the current licenses. The unit is currently working at capacity and any changes to responsibility without a change in manpower would hinder the unit's ability to function.



John Elias Baldacci
Governor

STATE OF MAINE
Department of Public Safety
Liquor Licensing
Memorandum of Understanding



Anne H. Jordan
Commissioner

currently
HJ

I. PARTIES

This document constitutes an agreement between the State of Maine Department of Public Safety Liquor Licensing Division and

II. PURPOSE

A. Background

In June of 2003 the State of Maine Legislature eliminated the State of Maine Bureau of Liquor Enforcement. The responsibilities of licensing and administrative enforcement were transferred within the Department of Public Safety to the Liquor and Licensing Unit. Once the transfer of responsibility was complete, it was determined that the Bureau of Liquor Enforcement officers were the only sworn law enforcement officers who had the authority to enter an establishment licensed to sell liquor for the sole purpose of enforcing administrative violations as defined in Title 28 -A of the Maine Revised Statutes Annotated. This lack of authority of local law enforcement to enforce the administrative violations prompted the 122nd Maine legislature to pass LD 620 – An Act to Clarify the Liquor Enforcement Laws, which was signed into law on May 20, 2005. This law granted the Department of Public Safety the authority to enter into memorandums of understanding with county and local law enforcement to enforce specific administrative violations listed in the agreement.

Office Located at CENTRAL MAINE COMMERCE CENTER 45 Commerce Drive Suite 1, AUGUSTA, ME 04330

(207) 624-7223 and 624-7224 Licensing and Inspections

(207) 287-3424 FAX

(207) 624-7230 Referrals and Training

B Purpose

The purpose of this Memorandum is to establish a framework for cooperation between the Department of Public Safety Liquor Licensing Unit and county and municipal law enforcement agencies to strengthen efforts to coordinate enforcement of administrative violations in relation to liquor.

The Parties do not intend this Memorandum to create binding legal obligations.

III. SCOPE

The authority granted under this agreement by the Commissioner of the Department of Public Safety allows to enter into establishments licensed to sell liquor for the sole purpose of, issuing summonses and the enforcement of the following.

- A. Sale of liquor to a minor (on premise) –§ 705 part – 3(E)
- B. Sale of liquor to a minor (off premise) –§ 705 part – 2(E)
- C. Sale of liquor to a minor (agency store) - § 354
- D. Allowing possession or consumption of liquor by a minor (on premise) –§ 705 part – 4
- E. Allowing a minor to remain in a hotel lounge –§ 1061 part – 2
- F. Allowing a minor to remain in a Class A lounge - §1065 part – 4
- G. Sale of liquor to a visibly intoxicated person (on premise) - § 705 part – 3-A
- H. Sale of liquor to a visibly intoxicated person (off premise) - § 705 part – 2-A
- I. Sale of liquor to a visibly intoxicated person (agency store) - § 354
- J. Sale of liquor during prohibited hours - §4 part – 1
- K. Allowing consumption/ possession of liquor during prohibited hours - §4 part -2

- L. Sale by underage employee (on premise) - §704
- M. Sale by underage employee (off premise) – §1202
- N. Allowing consumption of liquor in a retail store - §1206
- O. Inspection of Premises (excluding the auditing of books and the checking of records) - § 12
- P. Allowing employees/ entertainers to consume while on duty –

R & R 1.8

- Q. Allowing a visibly intoxicated person to remain on a licensed premise –
R&R 1.8
- R. Allowing a violation of law on the licensed premise – R&R 1.13
- S. Allowing a visibly intoxicated person to consume liquor on the premise
– R&R 2.1

IV. RESPONSIBILITIES OF THE PARTIES:

A. General:

- 1) The parties agree to work together to coordinate efforts to encourage compliance with the administrative liquor violations outlined above.
- 2) The parties agree to follow the process set forth in the Maine Department of Public Safety Liquor Licensing Administrative Violation Protocol attached hereto and incorporated herein for reference.
- 3) The parties agree that the standards set in this agreement will be followed to the best of each party's ability and carried out with integrity and professionalism.
- 4) The parties agree to communicate as necessary to ensure that this agreement is carried out and to address any problems that might develop during the course of coordination efforts.

B. Liquor Licensing:

- 1) The Liquor Licensing Unit will maintain a database of all violations issued and dispositions rendered to be used for future licensing functions.
- 2) The Liquor Licensing Unit will offer any technical assistance, when practical, in helping the local authorities in executing the terms of the agreement.
- 3) The Liquor Licensing Unit will assist, when practical, in supplying training for the local authorities that enter into this agreement.
- 4) The Liquor Licensing Unit will continue to accept referrals and take enforcement action against those licensees that commit administrative violations not listed in this agreement.
- 5) The Liquor Licensing Unit will administer the consent decree process as a method of controlling the flow of violations into the court system.

C.

- 1) Will monitor the licensed establishments in their jurisdiction and take the necessary enforcement action, including issuing a summons and filing complaint in the District Court at the appropriate time or other enforcement action as outlined in this agreement.
- 2) Will send the original of any notice of violation (citation), served on a licensee, together with a report to the Liquor Licensing Unit within five days of the issuance of the citation.
- 3) Will follow the procedures for citations as prescribed by the administrative violation protocol.
- 4) Will provide testimony and serve subpoenas on necessary witnesses for any further action taken by The Department of Public Safety Liquor Licensing Unit in relation to the administrative violations written under this agreement.

V. PERIOD OF AGREEMENT AND MODIFICATION/TERMINATION:

This agreement will be reviewed one year from the signing date and annually thereafter to ensure that both parties are maintaining their responsibilities as outlined herein. Both parties must agree to any modifications of the agreement before the modification will take effect. Either party may terminate this agreement at any time without showing cause.

Anne H. Jordan
Commissioner
Department of Public Safety

Date



John Elias Baldacci
Governor

STATE OF MAINE
Department of Public Safety
Liquor Licensing
164 State House Station
Augusta, Maine
04333



Anne H. Jordan
Commissioner

RECOMMENDED UNDERAGE ALCOHOL SALES COMPLIANCE CHECKS

Maine Department of Public Safety
Liquor Licensing and Inspection Unit

DEFINITIONS

- **Compliance Inspection**: A compliance detail performed by Police departments and underage inspectors. The underage inspectors are supervised by a police officer that has been authorized to do so by their local police department.
- **Liquor**: Spirits, wine, malt liquor or hard cider or any substance containing liquor intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.
- **Off premise licensee**: A person licensed to sell liquor in sealed bottles, containers or original packages to be consumed off the licensed premise (retail stores and agency liquor stores).
- **On-premise licensee**: A person licensed to sell liquor to be consumed on the premises where sold.
- **Compliance Check Program Inspector** : All Inspectors are between the ages of 18 and 20. There shall be no facial hair for males and little or no makeup for females. They shall be dressed in a manner to be consistent with attire for the age.
- **Clerk/Agent**: An individual hired /employed by a licensee to engage in the sale of alcohol.
- **DBA**: Doing business as.
- **Licensee**: Is an individual(s) or corporation granted a license to sell alcohol.

INVESTIGATION TEAM

- Compliance check police officer(s).
- One or two minors, known as Compliance Check Program Inspectors or CCP Inspectors.

PRE-DETAIL PLANNING:

- A route will be established by the Compliance Check Officer for performing the compliance checks.
- The Compliance Check Officer will prepare a schedule for the CCP Inspectors.

THE COMPLIANCE CHECK OFFICER

- Will ensure that each CCP Inspector: 1) Has no money other than funds provided for alcohol purchase, 2) has no form of identification on their person and 3) has no other contraband
- At the start of the detail the officer will provide cash to the CCP Inspector. If a purchase is made additional funds will be provided. The CCP Inspector shall return unused funds to the officer at the end of the detail.
- The officer will photograph the CCP Inspector at the beginning of the operation.
- Whenever practical, will witness the attempted buy.
- Immediately after each inspection reviews the Compliance Check Data Collection Report, to ensure that the report is completed.
- If a liquor sale is made: 1) secures evidence from the CCP Inspector; 2) obtains the Compliance Checks, Data Collection Report and ensures that the report is complete; 3) the officer will return to the establishment at the end of the detail to issue a State of Maine Notice of Liquor License Administrative Violation and Short Form Complaint.
- Processes evidence according to state procedures, maintaining a chain of custody.
- Fills out the type of premise on the Compliance Check Data Collection Report.

THE CCP INSPECTOR REQUIREMENTS

- Persons 18 to 20 years of age who are representative to their age group will attempt to purchase liquor.
- They will not present false written or oral evidence of age.
- They are to carry no illegal items or money, other than that issued for the purchase, into the store.
- Answer all questions honestly.
- Respond to question of working with police on a sting with the question "What?" or "What's that"?
- May call off any attempt that feels uncomfortable.
- Must not attempt to purchase if known to store employees or other customers in the store at the time of purchase.
- Immediately after each inspection complete the Compliance Check Data Collection Report.
- Immediately after the sale the CCP inspector turn alcohol over to the officer, who will tag the evidence.
- File an incident report for all out of the ordinary occurrences.
- Testify in court, when necessary.

Compliance Checks / On-Premises Liquor Establishments

1. Assigned officer will obtain cash funds for compliance checks from the person designated by the Chief of Police as the disbursement officer. Officer will remain responsible for the money as well as the collection and recording of evidence.
2. Compliance check officer will photograph the minor before starting the detail and attach the photograph to the case report.
3. Department will utilize a "youthful appearing" minor(s) between the ages of 18 and 20 to attempt purchase of liquor. Minor(s) will not attempt to alter their appearance; males will have no facial hair and females will wear little or no makeup. Minor will have no money other than funds provided for liquor purchase. In addition, minor will not have any form of identification on their person while conducting compliance checks.
4. Minor(s) shall volunteer service towards compliance checks; employment or confidential-informant status not mandatory.
5. Minors may call off any attempt to purchase liquor if they feel uncomfortable. In addition, minors will not attempt purchase if known to premise employees or patrons within the premise at the time of purchase.
6. Minor(s) will not consume any liquor during the detail; simply purchase and possess. Minor(s) shall submit to an alcohol breath test prior to conducting the detail and upon completion the detail. Intoxilyzer certified officer will attach test results to case report.
7. Pre-operation plan will identify assigned on-premises liquor establishments, appropriate methodology and suitable minor(s). Assigned officer(s) will transport minor(s) in unmarked police vehicle to assigned establishments. Officer(s) will enter the premises separately from minor(s) and engage in appropriate social conduct while monitoring activity from inside the premises. Safety of minor(s) remains paramount. Officer(s) and minor(s) will avoid contact to alleviate defense that officer(s) presence implied minor(s) were of legal age. Officer should obtain visual description of seller / server as well as ability to identify liquor beverage reference subsequent investigation.

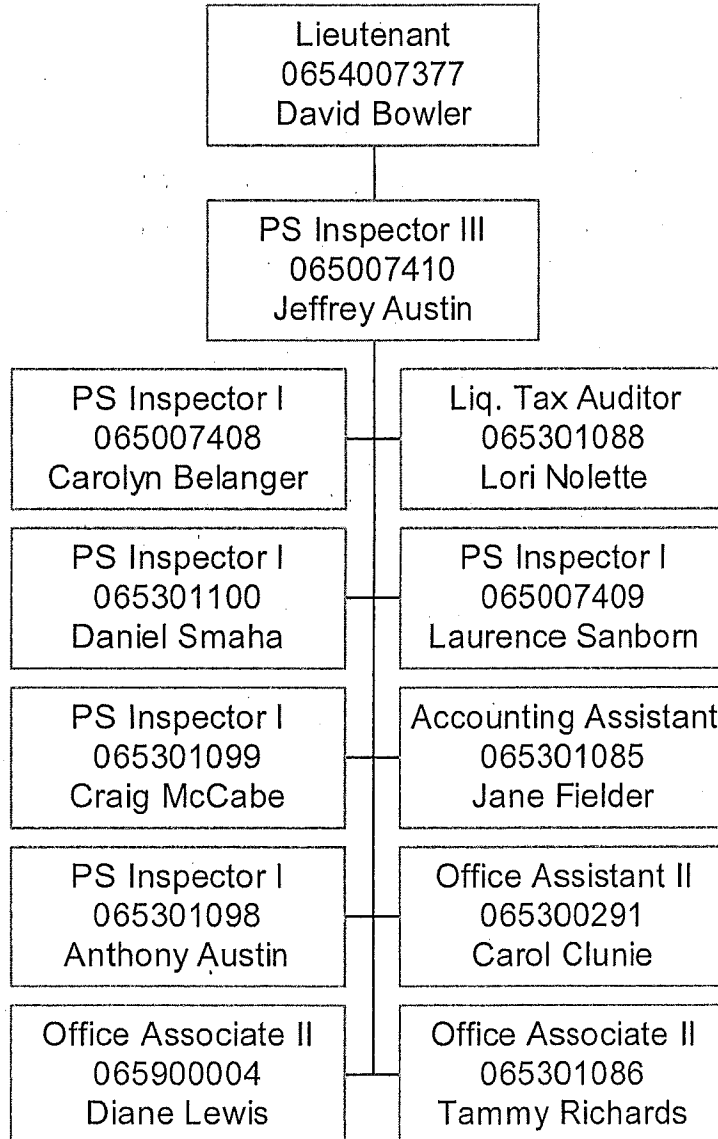
8. Minor will complete a compliance check data sheet immediately upon returning to the police vehicle that includes information relating to description of clerk and details of transaction in order to facilitate further administrative investigation. Attached copy is incorporated in this policy.
9. Assigned officer(s) will complete an offense report of each transaction. Officer shall record all pertinent information to facilitate administrative investigation.
10. Assigned officer will conduct additional investigation with each offending premises and issue appropriate administrative citations to the licensee and all involved employee(s). Complete investigations will be forwarded to the State of Maine Bureau of Liquor Licensing for review and consideration of prosecution.
11. Minor(s) will testify in court when necessary.

C. Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility:

Below is the organizational structure chart for the Liquor Licensing and Compliance Bureau.

The Liquor Licensing and Compliance Bureau is comprised of 12 positions to include: Commanding Officer of Liquor Licensing Division which is the rank of Lieutenant, an Inspector III Supervisor, 5 Inspector 1, 3 Office Associate II, 1 Liquor Tax Auditor and 1 Accounting Assistant.

**Liquor Licensing and Compliance
Organizational Chart**



Department of Public Safety
Division of Liquor Licensing and Compliance

An in depth job description of each position has been attached to this section along with the State's official job description. The job descriptions have come from the personnel themselves because even though there may be several positions with the same job title the positions sometimes have different job tasks and responsibilities. The job descriptions coming from the employee I felt would give this committee a more realistic feel for what these dedicated personnel do.

Commanding Officer of the Liquor Licensing and Compliance Division.

**Lieutenant (Maine State Police)*

The commanding officer of the Liquor Licensing and Compliance Division is the responsibility of the assigned Lieutenant from the Special Investigations Unit of the Maine State Police. Along with this division the Lieutenant is also responsible for the licensing of concealed firearms permits and professional licenses unit, non-profit gaming licensing unit, for-profit gaming unit (Hollywood Slots) and the Executive Protection Unit.

Liquor Licensing is the most time consuming of all the sub units. When Liquor Licensing was Liquor Enforcement, they had a Director and a Deputy Director to handle the administrative issues and policy decisions. Now those decisions are in the hands of the Special Investigations Lieutenant, who has to make those decisions, as well as handle the responsibilities of the other units. Some of the employees went away during the merger, but the volume of responsibilities and decisions regarding licensing and enforcement did not go away. The unit is currently made up of one Inspector Supervisor, five Inspectors, three office assistants, a tax auditor, and an assistant tax auditor.

The Lieutenant in the Liquor Licensing Division is responsible for overseeing the day to day operations of the unit. The Lieutenant specifically addresses all personnel issues and this can be time consuming because of the number of staff and the varied personalities that come with this position. The Lieutenant signs all purchasing orders or requests and approves vacation, sick leave as well as training requests. The Lieutenant completes unit inspections which involves the inspection of personnel, equipment and vehicles. The Lieutenant keeps track of his supervisor's job performance throughout the year and completes performance evaluations for each. The Lieutenant maintains contact with all the supervisors from each unit on a regular basis as well as keeping the Command Staff up to date of ongoing issues and events.

This position requires a lot of time answering liquor law questions via the telephone and e-mails. These calls come in on a daily basis and as a rule the calls are from the general public, Senators, Representatives, attorneys and the thousands of constituents we have licensed in one way or another.

The Lieutenant also has regular contact with the Legislature while they are in session. This position is responsible for drafting bills and testifying in front of specific committees, such as the Legal and Veterans' Affairs Committee. The Lieutenant also works closely with the Governor's office when issues of interest arise with respect to liquor licensing. The Lieutenant is also responsible for fulfilling requests and resolves that the Legislature will generate from time to time. Most resolves are intense and time consuming and generally take several months or more to complete.

The Lieutenant is responsible for acting as the hearings officer for the State when agency liquor store licenses become available. These hearings are similar to a trial setting in a courtroom. Individuals who would like to be considered for an agency liquor store license come before the board and testify. These same individuals have the opportunity to bring forward other people to testify on their behalf and produce evidence that will be put into the record. After the hearings the Lieutenant, Licensing Supervisor and the Assistant Attorney General discuss the findings and decide whether or not to issue a license.

The Lieutenant acts as the hearings officer for appeals based upon liquor license application denials by a Municipality or County Commissioner. When a city or town denies an applicant of their liquor license or renewal then the liquor licensing division holds a public hearing. These hearings are typically held in the city or town where the establishment is located. The denial hearing is run very similar to a trial in court. The Lieutenant of Special Investigations acts as a hearings officer during these appeal hearings. It is a de novo hearing, which means both sides, the town and the applicant, present their cases again. They present evidence and testimony that applies to the licensing period in question. After both sides have presented their case then the public is welcome to make comments. After all the evidence is heard the hearings officer works with the Attorney General's office on the decision. The State must find by clear and convincing evidence that the decision was made without justifiable cause in order to overturn the city or town's decision.

The Lieutenant chairs two committees and is in charge of several important programs that address underage drinking and the purchasing of alcohol by minors. Listed below are the names of the committees and programs along with a brief description of each.

1. **Commissioner's Liquor Advisory Committee** – A group made up of different representatives of the liquor industry that meets at least quarterly to discuss liquor issues. The committee keeps a free flow of information and helps reduce the conflicts in the industry as well as legislatively.

2. **Alcohol Education Advisory Committee** – Created by statute to have a committee to approve alcohol education courses that are given in the state. The membership of the group is also set in statute. The certification for training lasts for two years.
3. **B.A.S.I.C. program** – B.A.S.I.C is the alcohol server training put on by the State. An Inspector assigned to Liquor Licensing is responsible for putting on the training. Currently there is only one Inspector who puts on the training but the goal is to get several Inspectors involved to split up the duties.
4. **Liquor Enforcement M.O.U program** – The Commissioner of Public Safety can grant the authority to county and municipal departments to enforce administrative liquor violations. When the program first got underway there were eleven agencies involved. The program has expanded to approximately forty departments and any department in the state can participate.
5. **Liquor Compliance Checks** – The Department has entered into a contract with the Department of Human Services, the Attorney General's Office, and the Maine Sheriff's Association for the sheriff's association to hire *underage* persons to do compliance checks at off premise retailers. The Sheriff's Association was provided a list of all licensees and will do the checks based on their own random sampling.

Liquor Inspector Supervisor

**Inspector III*

PUBLIC SAFETY INSPECTOR III

DESCRIPTION: This is investigative and protective services work of a supervisory nature in supervising and performing technical inspections of facilities. Responsibilities include scheduling work assignments, resolving questions regarding law interpretations, and determining deficiencies to be corrected. Supervision is exercised over a group of inspectors, clerical and accounting staff.

SUPERVISE 5 PUBLIC SAFETY LIQUOR INSPECTORS:

Assigns and directs inspections of facilities throughout the State in order to ensure inspections are completed in a timely manner.

Assist inspectors in the correct use and interpretation of state and federal law in order to ensure uniformity of inspections.

Supervises and evaluates the work of subordinate staff in order to provide direction and ensure efficiency and effectiveness of operations.

Conducts technical inspections in order to bring facilities into compliance and to ensure their continued participation in state and federal programs.

Review incoming inspection forms and make plans of correction in order to ensure all deficiencies are corrected.

Determines whether correction plans for deficiencies place an unreasonable or financial hardship on facilities without affecting the safety of occupants in order to allow for waivers.

Work out in the field with the inspectors conducting investigations and undercover work.

Administrative violations and court:

Negotiate on the behalf of the Commissioner of Public Safety consent decrees and recommend fines or suspensions of licenses for violations of liquor law.

Work closely with the Attorney Generals Office on court cases.

Serves on committees and boards in order to provide division representation and information.

Develops and recommends rules, policies, regulations and standards for the division in order to participate in division management and ensure the provision of effective, efficient services.

Training and Assistance to Local and State Agencies:

Develop training programs for local law enforcement and other state agencies.

Train local law enforcement and state agencies in the enforcement of liquor laws.

Assist local law enforcement and state agencies in the enforcement of liquor laws.

Work undercover operations with other agencies.

Agency Store Placement:

Approve advertisements for new agency liquor stores.

Review all applications and inspector's reports on new applications.

Schedule agency store hearings and assist in all agency store hearings.

Write draft decisions on the placement and licensing of State Agency Stores.

Issue licenses to applicants chosen for an agency store license.

Schedule appeal hearings when necessary.

Testify in court when necessary.

Supervise 3 Office Associates:

Associates issue licenses which generate approximately \$3,000,000.00 in license fees for the general fund.

Supervise the issuance of approximately 8,000+ liquor licenses and special permits.

Maintain all records of training courses. (Supervise and train Compliance Checks Associates)

Maintain records of individuals trained in the BASIC course. (Course offered by the State of Maine)

Maintain records on all the violations generated by the Liquor Licensing and Compliance Division.

Maintain records of all fines and suspensions issued by the division.

Supervise 1 Tax Auditor and 1 Account Clerk:

This section audits all tax reports filed by distributors, collecting over \$13,000,000.00 annually for the general fund.

Review all advertising for alcohol.

Issue licenses for over 300 manufacturers and importers.

Review all monthly reports from manufacturers and importers.

Register all alcoholic beverages sold in the state.

Review and approve all advertising of alcohol.

Approve all distributors' territories.

Arbitrate disputes between distributors.

Approve all product labels.

Witness and approve tax credits for destroyed product.

Liquor Inspector

**Inspector II*

PUBLIC SAFETY INSPECTOR II

DESCRIPTION: This is investigative and protective services work involving the inspection and enforcement of federal and state laws, rules, and regulations governing liquor licensing, compliance and enforcement of retail liquor stores, restaurants and clubs located throughout the state, in order to ensure licensees, facilities, businesses, and organizations comply with statutory requirements. Work is performed under limited supervision.

Regulatory

Explains licensing program policies, guidelines, rules, and regulations in order to provide information to potential applicants, licensees, public officials and private groups.

Inspects new or existing premises licensed to sell intoxicating liquors in order to detect deficiencies. Ensure compliance with applicable federal, state, and local laws, rules and regulations.

Coordinates inspections with local code enforcement and various State departments in order to ensure proper and timely performance of inspections and licensure.

Advise applicants the basis for liquor license approval or license denial in order to discuss possible corrective action and explain appeal rights and procedures.

Issue formal written approvals and on site temporary permits in order to allow operation to begin.

Advise Bureau staff and municipal authorities in liquor licensing matters in order to resolve planning and licensing problems.

Review financial records and reports in order to determine accuracy of information and ensure compliance with licensing rules, regulations and procedures.

Evaluate and recommend liquor license suspensions or revocations in order to enforce applicable licensing laws, rules and regulations.

Enforcement

Works with federal, state, county and local law enforcement officials engaged in investigation and enforcement functions. This is done in an effort to coordinate information, investigations, arrests and prosecutions. We also advise on applicable federal and state laws, rules and regulations.

Review and investigate complaints in order to determine validity, circumstances and corrective action necessary.

Investigates complaints of alleged administrative, civil, or other unlawful acts in order to validate violation of applicable laws, rules, regulations and gather evidence.

Issues complaints or summonses to businesses for violations of applicable laws, regulations, or codes in order to ensure violations are documented and corrected.

Writes detailed reports of investigations in order to assist prosecuting attorneys in preparing cases for presentation in administrative and/or criminal court.

Testifies in administrative, civil and/or criminal proceedings in order to provide testimony of evidentiary value.

Training

Organizes and coordinates informational presentations of enforcement programs for the public and or professional organizations in order to increase public awareness.

Conduct licensee conferences and provide reference materials to licensees about compliance and noncompliance issues in order to increase voluntary compliance with laws, rules and regulations.

Conduct training for state and local law enforcement agencies in the enforcement of liquor laws.

Serve as programs administrator for the Commissioner of Public Safety's Alcohol Education Advisory Committee.

Create and improve the Bureau's alcohol server education program.

Conduct classes, provide reference materials, approve certification of alcohol servers and oversee the issuance of certificates for the State's server education program.

Develop and assist in the development of server education programs for use by licensed establishments and independent training providers.

Conduct classes, provide reference materials, approve certification of alcohol trainers and oversee issuance of training certificates.

Supervise independent server education programs and make recommendations of certification or decertification to the Commissioner's Education Advisory Committee.

Office Associate II

**Office Associate II (Example description 1)*

Office Associate II
Liquor Licensing & Compliance

Order Supplies

Order essential supplies through the new "AdvantageME" system. Other items require creating purchase orders and faxing or telephoning in an order.

Order Printing Jobs

Submit Bills for Payment

Receive invoices that are stamped with department coding and submit to the Lieutenant for his signature. Make photocopy of invoice, attach to packing slip for the item ordered and submit to accounting for payment. Maintain files with copies of all orders and invoices.

Assist Supervisor

Draft letters, documents and charts; research projects, i.e. town populations for agency procedure, tracking LD's and enacted laws.

When supervisor is on vacation his voice mail and e-mail instruct constituents to contact me if they cannot wait for him to get back in the office.

Contact with Augusta District Court

Maintain contact, either by phone or e-mail, with district court clerks regarding violation cases and exchanging information.

Liquor Law Violations

Maintain liquor violation files and data base.

Complaint reports of liquor violations are forwarded to this unit from police departments. If the police department has signed a Memorandum of Understanding they write a Notice of Liquor License Administrative Violation and Short Form Complaint. If they have not signed an MOU the liquor licensing inspector for the area will write and serve the Notice of the Administrative Violation.

When a complaint report is received it is checked in our data base and files for prior violations. If there have been prior violations these are pulled and the file is added to the violation rap sheet. A consent decree worksheet is then completed for the file to be filled in with the fine amount which is completed by the supervisor.

The violation information is entered into the oracle data base and in our excel files. These are then placed in the in the violation file drawer under pending.

Violators have 14-21 days to call the supervisor and enter into a consent decree or request a hearing. The supervisor fills in the consent decree form indicating the fine amount or request for hearing and then returns the file to me.

The file is placed in the violation file drawer under fine or hearing category. When the fine has been paid the court forwards that information to me. The file is then pulled and the file and fine amount are then entered onto the rap sheet. Then the fine amount and the date it was paid are entered into the oracle data base and on the excel sheet. The file is finally placed in the premise file drawer.

Sometimes prepare copies of violation files for attorneys.

Hearing in lieu of fine

If licensee or seller/server does not respond within the 14-21 day time limit or make a request for a hearing the division makes copies of the violation file and returns the originals to the MOU police department. The police department then arranges for a hearing in the appropriate court. If the referral is a non MOU department the division contacts the appropriate court. Arrange a hearing date with the court, type a notice of hearing, a complaint and record of service for our liquor inspector and they then serve notice on the licensee. Also prepare any subpoenas required for the inspector to serve.

Town/City license denial hearing

If town/city is denied the renewal of a liquor license then a date is scheduled for a hearing by the liquor licensing supervisor. Contact is made with the appropriate town/city office to arrange for a room in which to hold the hearing. Prepare a legal ad for the public hearing and submit to the local newspapers. Notify all parties involved of the hearing date via certified mail.

Appeal of Decision

If the decision of Liquor Licensing is appealed the hearing is transcribed. Prepare a certified administrative record with transcript, exhibits from the hearing and the decision by State and any other papers of record.

Agency Hearings

The supervisor determines in which towns to locate a new or replacement agency store. The selection is determined by request for consideration and/or the takeover of existing agency store by new owners.

Create a notebook binder documenting each agency selection, with copies of each step of the procedure so it makes for an easy reference.

Prepare legal notice of available agency store licenses.

List of towns.

Application requirements.

Deadline for applications to be received by this office.

Submit ad to applicable newspaper for publication.

Submit ad to applicable newspaper for publication.

A letter, copy of ad and an application is mailed to:

Current agency licensees in each town and current temporary licensees in each town.

Standard notification list includes corporations such as CN Brown, Irving and Rite Aid.

Licensees who have sent a letter to the department requesting notification of openings.

A letter and an application to those licensees who see ad and request one.

When applications come in:

Prepare two folders with a copy of the application for each. One copy for the hearings officer and one copy for the Assistant Attorney General.

Create file drawer for applicant files containing application and inspection report which is divided by town.

Keep running list of applicants and addresses. (Place in binder)

Dates are determined by the supervisor for hearings.

Legal notice of hearing schedule is typed and submitted to applicable newspaper.

Letter with copy of hearing schedule is mailed to each applicant, current agency licensees, current temporary licensees and standard notification list.

Copies of letters and notice of hearing are placed in binder.

Prepare list of town offices with addresses and phone numbers.

Send letter and list of applicants to each town office.

Copies of letters to town offices are placed in the binder.

Inspector submits inspection report for each applicant in his area.

Make a copy and add to the folder containing licensee application. One folder for hearings officer and one for the AAG for the hearing.

Hearing:

Make sure all the files are pulled and ready for the hearing. Help supervisor set up hearing room and test recording equipment.

Decisions:

Each town receives a decision. Prepare decision by plugging in pertinent information regarding each licensee per town for comparison. This comes from information submitted in the application and inspector's report. Decision then goes to supervisor and AAG for input from the hearing and finalization.

Once Decision is made:

Type letter to each applicant.

Each applicant gets a copy of the decision.

Mail letter and certified copy.

Send copies of letters to applicants; issue them the license and the original decisions go in the appropriate binders.

If an applicant disputes a decision the hearing is then transcribed. A file is created containing any correspondence from the attorney representing the licensee and court documents that have been filed. From this file the division generates a Certified Administration Record. Organize the paperwork in dated sequence with all pertinent records from this office and from the petitioner. (Public notice of agency opening, selection hearings, application, field inspector reports, exhibits, agency decision, transcript from selection hearing and petition for judicial review of final agency action) Paperwork is bound and document tab divided. The original is for the court, our office maintains a copy and the Attorney General's Office receives a copy as well.

Seller/Server Training

Specific classes offered to retail store and restaurant/bar owners and employees for training in state liquor laws and responsible service.

Maintain the State's files and database for certified seller/server training programs. There is currently a number of training programs around the State including Liquor Licensing's own BASIC program.

BASIC is taught by a liquor licensing inspector and the division determines the location, date and time for a class. Go into the liquor license data base where labels are printed for all businesses within a determined radius of the class location. Prepare and mail out class announcements and anyone wishing to attend the class is instructed to call the Bureau to sign up. Training instructors submit class rosters and class fees are deposited. Prepare and send bills to those who have not paid. Each participant who successfully completes the course and has paid their dues receives a certificate, a letter of congratulations and they are entered into the seller/server data base. Prepare a file for each class taught with a flag for those who have received bills.

Deposit the money received from BASIC in the new "AdvantageME" program.

The training officer also instructs individuals to become trainers. Mail an informational packet to these people with copies of the law and suggested rosters. Receive training fees, prepare certificates and mail them out. Enter personal information into our trainer data base.

Besides our BASIC program there are a number of other certified training programs. We receive class rosters, registration fees and we enter information into our data base. File the information. (Some programs are listed by individual trainers and others by program). Deposit checks into the "AdvantageME" system.

For people who are interested in this training they contact our office directly. If the BASIC program is not being offered callers are referred to other certified programs.

Assist other clerical

Assist other clerical personnel with preparing file labels, sorting and other general office duties.

LIQUOR LICENSING OFFICE ASSOCIATE II****Office Associate II (Example description 2)*****A. New and Renewal for off-premise applications (Incoming)
Approximately 4,341 off premise licensees**

1. Search database for correct license numbers and expiration dates for renewal applications.
2. New applicants, assign license numbers, create new files and check corporation's website for registration in Maine.
3. Pull files and attach applications and checks to the files.
4. Review each application, making sure all questions are answered properly. Make sure ownership has not changed by more than 10%. (If ownership has changed more than 10%, treat as new applicant and notify inspector)
5. Write on application: license number, expiration date, license class (Beer, wine or spirits) deposit amount and date of deposit.
6. Enter deposit in AdvantageME with vendor's name, check number, 1 entry per class (Beer, wine or agency) plus 1 entry for filing fee.
7. After all applicant fees for that deposit are entered, double check figures for balance, print cash receipt report and deposit ticket. Stamp all checks for deposit only then put in a bank bag and into safe for the next day's pickup.

B. Issue licenses approved by Inspectors

1. Each Inspector covers a specific area of the State. They come into the office one day per week to review applications. The Inspector will put licenses "ok to issue" in the off premise issue box. Applications that need further information are given directly to me to return by mail with instructions or we call the license directly if the problem can be resolved via fax or telephone communication.

Part of the position requires instructing licensees how to properly and efficiently renew their licenses; including reminders via mail two months prior to licensees expiration dates. A licensee who expires in November will receive notice of their renewal date no later than September 15th.

2. Approved licenses are entered individually into the oracle database with the new expiration date and date of deposit.

3. After all new and renewed licenses are entered for the day, two copies need to be printed (found in Crystal Reports) folded and mailed. Original copy goes to licensee (parchment paper). Copies are returned to the licensees file and returned to the cabinet.

Daily deposits and number of licenses issued are recorded in separate database for accounting purposes at years end.

C. Other duties:

1. Answering Main Telephone line.

Take calls from the public for questions about how to apply for a license and help them determine what type of license they need. Assist them with what requirements they have to meet in order to obtain a license without giving them actual "legal advice".

2. Check validity of licenses for Maine distributors numerous times a day for delivery purposes.

3. Takes messages for Inspectors and from Inspectors in the field who need assistance from the office.

4. Greet and assist customers in the lobby and help them complete their applications, accept license fees, issue permanent or temporary licenses and direct them to other agencies for other required permits or licenses.

5. Refunds

- a. Send notice of refund due with vendor form.
- b. Complete refund request and submit to accounting.
- c. Maintain refund log.

6. Alcohol Permits

Laboratories and businesses needing pure grain alcohol such as plastic, ethyl and ETOH, either for research purposes, manufacturing and cooking complete a yearly application. They must submit individual applications for each order of a transportation permit. The vendor requesting the delivery and supplier are both issued matching permits. (No fees)

7. Sacramental Licenses

Issued yearly to churches for wine used for faith based purposes. All licenses expire December 31st of each year. Renewal applications are sent out in October. (No fees)

8. BYOB Permits

Two page applications requiring prior town approval. Check applications for accuracy and assure town signatures are correct. Distribute to Inspector. Upon approval I enter into the Oracle database, issue permit number and make copies. A copy is sent to the applicant. Original kept in yearly BYOB file. On average about 150 permits requested yearly. (\$10.00 fee per day)

9. Open afternoon mail.

Open, sort and distribute.

10. Assist Supervisor and Inspectors with special projects. i.e. creating forms, keep them informed of problem areas, suggestions to improve customer service and maintain efficient operations of the office.

11. Assist "On Premise" Office Associate II in her absence. All the same duties, just slightly different license requirements.

12. At the end of each month I check that month's files for licenses not renewed. I contact the licensees to find out why and either assist them on how to renew or make efforts to make sure they do not sell illegally. If licensee can't be reached all distributors are contacted and advised to stop deliveries until licensee is back in compliance.

Liquor Tax Auditor

**Liquor Tax Auditor*

Produce Excel spreadsheets of monthly income summary, malt and flavored malt gallonage, excise tax and premium reports. These reports are produced after auditing wholesalers, breweries and wineries monthly tax reports and Certificate of Approval gallonage reports. This report is then sent out to wholesalers and other subscribers in the industry.

Issue purchase orders to wholesalers for each shipment that comes into the state. The purchase order is then matched up with the corresponding invoice from the Certificate of Approval Holder, attached and tax is calculated for each shipment by total gallons per invoice. This involves hundreds of invoices per month. Invoices and purchase orders are grouped and wholesaler's tax reports are audited to check that the proper tax has been paid by checking each individual invoice against the wholesaler's tax report. Check all credits applied for from tax reports which include calculating military credits, overpayments from previous months and credits from the breweries for short shipments. After auditing, wholesalers are contacted to remit any shortage for add-ons or calculation errors. Credits for overpayments are also issued at this time.

Maine Breweries tax reports are audited by calculating transfers in and transfers out and out of state shipments from the invoices submitted.

Deposit in AdvantageME accounting system all tax payments and label registration fees that average one million dollars per month. The income summary report is prepared from the total monthly deposits reported. Reconcile monthly excise tax reports against actual money deposited.

Review new and renewal Certificates of Approval, breweries, wineries and wholesaler licenses for issuance. License fees, territory appointments, price postings and primary source statements must be checked for accuracy. Label registrations must have proper fees and checked against copies of their Federal label approvals to ensure that they are taxed in the proper class. There are approximately 400 licensees in this group and 50,000 labels reviewed per year. New licensees are sent paperwork to submit their monthly shipment reports and all licensees label registrations that are approved are sent copies of approvals. Files are maintained for each licensee with territory information, label registrations, price posting and monthly shipment reports.

Research Certificate of Approval and wholesaler territory disputes. Oversee termination process between Certificate of Approval holders and wholesalers.

Calculate credits from destructions of wholesaler products to use on the excise tax reports.

Calculate bond amounts for wholesalers. This is done by maintaining a report of wholesalers gross monthly excise tax for each category. (Malt, flavored malt, table wine sparkling wine and cider)

Review all Certificate of Approval advertising for compliance with liquor regulations. Send out approvals.

Approve and maintain records for wholesaler escrow accounts. Each account submitting a request must be checked on the Liquor Licensing database to ensure they have a current license. Send out approvals.

Respond to phone calls and e-mails with questions on liquor laws, obtaining a liquor license, importation and proper reporting paperwork.

Contact Certificate of Approval holders, breweries, wineries and wholesalers whose licenses have expired to instruct them on how to renew or if not renewing, enter the license on the Liquor Licensing database as Out of Business. Pull license number card and file in Licensing OOB (out of business) files.

Review Accounting Assistant's reports and assist Liquor Licensing when needed.

Accounting Assistant

****Accounting Assistant (Liquor Division)***

Responsible for auditing the wine wholesaler's reports. This entails auditing the credits applied for; including the military credits, transfers out of state, short shipment and returns to winery. Match purchase orders to invoices and calculate the gallonage per invoice. Nearly every invoice is in liters and all have to be converted to gallons since the tax is based on gallons. Check the invoices against what is reported in the report. Contact the wholesaler with results and they check the accuracy and advise us if they find any discrepancies. Issue a credit if it is necessary or collect any amounts that come in below what is actually owed.

Check on new price postings to see if product is registered correctly. Contact the wholesaler and Certificate of Approval Holder if it is not registered. Answer requests for new product registration and maintain the electronic price posting. Answer questions in regards to Wholesaler, Certificate of Approval, Maine breweries and small Maine farm wineries; label registration, price posting, primary source, salesman's licenses and territory assignments. Maintain the table wine, sparkling wine and cider excise and premium reports. Maintain the table wine, sparkling wine fortified and low alcohol gallonage reports. Issue purchase orders to wholesalers as requested and assist the auditor as needed. Answer wholesaler requests for on and off premise license checks. Research Certificate of Approval Holder's pricing and license information as requested by liquor inspectors and assist liquor licensing as needed.

STATE POLICE LIEUTENANT

Public Safety & Corrections
Law Enforcement & Related
Law Enforcement
Supervisor

7003
PSC0054301
Range 27
1001

DESCRIPTION: This is investigative and protective services work of a supervisory and managerial nature involving the enforcement of Maine State laws and the maintenance of the public's safety and security as a member of the Maine State Police. Responsibilities include planning, directing, overseeing, and evaluating the activities of an assigned troop or specialized unit; supervising subordinate personnel; and promoting Departmental goals. Work is performed under limited supervision.

REPRESENTATIVE TASKS: *(A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).*

- ...Plans, organizes, directs, oversees, and evaluates operations and activities of assigned troop or specialized unit/function in order to ensure impartial and consistent law enforcement and the attainment of established troop/unit goals and objectives.
- ...Develops and maintains effective working relationships within the State Police and with other Department, Local, State, and Federal agencies and the public in order to facilitate cooperation and coordination and enhance the troop's/unit's effectiveness.
- ...Assumes command during critical incidents such as labor strikes, riots, natural/terrorist disasters, plane crashes, and international border disputes in order to maintain and protect public health, safety, and security.
- ...Prepares and submits reports of work, and reviews and forwards reports and other written material submitted by assigned personnel in order to keep superiors informed and ensure established standards are met.
- ...Participates in State Police management decisions and conducts special State Police operations, policy development, and planning projects in order to provide input to the decision making process.
- ...Evaluates and discusses work performance with assigned Sergeants and civilian employees; and reviews ratings of State Troopers, Specialists, and Detectives in order to identify individual strength and weaknesses, determine training needs, and make personnel recommendations.
- ...Trains and/or oversees the training of State Police personnel in order to ensure personnel meet established performance standards.
- ...Studies and explains applicable laws, Department policies, general orders, and procedures; and recommends changes when appropriate in order to provide consistent interpretation and meet changing needs.
- ...Directs, monitors, and evaluates the use and maintenance of troop/unit equipment and supplies in order to conserve resources, promote safety and reliability, and ensure availability when required.
- ...Evaluates manpower, equipment, and material needs of the troop/unit in order to make budget and operational planning recommendations to management.
- ...Speaks to interested groups and the public on appropriate law enforcement subjects in order to promote agency goals and objectives.
- ...Analyzes an array of statistical data, trends, and projections; develops new programs to include protecting the elderly, developing safe schools, securing public safety and security and organizing community meetings in order to prepare programs consistent with the changing needs of society.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: *(These are required to successfully perform the work assigned).*

- ...Knowledge of the laws, rules, and regulations applicable to and enforced by the Maine State Police.
- ...Knowledge of State Police operations and standard operating procedures.
- ...Knowledge of applicable union contracts and grievance procedures.
- ...Knowledge of state-of-the-art law enforcement, investigation, and inspection methods, procedures, and techniques.
- ...Knowledge of Department's mission, goals, objectives, and organizational structure.
- ...Knowledge of computer technology and electronic mail reference fraud, theft, criminal mischief, and pornography.
- ...Knowledge of ADA, social injustice issues, child abuse and domestic violence mandates, and civil rights issues.
- ...Knowledge of supervisory and managerial methods and techniques.
- ...Ability to employ a wide variety of law enforcement methods and techniques in resolving complex and sensitive criminal, civil, and social disputes.
- ...Ability to work under stressful conditions.
- ...Ability to work irregular hours.
- ...Ability to plan, organize, direct, oversee, and evaluate the activities of a State Police Troop or specialized unit.
- ...Ability to analyze situations and facts, reach logical conclusions, and make sound decisions.
- ...Ability to train, supervise, evaluate, and discipline subordinates.
- ...Ability to determine manpower, budgetary, equipment, and material needs.
- ...Ability to establish and maintain effective working relationships.
- ...Ability to interpret and explain complex written material.
- ...Ability to prepare cases, present evidence, and testify in court.

MINIMUM QUALIFICATIONS: *(Entry level knowledges, skills, and/or abilities may be acquired through, BUT ARE NOT LIMITED TO the following coursework/training and/or experience).*

Two (2) years experience as a State Police Sergeant, Pilot Supervisor, or Polygraph Examiner Supervisor.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: *(These must be met by all employees prior to attaining permanent status in this class).*

None.

EXAM PLAN: *(This must be successfully completed by all employees prior to attaining permanent status in this class).*

Direct Hire.

PUBLIC SAFETY INSPECTOR I

Public Safety & Corrections
Public Safety
Licensing Inspection
Worker

7271
PSC2074100
Range 18
0503

DESCRIPTION: This is investigative and protective services work in conducting inspections to determine compliance with National and State Fire Protection Codes; inspecting retail liquor stores, federal and state vehicle codes and standards as they relate to motor vehicle inspections; inspecting restaurants and clubs throughout the state for licensing; and inspecting licensed organizations conducting games of chance in order to ensure facilities and organizations comply with statutory requirements. Work is performed under general supervision.

REPRESENTATIVE TASKS: *(A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).*

- ...Inspects, reinspects, analyzes, and files written reports on a timely basis for various facilities and amusements in order to ensure compliance with applicable laws, rules, and regulations.
- ...Reviews and submits written inspections in order to ensure property owners receive written deficiencies in a timely manner.
- ...Revisits properties in order to ensure deficiencies are being corrected.
- ...Coordinates inspections with local fire departments in order to ensure proper and timely performance of inspections.
- ...Instructs and trains inspection mechanics and/or inspectors of local fire departments in order to ensure uniformity of inspections.
- ...Explains licensing program policies, guidelines, rules, and regulations in order to provide information to potential applicants, licensees, public officials, and private groups.
- ...Reviews and enters applicant and facility information into computer in order to ensure determination of appropriate class of liquor licensing, renewal, or denial.
- ...Advises applicants of basis for liquor license, mechanic license, or inspection station license denial in order to discuss possible corrective action and explain appeal rights and procedures.
- ...Reviews and investigates complaints in order to determine validity, circumstances, and corrective action necessary.
- ...Evaluates and recommends inspection mechanic or station license suspension in order to enforce applicable licensing laws, rules, and regulations.
- ...Reviews financial records and reports in order to determine accuracy of information and ensure compliance with licensing rules, regulations, and procedures.
- ...Gathers and summarizes information from on-site inspections and investigations in order to prepare necessary reports for licensing programs.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: *(These are required to successfully perform the work assigned).*

- ...Knowledge of laws, rules, and regulations relating to liquor licensing, fire and life safety, motor vehicle inspections, and games of chance.

- ...Knowledge of state and federal fire and life safety codes.
- ...Knowledge of state and federal motor vehicle laws, codes, rules, regulations, and motor vehicle components and mechanics as they related to motor vehicle inspections.
- ...Knowledge of basic math.
- ...Knowledge of common fire hazards.
- ...Knowledge of basic building construction.
- ...Knowledge of fire protection designs and techniques.
- ...Knowledge of fire causes and determination methods.
- ...Ability to read and understand complex codes, regulations, technical manuals, and laws.
- ...Ability to use tact, diplomacy, and interpersonal skills.
- ...Ability to elicit information from people.
- ...Ability to use a checklist to conduct an inspection.
- ...Ability to plan and organize work independently.
- ...Ability to keep accurate records.
- ...Ability to use a computer to complete forms, access information, and write clear, concise, and comprehensive reports.
- ...Ability to conduct investigations and inspections.
- ...Ability to establish and maintain effective working relationships.

MINIMUM QUALIFICATIONS: *(Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).*

A two (2) year combination of education, training, and/or experience directly related to inspections.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: *(These must be met by all employees prior to attaining permanent status in this class).*

None.

EXAM PLAN: *(This must be successfully completed by all employees prior to attaining permanent status in this class).*

Direct Hire.

PUBLIC SAFETY INSPECTOR III

Public Safety & Corrections
Public Safety
Licensing Inspection
Supervisor

7273
PSC2074300
Range 22
0402

DESCRIPTION: This is investigative and protective services work of a supervisory nature in supervising and performing technical inspections of facilities and fire protection systems. Responsibilities include scheduling work assignments, resolving questions regarding code interpretations, and determining deficiencies to be corrected. Supervision is exercised over a group of inspectors. Work is performed under limited supervision.

REPRESENTATIVE TASKS: *(A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).*

- ...Assigns and directs inspections of facilities throughout the State in order to ensure inspections are completed in a timely manner.
- ...Assists inspectors in the correct use and interpretation of state and federal codes in order to ensure uniformity of inspections.
- ...Supervises and evaluates the work of subordinate inspectors in order to provide direction and ensure efficiency and effectiveness of operations.
- ...Conducts technical inspections in order to bring facilities into compliance and to ensure their continued participation in state and federal programs.
- ...Reviews incoming inspection forms and plans of correction in order to ensure all deficiencies are corrected.
- ...Determines whether correction plans for deficiencies place an unreasonable or financial hardship on facilities without affecting the safety of occupants in order to allow for waivers.
- ...Reviews complex drawings and plans, asks questions, writes comments, and consults with architects, owners, and engineers in order to ensure all new construction and renovations are in compliance with applicable codes and statutes prior to completion and occupancy.
- ...Serves as leader of fire inspections conducted at Maine's penal institutions in order to ensure inmate safety.
- ...Serves on committees and boards in order to provide division representation and information.
- ...Develops and recommends rules, policies, regulations, and standards for the division in order to participate in division management and ensure the provision of effective and efficient services.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: *(These are required to successfully perform the work assigned).*

- ...Knowledge of inspection procedures and techniques.
- ...Knowledge of fire hazards, explosive compounds, and properties of flammable materials.
- ...Knowledge of building construction and architectural barriers.
- ...Knowledge of fire protection design and technology.
- ...Knowledge of supervisory practices, principles, and techniques.
- ...Ability to read, interpret, and explain complex codes, regulations, and laws.
- ...Ability to plan, assign, review, and evaluate the work activities and performance of subordinate staff.
- ...Ability to train and supervise subordinate staff.

- ...Ability to elicit information using tact and diplomacy.
- ...Ability to write clear and concise reports and keep accurate records.
- ...Ability to perform mathematical computations.

MINIMUM QUALIFICATIONS: *(Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).*

A six (6) year combination of education, training, and/or experience in the application of fire, life safety, and building codes.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: *(These must be met by all employees prior to attaining permanent status in this class).*

None.

EXAM PLAN: *(This must be successfully completed by all employees prior to attaining permanent status in this class).*

Direct Hire.

OFFICE ASSOCIATE II

JOB DESCRIPTION:

This is a position in the Liquor Licensing Division of the Maine State Police. Duties include, but are not limited to, use of modern office methods and procedures. This position requires high public contact, processing liquor applications, issuing licenses, answering phones and meeting with licensees who come into the office. This position will also assist others in the office including, but not limited to, other clerical positions, inspectors and the supervisor. The candidate for this position must have the ability to collect, count and reconcile records and deposit fees. The candidate must be able to perform data management.

MINIMUM REQUIREMENTS:

In order to qualify, you must have training, education or experience in office and administrative support work that demonstrates 1) competency in applying a solid knowledge of modern office practices to perform complex, varied office support tasks and 2) the ability to use independent decision making on the appropriate processes to follow, information to process and actions to take in accordance with standard procedures.

Section I of the Supplemental Qualifications Form includes all of the knowledges and abilities required to minimally qualify for this job classification. The final application evaluation score is based on the remaining sections of the Supplemental Qualifications Form.

GENERAL INFORMATION:

- Qualified applicants will be placed on an Employment Register, which will be used to fill future vacancies on a statewide basis.
- *You must complete the required Supplemental Qualifications Form at the end of this bulletin in order to be considered.*
- If you provide an e-mail address on your employment application (in the space provided on page 1), your application evaluation results will be e-mailed to that address. If you do not provide an e-mail address, you must submit one stamped,

self-addressed envelope with your application for notification of your application evaluation results.

TYPICAL DUTIES in this job classification include:

- Create and use varied correspondence formats and compose standard business correspondence. Create basic graphics/illustration/ publication work to produce informational materials including maps, charts and graphs involving drafting, formatting, illustrating, lettering, and manipulating text and graphics in electronic and written form.
- Develop and use computerized formats and/or graphics for forms, pamphlets, graphs, charts, tables, and/or maps.
- Post to, amend, and/or update web pages using established content and knowledge of modern office software.
- Examine documents/information, determine facts, detect errors and irregularities, and take action as authorized
- Perform routine, occasional secretarial duties such as complete work schedules, arrange appointments, arrange travel/lodging, and review documents to respond to requests.
- Coordinate and present workshops, training, and orientation sessions.
- Write regular and/or periodic reports.
- Administer and/or score applicable examination in accordance with set procedures.
- Track and/or monitor contracts and/or licenses.
- Collect, count, reconcile and/or deposit fees in accordance with set procedures.
- Reconcile funds and perform calculations for reports.
- Receive and greet visitors and determine customer needs.
- Advise others requesting technical assistance.
- Apply to routine individual cases an explanation and interpretation of applicable rules, regulations, policies, procedures, codes, and/or documentation requirements.
- Develop standard work procedures within established guidelines.
- May provide ongoing leadership for a work team with responsibility to schedule, instruct, assign, review, and monitor the work.
- May confer with supervisor on performance appraisals of work team members.

AUDITOR I

Clerical, Fiscal & Administrative
 Audit & Examination
 Audit
 Worker

0611
 CFA6078100
 Range 20
 0603

DESCRIPTION: This is professional services work in conducting independent audits of organizational units of government or business entities. Work includes reviewing effectiveness of and adherence to accounting and administrative controls, financial conditions, and compliance and effectiveness of program operations. Positions in this classification are expected to perform a wide range of professional auditing work. Work is performed under general supervision.

REPRESENTATIVE TASKS: *(A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).*

- ...Examines and analyzes records of governmental organizational units or business entities for proper recording of costs, submission of claims, maintenance of records, and establishment or existence of internal accounting and administrative controls in order to determine compliance with laws, rules, regulations, and procedures.
- ...Inspects, tests, and verifies financial records, ledgers, journals, summaries, and reports in order to determine accuracy.
- ...Inspects and tests original records in order to ensure transactions were properly recorded.
- ...Prepares audit reports and assembles audit schedules, tables, exhibits, and documentation in order to present audit findings and conclusions.
- ...Audits governmental units, agencies, or business entities in order to review effectiveness of administrative, financial, and operational systems and controls.
- ...Recommends improvements to administrative, financial, or operational systems and procedures in order to ensure compliance with laws, rules, and regulations and to improve unit effectiveness and efficiency.
- ...Analyzes and evaluates administrative and operational systems in order to identify lack of control, ineffectiveness, duplication of effort, fraud, and/or non-compliance with controlling laws, rules, and regulations.
- ...Conducts or assists in quality reviews of audits performed by independent public accountants in order to ensure adherence to professional performance and reporting standards.

KNOWLEDGES, SKILLS, AND ABILITIES REQUIRED: *(These are required to successfully perform the work assigned).*

- ...Knowledge of accounting and auditing theories, principles, and practices.
- ...Knowledge of generally accepted accounting principles (GAAP).
- ...Ability to communicate effectively orally and in writing.
- ...Ability to learn federal/state laws, rules, and regulations relating to auditing.
- ...Ability to conduct audits of governmental units, agencies, or private businesses.
- ...Ability to interpret federal and state laws, rules, and regulations.
- ...Ability to learn General Account Office (GAO) and American Institute of Certified Public

Accountants (AICPA) standards for audit of governmental organizations and private businesses.

...Ability to prepare audit reports and recommend appropriate corrective action.

...Ability to secure facts through investigation.

...Ability to learn and analyze computerized management information and accounting systems.

MINIMUM QUALIFICATIONS: *(Entry level knowledges, skills, and/or abilities may be acquired through, **BUT ARE NOT LIMITED TO** the following coursework/training and/or experience).*

A Bachelors Degree in Accounting, Business Administration, or related field -OR- a four (4) year combination of education, training, and/or experience at the professional level in auditing and accounting.

LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: *(These must be met by all employees prior to attaining permanent status in this class).*

None.

EXAM PLAN: *(This must be successfully completed by all employees prior to attaining permanent status in this class).*

Direct Hire.

ACCOUNTING

Positions in this job family provide accounting support services related to financial accounts, records, and taxes. This job family is distinguished by its role in processing financial information.

CATEGORY DESCRIPTORS:

ACCOUNTING ASSISTANT (AA)	ACCOUNTING ASSOCIATE (AAO)	ACCOUNTING SPECIALIST (ASP)
Routine accounting support services requiring a general knowledge of bookkeeping principles and practices.	Complex accounting support services requiring a solid knowledge of bookkeeping principles and practices.	Advanced accounting support services requiring a proficient knowledge of bookkeeping principles and practices.

FUNCTIONAL DESCRIPTORS:

ACCOUNTING ASSISTANT (AA)	ACCOUNTING ASSOCIATE I (AAO I)	ACCOUNTING ASSOCIATE II (AAO II)	ACCOUNTING SPECIALIST (ASP)
Office and administrative support work in applying bookkeeping principles to maintain routine, standardized accounting and financial records. Responsibilities require independent judgment in prioritizing assignments and selecting the most appropriate course of action within established operating procedures.	Office and administrative support work in applying bookkeeping principles and knowledge of accounting terminology to maintain specialized accounting and financial records. Responsibilities require independent judgment in handling exceptions to established work assignments, priorities, and schedules.	Office and administrative support work in providing taxpayer assistance to individuals, businesses, and corporations. Responsibilities require using independent judgment, initiative, and discretion to make determinations on varied matters.	Office and administrative support work in collecting delinquent unemployment compensation taxes. Responsibilities require using independent judgment, initiative, and decision-making on complex administrative matters.

DISTINGUISHING CHARACTERISTICS: Any one position may not include all Distinguishing Characteristics nor is this exclusive of all Distinguishing Characteristics possible for these classifications. Distinguishing Characteristics are cumulative across the classification strands. Each strand assumes the Distinguishing Characteristics of the previous strand(s). Information specific to a classification specialty applies only to that classification specialty and classification strand unless otherwise noted. Distinguishing Characteristics may be assigned in accordance with the policies and procedures of individual agencies. However, one Distinguishing Characteristic that applies to all classifications is that each employee complies with the requirements of State policies, including those concerning human resource components of security protocols of agency information security and confidentiality policies for state business purposes.

ACCOUNTING ASSISTANT (AA)	ACCOUNTING ASSOCIATE I (AAO I)	ACCOUNTING ASSOCIATE II (AAO II)	ACCOUNTING SPECIALIST (ASP)
1. Prepare worksheets	1. Create spreadsheets and	1. Review, revise,	1. Contact taxpayers

and perform data entry.	perform data management.	verify, and/or adjust financial documents.	for collection of overdue unemployment compensation taxes and development of payment plans.
2. Determine account and code bills.	2. Establish computerized and/or manual filing systems.	2. Research, compile, and analyze complex information to reach a conclusion and/or make recommendations.	2. Analyze data for payment or recoupment actions.
3. Code, compute, verify, post, reconcile, and/or update standard documents and financial transactions.	3. Examine documents/information, determine facts, detect errors and irregularities, and take action as authorized.	3. Advise others requesting technical assistance.	3. Determine issuance of tax warrants and liens.
4. Reconcile accounts/claims by comparing to computerized records.	4. Resolve bookkeeping problems on specialized accounts and financial records.	4. Apply to routine individual cases an explanation and interpretation of applicable rules, regulations, policies, procedures, codes, and/or documentation requirements.	4. Estimate wages of non-compliant employers to determine delinquent taxes and interest owed.
5. Review documents and examine for completeness.	5. Correspond orally and/or in writing with the public to receive/supply information and/or adjust complaints.		5. Investigate complaints/alleged violations and determine appropriate course of action in accordance with established procedures.
6. Write regular and/or periodic reports.	6. Query for data via telephone, computer, and/or written/oral communication.		6. Recommend legal action for non-compliant taxpayers.
7. Gather and compile information for reports, records, and/or presentations.	7. May provide ongoing leadership for a work team with responsibility to schedule, instruct, assign, review, and monitor the work.		
8. Organize and maintain computerized and/or manual files.	8. May confer with supervisor on performance appraisals of work team members.		
9. Type varied routine business correspondence such as letters, reports, contracts, vouchers, and agendas from draft or original source documents to revised or final form.			
10. Confer on procedural bookkeeping problems.			
11. Operate modern standard office			

equipment.			
12. Operate applicable specialized equipment upon completion of appropriate training.			
13. May lead the work and provide guidance to co-workers on a project or intermittent basis.			

KNOWLEDGE, SKILLS, & ABILITIES: Any one position may not include all Knowledge, Skills, and Abilities (KSA's) listed nor is this inclusive of all KSA's required. Entry Level KSA's applicable to the position are to be possessed at time of hire and are screened through written, oral, performance, and/or other evaluations. Full Performance KSA's applicable to the position may be acquired on the job or through specialized training and are needed to perform the work assigned. KSA's are cumulative across the classification strands. Each strand assumes the KSA's of the previous strand(s). Information specific to a classification specialty applies only to that classification specialty and classification strand unless otherwise noted. Reasonable accommodations for disabilities as defined by the Americans with Disabilities Act will be considered on a case-by-case basis.

ACCOUNTING (AA)	ACCOUNTING ASSOCIATE I (AAO I)	ACCOUNTING ASSOCIATE II (AAO II)	ACCOUNTING SPECIALIST (ASP)
<u>Entry Level:</u>	<u>Entry Level:</u>	<u>Entry Level:</u>	<u>Entry Level:</u>
1. Knowledge of modern office methods and procedures.	1. Knowledge of query and research techniques.	1. Understanding of tax laws and codes.	1. Knowledge of unemployment compensation and collection principles and practices.
2. Knowledge of bookkeeping principles and practices.	2. Ability to establish computerized and/or manual filing systems.	2. Ability to resolve problem tax returns.	2. Knowledge of basic investigative principles, practices, and techniques.
3. Knowledge of spelling, punctuation, grammar, and business English.	3. Ability to create spreadsheets and perform data management.	3. Ability to review, revise, verify, and/or adjust financial documents.	3. Ability to write clear and comprehensive reports.
4. Ability to make basic mathematical calculations.	4. Ability to make intermediate mathematical calculations.	4. Ability to access information from the internet.	
5. Ability to gather and compile	<u>Full Performance:</u>	<u>Full Performance:</u>	<u>Full Performance:</u>
	1. Ability to effectively resolve problems.	1. Ability to conduct research, gather information, and analyze results to reach a conclusion and/or	1. Ability to negotiate payment
	2. Ability to determine facts, detect errors and irregularities, and take appropriate action in accordance with established		

<p>information.</p> <p>6. Ability to use alphabetical, numerical, chronological, and secondary filing systems.</p> <p>7. Ability to organize and maintain computerized and/or manual files.</p> <p>8. Ability to prepare worksheets and perform data entry.</p> <p>9. Ability to review documents and examine for completeness.</p> <p>10. Ability to verify, code, compute, and/or reconcile data on standard documents.</p> <p>11. Ability to type varied routine business correspondence from draft or original source documents to revised or final form.</p> <p>12. Ability to prepare standard reports.</p> <p>13. Ability to understand and follow basic oral and written instructions.</p> <p>14. Ability to effectively communicate orally and in writing.</p>	<p>procedures.</p> <p>3. Ability to exercise good judgment in appraising situations and making decisions/recommendations.</p> <p>4. Ability to provide ongoing leadership for a work team.</p> <p>5. Ability to confer with supervisor on performance appraisals of work team members.</p>	<p>make recommendations.</p> <p>2. Ability to apply to routine individual cases an explanation and interpretation of applicable rules, regulations, policies, procedures, codes, and/or documentation requirements.</p> <p>3. Ability to stay current and understand, discuss, explain, and apply applicable laws, rules, regulations, policies, procedures, paperwork, and terminology.</p>	<p>plans.</p> <p>2. Ability to identify customer problems and recommend practical solutions.</p> <p>3. Ability to remain calm in stressful situations.</p>
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<p>15. Ability to operate modern standard office equipment.</p> <p>Full Performance:</p> <p>1. Knowledge of applicable laws, rules, regulations, policies, procedures, paperwork, terminology, and core operations.</p> <p>2. Ability to use applicable computer programs.</p> <p>3. Ability to operate applicable specialized equipment upon completion of appropriate training.</p> <p>4. Ability to lead the work and provide guidance to co-workers on a project or intermittent basis.</p>		
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MINIMUM QUALIFICATIONS:

ACCOUNTING ASSISTANT (AA)	ACCOUNTING ASSOCIATE I (AAO I)	ACCOUNTING ASSOCIATE II (AAO II)	ACCOUNTING SPECIALIST (ASP)
Training, education, or experience in office and administrative support work that demonstrates 1) competency in applying a general knowledge of bookkeeping principles and practices to perform routine work in maintaining standardized accounting and financial records, and 2) the ability to use	Training, education, or experience in office and administrative support work that demonstrates 1) competency in applying a solid knowledge of bookkeeping principles and practices necessary to perform complex work in maintaining specialized accounting and financial records, and 2) ability to use	Training, education, or experience in office and administrative support work that demonstrates 1) competency in applying a solid knowledge of bookkeeping principles and practices to perform complex work in assisting taxpayers on complex tax matters, and 2) the ability to use independent judgment,	Training, education, or experience in office and administrative support work that demonstrates 1) competency in applying a proficient knowledge of bookkeeping principles and practices to perform advanced work in collecting delinquent unemployment compensation taxes, and 2) the ability to use

independent judgment in prioritizing the work and selecting the most appropriate course of action within set procedures.	independent judgment in handling exceptions to established work assignments, priorities, and schedules.	initiative, and discretion to make determinations on varied matters.	independent judgment, initiative, and decision-making on complex administrative matters.
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LICENSING/REGISTRATION/CERTIFICATION REQUIREMENTS: These must be met prior to attaining permanent status in this classification.

ACCOUNTING ASSISTANT (AA)	ACCOUNTING ASSOCIATE I (AAO I)	ACCOUNTING ASSOCIATE II (AAO II)	ACCOUNTING SPECIALIST (ASP)
None			

WORKING CONDITIONS: Working conditions for individual positions in these classifications will vary based on each agency's utilization, essential functions, and the recruitment needs at the time a vacancy is posted.

CLASSIFICATION TAXONOMY:

ACCOUNTING ASSISTANT (AA)	ACCOUNTING ASSOCIATE I (AAO I)	ACCOUNTING ASSOCIATE II (AAO II)	ACCOUNTING SPECIALIST (ASP)
<i>Classification code: 6500</i>	<i>Classification code: 6502</i>	<i>Classification code: 6504</i>	<i>Classification code: 6506</i>
<i>Soc Code: 43-3031</i>	<i>Soc Code: 43-3031</i>	<i>Soc Code: 43-3031</i>	<i>Soc Code: 43-3011</i>
<i>Range: 7</i>	<i>Range: 11</i>	<i>Range: 16</i>	<i>Range: 18</i>
<i>Date: 9-03-06</i>	<i>Date: 9-03-06</i>	<i>Date: 9-03-06</i>	<i>Date: 9-03-06</i>
<i>Date Revised:</i>	<i>Date Revised:</i>	<i>Date Revised:</i>	<i>Date Revised:</i>

D. Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation:

The Liquor Licensing Bureau adheres to the Maine Human Rights Act as well as the Americans with Disabilities Act by providing accommodations on a case by case basis to employees and applicants as necessary. In addition, the Bureau is housed within the Central Maine Commerce Center which is a relatively new, state of the art, accessible building. This building is much improved compared to the old Liquor Enforcement building which was located in Gardiner. The new construction was built with consideration of ADA and safety of State employees in mind. During business hours the general public can only enter through the main entrance. Then once inside they are limited to where they can go because of a card reader access system that is installed throughout the building.

The Department of Public Safety has policies condemning sexual harassment and discrimination of any kind. The Department completes periodic training on harassment and has its personnel read and sign off on the harassment policy indicating that they have read the policy and understand the policy.

Christopher Parr, the Public Service Coordinator for DPS, is the designated employee that oversees ADA compliance.

The Liquor Licensing Web Page has made vast improvements to make the website accessible to individuals with disabilities. Applications obviously are a big draw to the site and all applications are offered in PDF formatting and in Word document format. The Word formatting allows visually impaired people the ability to print off an application from the website. With the use of a screen reader they can read and utilize some of the applications immediately. A screen reader is a software application that attempts to identify and interpret what is being displayed on the screen. This interpretation is then represented to the user with text-to-speech, sound icons, or a braille output. Screen readers are a form of assistive technology (AT) potentially useful to people who are blind, visually impaired, or learning disabled, often in combination with other AT such as screen magnifiers. The Web Master for the Department will have to make any changes necessary in order to fully comply with accessibility laws.

There are fire extinguishers and automatic defibrillators throughout the building and all are in plain sight. All fire extinguisher stations have a red sign above each station so these locations can be recognized. There is also a fire suppression system throughout the entire building. The fire alarm system is an audible alarm system with flashing strobes throughout.

With regards to health and safety the State of Maine under Title 26 established the Board of Occupational Safety and Health which formulates and adopts rules for safe and healthful working conditions. The rules so formulated shall at a minimum conform to federal standards of occupational safety and health. Enforcement of these rules and regulations are performed by the Maine Department of Labor, Bureau of Labor Standards

*The following is Article 30 which relates to health and safety issues for State employees and is part of the contract agreement. This was taken from the MSEA/State of Maine Collective Bargaining agreement for the years of 2005 through 2007.

ARTICLE 30. HEALTH AND SAFETY

1. The State will take appropriate action to assure compliance with all applicable laws concerning the health and safety of employees in its endeavors to provide and maintain safe working conditions. MSEA-SEIU agrees to support any programs required to meet the health and safety needs of employees.

An employee may request his/her department to provide safety related equipment, clothing, devices or tools as may be required to maintain a safe working environment. Such requests, if denied, may be appealed, upon notice to the department, to the Labor/Management Committee on Safety of State Buildings, which decision shall be final and binding on the parties. In this regard, formal votes required by the Committee shall be cast as one (1) vote by labor and one (1) vote by management.

2. Ferry Service employees shall not be required to drive vehicles onto vessels unless they hold appropriate licenses.

3. Produce Inspectors engaged in the inspection of potatoes shall be required to have a blood test every six (6) months at State expense. Such arrangements for tests will be made by the Department of Agriculture.

4. Department of Transportation and Department of Conservation employees opting to provide and use their own protective eyewear pursuant to DOT Policy Memorandum 410 and Department of Conservation Policy IPLS #01-102, shall receive the sum of up to seventy-five dollars (\$75.00) per year toward the cost of any prescription eyewear needed by the employee. Additionally, this allowance may be extended to other employees through departmental work rules, subject to mutual agreement of the parties.

*Attached you will find the State of Maine, Department of Public Safety EEOP (Equal Employment Opportunity Plan)

*Below is the Maine Workers' Compensation Act from 1992. Follow highlighted links for more details about the laws and rights of workers with regards to Workers' Compensation in the State.

Title 39-A: WORKERS' COMPENSATION (Enacted by PL 1991, c. 885, Pt. A, §8)

Part 1: MAINE WORKERS' COMPENSATION ACT OF 1992 (Enacted by PL 1991, c. 885, Pt. A, §8)

Chapter 5: COMPENSATION AND SERVICES (Enacted by PL 1991, c. 885, Pt. A, §8)

§201. Entitlement to compensation and services generally

1. Entitlement. If an employee who has not given notice of a claim of common law or statutory rights of action, or who has given the notice and has waived the claim or rights, as provided in section 301, receives a personal injury arising out of and in the course of employment or is disabled by occupational disease, the employee must be paid compensation and furnished medical and other services by the employer who has assented to become subject to this Act. [1991, c. 885, Pt. A, §8 (new); §§9-11 (aff) .]

**State of Maine
Department of Public Safety**

2007 EEOP SHORT FORM

STEP 1: Introductory Information

Grant Title: Multiple Grants

Grant Number:

Grantee Name: Maine Department of Public Safety

Award Amount: Multiple Grants

Address: 45 Civic Center Drive, Suite 1
State House Station 104
Augusta, Maine 04333

Contact Person: Janet Richards, Assistant Commissioner

Telephone #: (207) 626-3809

Date and effective duration of EEOP: September 08, 2007-December 31, 2008

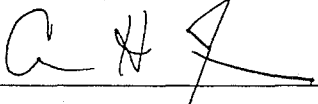
Policy Statement:

The Maine Department of Public Safety will adhere to a policy of equal employment opportunity and affirmative action. It is the intention of this policy to promote a meaningful equal employment opportunity environment designed to assist the department in the achievement of a high quality and diverse workforce.

This Equal Employment Opportunity Plan is implemented to ensure equal opportunity in all aspects of the department's operations affecting employees and job applicants, to include, but not limited to: recruitment, testing, selection, promotions, compensation, benefits, layoffs, recall from layoffs, job assignments, employee development opportunities, and discipline. All of the above shall be administered without regard to race, color,

religion, sex, national origin, ancestry, age, physical or mental disability, sexual orientation or marital status unless a bona fide occupational qualification exists. Occupational qualifications shall be bona fide job requirements.

Furthermore, it is the policy of this department to provide its members with a viable means for communicating and resolving complaints regarding unlawful discriminatory employment practices. The designated EEO Officer for the department, who is responsible for handling complaints and providing technical assistance to staff regarding EEO issues, is Michaela Loisel and she may be reached at (207) 623-6735 (V) or (800) 794-1110 (TTY). Laurel Shippee, the State EEO Coordinator in the Bureau of Human Resources, is also available as a resource to any state employee or supervisor. She may be reached at 207-624-7368 or (TTY 207-287-4537).



Commissioner Anne H. Jordan

9/6/07

Date

OMB Approval No.: 1121-0140
Expiration Date: 01/31/06

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this EEOP Short Form is 1 hour per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, Office for Civil Rights, 810 7th Street N.W., Washington, D.C. 20531.

E. Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years:

The main source of funding for the Liquor Licensing and Compliance Division comes from the General Fund. A small amount of Other Special Revenue Funds are collected from the BASIC training program. (**Bureau of Liquor licensing Alcohol Server Informational Course**). These funds allow Liquor Licensing to buy supplies, and pay for overtime, equipment and room rentals for classes.

In June of 2003 the State of Maine Legislature eliminated the State of Maine Bureau of Liquor Enforcement which resulted in a budget decrease of approximately 1.2 million dollars.

See the attached Excel file for figures on the Liquor Licensing budget.

**Maine Department of Public Safety
Liquor Licensing Program
Expenditures and Revenue Collections, State Fiscal Years 1998-2007**

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
General Fund										
<u>Appropriation</u>										
Legislative Count	22.00	22.00	29.00	29.00	29.00	29.00	11.00	11.00	11.00	11.00
Personal Services	1,125,453	1,139,538	1,432,078	1,512,078	1,619,355	1,626,208	686,666	562,362	585,365	627,994
All Other	120,876	122,716	186,579	279,321	289,688	266,838	197,095	202,576	147,167	126,645
Capital	85,200	30,000	176,000	54,000	-	-	-	-	-	-
	<u>1,331,529</u>	<u>1,292,254</u>	<u>1,794,657</u>	<u>1,845,399</u>	<u>1,909,043</u>	<u>1,893,046</u>	<u>883,761</u>	<u>764,938</u>	<u>732,532</u>	<u>754,639</u>
<u>Expenditures</u>										
Personal Services	1,118,606	1,111,273	1,409,598	1,494,251	1,611,708	1,621,896	675,117	553,832	581,872	626,559
All Other	107,189	117,781	177,352	205,489	288,965	236,389	131,530	127,609	96,564	122,113
Capital	75,152	19,108	162,570	-	-	-	-	-	-	-
Total Expenditures	<u>1,300,947</u>	<u>1,248,162</u>	<u>1,749,521</u>	<u>1,699,740</u>	<u>1,900,673</u>	<u>1,858,284</u>	<u>806,647</u>	<u>681,441</u>	<u>678,436</u>	<u>748,671</u>
<u>Revenue</u>										
Income Tax	-	-	11,356,250	11,296,259	11,869,730	12,191,868	12,624,908	12,741,754	13,812,172	15,060,347
Alcoholic Beverages	-	-	3,067,067	3,000,776	3,005,543	3,273,618	3,084,894	2,998,742	3,118,805	3,307,496
Special Purpose Licenses	-	-	5,750	7,000	7,650	8,000	8,700	12,050	11,150	14,400
Service Charges	14,911	14,111	95,324	141,225	173,781	76,975	80,743	83,448	92,012	106,591
Sale of Equipment	2,376	-	1,056	3,080	-	2,904	-	-	-	-
Total Revenue	<u>17,287</u>	<u>14,111</u>	<u>14,525,447</u>	<u>14,448,340</u>	<u>15,056,705</u>	<u>15,553,365</u>	<u>15,799,244</u>	<u>15,835,995</u>	<u>17,034,139</u>	<u>18,488,834</u>
Other Special Revenue Fund										
<u>Allocation</u>										
Personal Services	-	3,992	-	-	-	-	-	-	-	-
All Other	12,562	19,050	26,117	31,652	30,000	30,000	30,600	31,211	19,204	19,190
Capital	2,248	-	-	-	-	-	-	-	-	-
			<u>26,117</u>	<u>31,652</u>	<u>30,000</u>	<u>30,000</u>	<u>30,600</u>	<u>31,211</u>	<u>19,204</u>	<u>19,190</u>
<u>Expenditures</u>										
Personal Services	-	-	-	-	-	-	-	-	-	-
All Other	6,668	4,357	15,824	10,592	24,576	16,201	17,175	4,121	246	2,563
Capital	-	-	-	-	-	-	-	-	-	-
Total Expenditures	<u>6,668</u>	<u>4,357</u>	<u>15,824</u>	<u>10,592</u>	<u>24,576</u>	<u>16,201</u>	<u>17,175</u>	<u>4,121</u>	<u>246</u>	<u>2,563</u>
<u>Revenue</u>										
Alcoholic Beverages	-	-	-	(7,360)	-	1,468	-	-	-	-
Grants from Cities and Towns	-	2,600	-	-	-	-	-	-	-	-
Service Charges	9,033	13,471	18,833	20,959	40,796	16,656	19,553	5,746	8,187	25,764
Sale of Equipment	-	-	1,760	-	-	-	-	-	-	-
Total Revenue	<u>9,033</u>	<u>16,071</u>	<u>20,593</u>	<u>13,599</u>	<u>40,796</u>	<u>18,124</u>	<u>19,553</u>	<u>5,746</u>	<u>8,187</u>	<u>25,764</u>

F. When applicable, the regulatory agenda and the summary of rules adopted:

Included in this report is the Bureau's 2007 regulatory agenda. A rule book of current Bureau rules has been included with this report for your inspection. I have also included at the bottom of this page a direct link to get to Liquor Licensing rules and regulations.

2006-2007 REGULATORY AGENDA

AGENCY UMBRELLA UNIT: **16-226**

AGENCY NAME: **Department of Public Safety, Bureau of the Maine State Police, Bureau of Liquor Enforcement (Licensing and Compliance)**

CONTACT PERSON: Christopher Parr, 42 State House Station, Augusta, ME 04333-042; Telephone: (207) 624-7200. E-mail: Christopher.Parr@maine.gov

CHAPTER 5: Labeling

Statutory authority: 28-A MRSA §6, sub-§2; Id. §82, sub-§2

Purpose: To articulate the requirements for registering labels on specified alcoholic beverage products sold in Maine.

Schedule for adoption: Prior to October 1, 2007

Affected parties: Any manufacturer, distributor, and retailer of the alcoholic beverage products that are regulated by the chapter.

Consensus-based rule development: Not anticipated.

CHAPTER 7: Advertising and Sign Regulations Applicable to All License Holders

Statutory authority: 28-A MRSA §6, sub-§2; Id. §82, sub-§2

Purpose: To clarify the standard that will be used to determine whether an advertisement for specified alcoholic beverage products sold in Maine is "obscene" and therefore prohibited. Schedule for adoption: Prior to October 1, 2007

Affected parties: Any manufacturer, distributor, and retailer of the alcoholic beverage products that are regulated by the chapter.

Consensus-based rule development: Not anticipated.

<http://www.maine.gov/dps/liqr/regulations.html> - Direct link to State of Maine Rules and Regulations for Liquor Laws.

G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements:

During the time when the Bureau of Liquor Enforcement was dissolved in 2003 there were a total of 29 positions. From those 29 positions there were 19 positions that were sworn uniformed officers. 13 of those positions were officers that were physically out in the field. Today the Liquor Licensing and Compliance Division has only 12 positions and of those 12 there are 5 Liquor Inspectors out in the field. With fewer Inspectors out in the field brings many challenges because of the large geographical areas that must be covered and the number of licensees that we are responsible for. For this reason we try to maintain a professional working relationship with Federal, State, County and local Law Enforcement. In fact we have several new programs in which we rely on other Law Enforcement agencies for their assistance in the enforcement of liquor laws.

We provide training for other law enforcement agencies and have an open door policy with regards to cooperation and assistance. These programs are described in depth in this evaluation report and can be located in section B under tab 3.

The Liquor Licensing Division works with the Bureau of Taxation with regards to withholding licenses of individuals indebted for taxes as required by law. (See title 28-A section 707) The Liquor Licensing Division also maintains a close relationship with the Bureau of Alcoholic Beverages also known BABLO.

Other agencies that Liquor Licensing works closely with are:

DHHS Health Engineering
Governor's Office
Trade Tax Bureau (Formerly ATF)
Immigration and Customs Enforcement (ICE) Border Patrol
Maine Marine Resources
State Police Special Services Unit and Gaming Division
Gambling Control Board and the Maine Harness Racing Commission (OTB)

This division also makes every effort to make the licensing process as fluent as possible for our constituents. We have liquor licensing clerks on hand during regular business hours that answer questions either by phone or in person. A lot of the licensees or potential licensees will come into the liquor licensing division in person to do their business.

We also have applications and information that is available on-line for the customer's convenience. All of these materials and information can be downloaded and or printed off directly from our homepage for the customer's use. If a customer goes to <http://www.maine.gov/dps/liqr/index.html> they can get onto our site and get all the information they need to start the process of receiving applications and answers to questions right at home.

H. Identification of the constituencies served by the agency or program, noting any changes or projected changes:

The constituencies of the Liquor Licensing Division are generally made up of the licensees who obtain a variety of licenses and permits to sell and import alcoholic beverages and pay taxes to import or manufacture beer and wine. The clerical staff deals first hand with the licensees. They accept and inspect applications and assist the customer when they find errors. The Liquor Inspectors have contact with the licensee when they inspect the premises for suitability and visit licensed premises to ensure that the laws, rules and regulation are adhered to properly. Five inspectors are responsible for approximately 340 agency stores, 3000 off premise licensees, 2500 on premise licensees, 600 Certificate of Approval Holders, 2000 catering licenses and 50 Wholesalers, Breweries and Wineries.

The Liquor Licensing Division works closely with the general public and with other agencies in an effort to address liquor law violations and discuss issues related to the industry. The Commanding Officer of the division is the chair of the Commissioner's Liquor Advisory Committee and the Alcohol Server Education Committee. These committees are described in detail as part of this report. The division also heads up two programs that allow us to work with other Law Enforcement agencies around the State. The two programs are the Liquor Enforcement Memorandum of Understanding (MOU program) and the Liquor Compliance Checks program. These two programs will also be covered in this report.

The following is a list of the most recent new laws and updated laws for the State of Maine Liquor Laws. The web address is:
<http://janus.state.me.us/legis/LawMakerWeb/search.asp>

Most Recent New Liquor Laws

Chapter 269 – L.D. 463

An Act to Promote Economic Development in Commercial and Downtown Areas of the State

This section adds exceptions to the law prohibiting the issuance of a liquor license within 300 feet of a church or a school.

Chapter 193 – L.D. 1075

An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees

This section has been expanded to include the following items: glasses, stemware, china and devises designed to open containers of wine and beer.

Chapter 32 – L.D. 278

An Act To Allow Small Stores To Conduct Wine Taste Testings

For the purposes of this section, "fine wine store" means a store that carries at least 250 different wine labels or carries at least 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement of section 1201, subsections 6 and 7.

New Laws Continued

Chapter 437 – L.D. 1085

An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol

Licenses are required to post signs provide by the commissioner which inform customers of the provisions of §2051 (Prohibited Acts by Minors) and §2081 (Furnishing or Allowing Consumption of Liquor by Certain Persons).

Effective September 17, 2005
Enacts 28-A M.R.S.A. §15

Chapter 377 – L.D. 1641

An Act To Create a Small Brewer Distiller License

This law creates a "small brewer distiller" license and defines the conduct permitted by licensees.

Effective September 17, 2005
Enacts 28-A M.R.S.A. §1355 (8) & (9)

Chapter 319 – L.D. 1289

An Act Allowing Spirits Tasting Events

This law allows a distiller to rent space from a retail licensee to invite retail licensees to taste test spirits (certain rules must be followed).

Effective September 17, 2005
Enacts 28-A M.R.S.A. §1051 (6)

Chapter 292 – L.D. 903

An Act to Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption by Minors

Under previous law, the mandatory minimum fine for the Class D offense of providing alcohol to minors who are less than 14 years of age is \$500.00. The mandatory fine now applies to furnishing alcohol to anyone less than 18 years of age. The mandatory fine is raised to \$1,000 for a second offense within six years. A third offense is has a \$1500 mandatory minimum fine. Furnishing a place to consume alcohol for minors under 18 years of age yields a mandatory minimum fine of \$1,000. A second offense within 6 years is \$2,000.

Effective September 17, 2005
Amends 28-A M.R.S.A. §2081 (1) (A) & (B)

Chapter 259 – L.D. 1155

An Act to Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices

It is a civil violation to use vaporized alcohol or possess or use or sell an alcohol vaporizing device. There is an exception for medical or scientific research.

Effective September 17, 2005
Enacts 28-A M.R.S.A. §2088

Chapter 139 – L.D. 620

An Act to Clarify the Liquor Enforcement Laws

The Commissioner of Public Safety may contract with a law enforcement agency to allow certain officers to enforce administrative alcohol violations (or only certain administrative alcohol violations).

New Laws Continued

Effective September 17, 2005
Enacts 28-A M.R.S.A. §82-A

Chapter 38 – L.D. 77

An Act to Require Valid Identification for Purchases of Liquor

Licenses must card everyone who appears to be under 27 years of age.

Effective June 29, 2005
Enacts 28-A M.R.S.A. §706 (2)

Chapter 390 – L.D. 1335

An Act To Create a Small Distillery Off-premises License

This law creates a "small distillery off-premises" license and defines the conduct permitted by licensees.

Effective June 14, 2005
Enacts 28-A M.R.S.A. §2 (29-A)
Enacts 28-A M.R.S.A. §1012 (5)

Chapter 108 – L.D. 290

An Act to Amend the Laws Governing Mobile Service Bars on Maine Golf Courses

This law takes away the January 1, 2006 sunset date for mobile service bars used by golf courses. Absent another change in law, mobile service bars are now permanently allowed under Maine law.

Effective May 13, 2005
Amends 28-A M.R.S.A. §1012(4)
Amends 28-A M.R.S.A. §1075(2)

LD 620

§ 1504. Samples of products

A person licensed under section 1502 as a sales representative for a distilled spirits manufacturer or supplier may give a retail licensee samples of distilled spirits under the following conditions

*Effective September 20, 2007
Enacts 28-A M.R.S.A §1504*

LD 1124 Chapter 117

§ 457. Transfer of agency liquor store license

Upon application of a licensee under this chapter, an agency liquor store license must be transferred to a new owner upon the sale of the licensed establishment and payment of the transfer fee required in section 453-B if the new owner is eligible under section 601 and the physical premises of the establishment remain unchanged.

*Effective September 20, 2007
Enacts 28-A M.R.S.A. §457*

LD 846

Resolve, Directing the Department of Public Safety, Bureau of Liquor Licensing and Compliance To Study the Retail Placement and Marketing of Spirits, Beer and Wine with Regard to Minors

I. A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives:

The Bureau of Liquor Enforcement was eliminated by the State Legislature in June of 2003. In July of 2003 the Bureau of Liquor Enforcement was absorbed into the State Police. The bureau was replaced with the Liquor Licensing and Compliance Division. Along with this new entity came more work with less people to handle it. This meant that the licensing and compliance division had to come up with some alternative efforts and programs to enforce the laws.

The Liquor Licensing Unit has several programs and committees that the Lieutenant is responsible for monitoring or chairing. These programs and committees are listed below with a brief synopsis of each.

Commissioner's Liquor Advisory Committee

The Commissioners' Liquor Advisory Committee is made up of representatives of various constituencies in the liquor industry. The committee meets approximately four times a year to discuss issues that have arisen regarding the alcohol industry. The Lieutenant chairs the meeting and generally sets the agenda. Members are encouraged to share questions or concerns at the meeting so issues they may have concerns about can be addressed before they become big problems.

The Alcohol Server Education Committee

The Alcohol Server Education Committee is a committee established by statute that certifies training programs and instructors of alcohol education in the State of Maine. Sellers and servers of alcohol in Maine are not required to take any education courses but it reduces their liability under the liquor liability act if they have been to training. If the sellers and servers are to get credit for the course then it must be certified by the State. All programs to be certified present their program to liquor licensing. An Inspector reviews the program and determines if it meets the criteria established in the law. The program is then presented to the board for approval. The instructors of these courses must also be certified by the State and some trainers come from the private sector. This committee is in charge of certifying the instructors, much in the same fashion that the programs are certified. The certifications for the courses and instructors are good for two years.

The following programs have been previously mentioned under tab three. I have entered these important programs again because they fall under this category of agency efforts.

B.A.S.I.C. Program

(Bureau of Liquor licensing Alcohol Server Informational Course)

The Liquor Licensing Unit offers its own training program for seller and servers. The program is called the BASIC program. Inspectors assigned to the licensing unit teach it. The program is advertised by the unit and classes are set up when necessary in a location convenient to the participants. Each participant in the program must pay \$28 dollars, which is an amount set by statute. The revenues collected for the program are kept in a separate account. The proceeds from that account can only be used for the costs associated with putting on the program. A full description of this program can be located in section B. of this report.

The MOU Program (Memorandum of Understanding Program)

When the bureau of Liquor Enforcement was absorbed into the State Police in 2003 the authority to enforce administrative liquor violations was left up to the Inspectors assigned to the unit. Legislation was passed by the legislature to allow the Commissioner of Public Safety to enter into MOUs with local Police Departments and Sheriff's Departments so they can enforce these administrative violations. The MOU requires that the departments interested in enforcing these laws must attend training put on by Liquor Licensing and they are restricted in the violations they can enforce. The purpose of the program is to get the police into local on- premise licensees and stop some of the problems that are occurring in those facilities. This program is strictly voluntary, unfunded and must be agreed upon by both parties. There is a one year contract that can be terminated at any time by either party without showing cause. Below is a list of the violations the MOU program enforces.

- A. Sale of liquor to a minor (on premise)
- B. Sale of liquor to a minor (off premise)
- C. Sale of liquor to a minor (agency store)
- D. Allowing possession or consumption of liquor by a minor (on premise)
- E. Allowing a minor to remain in a hotel lounge
- F. Allowing a minor to remain in a Class A lounge
- G. Sale of liquor to a visibly intoxicated person (on premise)
- H. Sale of liquor to a visibly intoxicated person (off premise)
- I. Sale of liquor to a visibly intoxicated person (agency store)

- J. Sale of liquor during prohibited hours
- K. Allowing consumption or possession during prohibited hours
- L. Sale by underage employee (on premise)
- M. Sale by underage employee (off premise)
- N. Allowing consumption of liquor in a retail store
- O. Inspection of premises (excluding the auditing of books and the checking of records)
- P. Allowing employees and entertainers to consume while on duty
- Q. Allowing a visibly intoxicated person to remain on a licensed premise
- R. Allowing a violation of law on a licensed premise
- S. Allowing a visibly intoxicated person to consume liquor on the premise

The Liquor Compliance Checks Program

The Liquor Compliance Checks program is a joint venture between the Department of Human services, the Attorney General's Office, and the Department of Public Safety. The Maine Sheriff's Association has been contracted to have underage persons attempt to purchase alcohol at off-premise retailers. An adult employee of the Sheriff's Association supervises all attempted purchases. The results of the compliance checks are forwarded to the Liquor Licensing Unit for processing. The contract calls for fourteen hundred and fifty checks per year for two years. The violations will be handled much like those in the MOU program except that Liquor Licensing Division will handle the notices if it goes to court.

J. Identification of emerging issues for the agency or program in the coming years:

When the Bureau of Liquor Enforcement was dissolved in June of 2003 the Department of Public Safety acquired all the responsibilities of that bureau. Today the Liquor Licensing Division has an intense workload with fewer personnel to maintain an even larger list of responsibilities than Liquor Enforcement used to have. There is a host of emerging issues that the Liquor Licensing Unit is presently dealing with and more that we will deal with in the future.

Staffing Issues

As described in Section D of this report, the Liquor Licensing Division is working with fewer people today than in the past. This of course is due to the Liquor Enforcement Bureau being dissolved in June of 2003. With that said the workload has not decreased as the manpower did so it creates a ripple effect throughout the industry. All of the on-premise and off-premise licensees realize that the Liquor Licensing and Compliance Division is understaffed and can not cover the large geographical areas that we are responsible for. The issues arising from this circumstance are numerous and varied. Because we have fewer Liquor Inspectors in the field the opportunity for one of our licensees to take a chance with breaking the law increases. The violations differ and some are clearly more costly to the State than others. The costs to the State come both financially and socially.

Underage Sales

We are getting complaints of underage sales around the State and although our Compliance Checks Program and MOU Program (See section I.) are an excellent deterrent we can still see that this violation is occurring. The problem here is the division is unable to be a physical presence in our licensee's establishments on a routine basis. Because of this some licensees will take advantage of the lack of enforcement by the division and with less fear of reprisal.

Underage Drinking

Underage drinking is and has been a problem for many years. I have compiled some underage drinking statistics for your review. These figures came from the *Maine Youth Drug and Alcohol Survey* (MYDAUS) provided to me by the Office of Substance Abuse (OSA) here in Augusta.

UNDERAGE DRINKING STATISTICS

Below are some data collected through the *Maine Youth Drug and Alcohol Survey* (MYDAUS) which is administered every other year through the Office of Substance Abuse. You can find more data at the website,

<http://www.maine.gov/dhhs/osa/data/mydaus/index.htm>

When you look at the total percentage of students who have drunk, it seems low, but when you look at the older youth, 9th grade and older, you will see much higher percentages than with the younger youth (6-8th grade). Because the 6-8th grade percentages are so low, they skew the total percentage of youth who have or are using.

Some points of consideration:

- Females and males are relatively even in the percentages of using alcohol.
- 9th grade is when students are reporting having used alcohol at higher percentages.
- 48% of all students surveyed report having used alcohol at least once in their lifetime.
- 45% of 11th graders and 49% of 12th graders surveyed reported having used alcohol within 30 days prior to taking the survey.
- 29% of all 12th graders surveyed binge drank in the two weeks prior to the survey. (Binge drinking is defined as having 5 or more drinks on one occasion).
- 66% of all students surveyed reported that alcohol was sort of easy or very easy to get. (Accessibility to alcohol is an issue in our state)

MYDAUS Statistics continued

Actual data from the MYDAUS:

Percentage of students report having ever drank alcohol in their lifetime

	6TH	7TH	8TH	9TH	10TH	11TH	12TH		MALE	FEMALE		TOTAL
NO USE	84.8	75.9	63.3	49.9	38.7	30.8	26.2		54.7	51.9		52.3
1 or more Times	15.2	24.1	36.7	50.1	61.3	69.2	73.8		45.3	48.1		47.7

Percentage of students reporting having used alcohol within the past thirty days.

PREVIOUS 30-DAY USE OF ALCOHOL	6TH	7TH	8TH	9TH	10TH	11TH	12TH	MALE	FEMALE	TOTAL
	5.9	11.2	20.5	30.8	38.2	44.6	49.1	27.8	28.6	29.0

* Percentage of students who have reported having had five or more drinks on one occasion within the past two weeks.

6 TH	7TH	8TH	9TH	10TH	11TH	12 TH	MALE	FEMALE	TOTAL
1.8	3.5	7.7	13.7	19.7	25.2	29.4	14.9	13.2	14.6

AGE FIRST USED ALCOHOL - GRADES 11 AND 12

	NEVER	AGE >=14	AGE <14
ALCOHOL (> 1-2 SIPS)	25.6	49.5	24.8
ALCOHOL (REGULAR USE)	57.3	37.2	5.5

PERCEIVED ACCESSIBILITY TO ALCOHOL - GRADES 9-12

	VERY HARD	SORT OF HARD	SORT OF EASY	VERY EASY
ALCOHOL	15.3	18.5	31.5	34.7

PERCEIVED HARM FROM USING ALCOHOL - GRADES 9-12				
	GREAT RISK	MODERATE RISK	SLIGHT RISK	NO RISK
1-2 DRINKS/DAY OF ALCOHOL	33.2	33.4	22.4	11.0

COLLEGE STUDENTS DRINKING STATISTICS

Results from 2005 CORE Survey in which 12 Maine Universities participated (N= 2869 students from 12 campuses in Maine)

Points to consider:

- 70% of the college students surveyed reported having used only alcohol within thirty days prior to the survey. 19% reported having used both alcohol and marijuana.
- 52% of the college students surveyed reported having binge drank within two weeks prior to the survey and another 52% said they had binge drank within thirty days.
- 39% of college students who are considered high risk drinkers (binge drank within the past thirty days) surveyed reported having done poorly on a test or project.
- 28% of high risk drinkers reported having ever been in trouble with police or campus security.

- 18% of high risk drinkers reported having been taken advantage of sexually.

Category	% using one or more time
Alcohol – 30 day	70.03
Marijuana - 30 day	21.19
Tobacco – 30 day	37.61
Alcohol + Marijuana - 30 day	19.42
Alcohol + Tobacco - 30 day	32.97
Alcohol + Tobacco + Marijuana - 30 day	13.11
Binge drinking - 2 weeks	52.11
High risk drinking - 30 day**	51.91*
Non-high risk drinking - 30 days	19.77
No drinking - 30 days	28.32

* Lesser than binge drinking due to some missing values. Numbers in same category may not add up due to missing responses.

** High risk drinkers are those who responded that they did binge drinking one or more times in 2 weeks.

** Non high risk drinkers are those who reported drinking one or more times in past month but did not report binge drinking in past 2 weeks.

** Non drinkers are those who did not either of the above in past month

COLLEGE STATISTICS CONTINUED

Are alcohol policies and laws enforced on campus?			
	% saying yes	% saying no	% saying don't know
High risk drinkers	76.86	5.32	13.68
Non-high risk drinkers	71.18	3.99	21.95
Non-drinkers	66.72	8.01	22.29
Total population	72.73	5.79	17.71

Poor performance on test or project		
	% saying never	% saying one or more times
High risk drinkers	59.04	38.6
Non-high risk drinkers	85.81	13.97
Non-drinkers	90.11	6.75
Total population	72.91	24.73

Got in trouble with police or college authorities		
	% saying never	% saying one or more times
High risk drinkers	70.19	27.96
Non-high risk drinkers	91.35	8.2
Non-drinkers	94.19	3.14
Total population	80.97	17.01

Have been taken advantage of sexually		
	% saying never	% saying one or more times
High risk drinkers	79.48	17.65
Non-high risk drinkers	94.24	4.88
Non-drinkers	93.72	2.83
Total population	86.23	11

POSSESSION DATA

The following data is provided from eight departments that receive grant money from the Office of Substance abuse (OSA). The funds are provided from the Enforcing Underage Drinking Laws grant through the U.S. office of Juvenile Justice and Delinquency Prevention (OJJDP). OSA receives 350,000 dollars annually from OJJDP for underage drinking prevention. 120,000 dollars of this grant automatically goes towards funding Compliance Checks Programs (Refer to section B. of this report). The remaining money funds the Higher Education Alcohol Prevention Project (HEAPP), the AG's office for legal support and for overseeing the compliance checks, smaller grants to law enforcement agencies for various alcohol prevention programs and for smaller projects such as school substance abuse policy work and the Card ME program.

The following data is from 6/1/05 through 6/30/07 and was submitted by departments that receive grant money to fund programs that produce violations such as these listed.

The participating departments are Oakland PD, Biddeford PD, Saco PD, Westbrook PD, Winslow PD, Knox County Sheriff's Office, Hancock County Sheriff's Office and Penobscot County Sheriff's Office.

Violation	Total			
	BL	Yr1	Yr 2	Total
Possession	167	686	215	1068
Illegal transportation	44	84	26	154
False identification	14	19	8	41
OUI/Zero Tolerance	70	77	18	165
Furnishing Alcohol	12	80	21	113
Furnishing a place for minors to drink	20	42	11	73
Other:	0	7	0	7
Total Number of Under 21 citations	327	995	299	1621
Citations/arrests/summons of				

adults				
furnishing alcohol	13	34	18	65
furnishing a place for minors to drink	16	44	11	71
Other:	1	6	0	7
Total Number of Over 21 Citations	30	84	29	143
Administrative violations				
Sales to a minor	0	16	0	16
Allowing a minor to remain on premise	0	2	2	4
Other:	0	0	0	0
Total Number of Admin Violations	0	18	2	20
Total	357	1097	330	1784

BL = numbers before receiving the grant

Yr1 = first year of the grant

Yr2 = second year of the grant plus one month

Training Issues

Because of the lack of sufficient manpower the division does not complete as many training programs as we would like. Training is key because the better informed our licensees are the less likely they will be to violate the laws. (See section B.) This also affects the educational aspect of our mission. Education is one of the best deterrents to underage drinking and the serving and sales to underage people. Being able to reach out to children at an early age is vital in helping them understand the dangers of consuming alcoholic beverages. The only training we rely on is completed through municipal Police Departments and their DARE programs.

Training Issues Continued

We would like to see more training in the Server Education program. Some years ago the State of Washington passed a law mandating server education and the licensing of bartenders and servers of alcohol. This almost immediately had an impact on alcohol related deaths and injuries, especially late at night, to the point of reducing single vehicle, alcohol related fatalities by 30% the first year of the program. There are suspension procedures for licensed servers and bartenders when they violate the law. These procedures allow the State to take away a server's ability to work, as a server, if they lose their privilege to serve alcohol. Here in Maine there are no procedures for a server of alcohol to be suspended if they violate a law.

Enforcement Issues/Out of State Purchases

Out of State alcohol purchases are an on going problem for the division and the State. This issue brings many different challenges to the liquor licensing division and to the State of Maine. We receive complaints from the general public, police departments and businesses, mostly from Southern Maine, that bar and restaurant owners are crossing over into New Hampshire to purchase liquor. The complaint is that these people in question are driving from Maine to New Hampshire and buying their liquor and bringing their purchases back to Maine. This is occurring because it is cheaper to buy liquor in New Hampshire since there are no taxes to pay and enforcement is non-existent. Subsequently the State is losing revenues and depending on how often this activity occurs it could add

up to a substantial sum. The issue once again is manpower. We do not have specific days or times when these purchases are occurring and because of this we can not afford to send inspectors to New Hampshire to perform surveillance details.

Wine by Mail

The sale of wine by mail is definitely an emerging issue and will continue to be one until the Legislature can sort through the details and a resolution can be reached. There are several issues at play here but the biggest hurdle in this situation is the ordering of wine by mail and getting it from point A to point B and making sure this order does not end up in the hands of minors. Presently there are no real restrictions in place when a consumer orders by mail and no method established to identify the age of an individual receiving the order. The other issue created here is UPS and other delivery agents are not in the business of identifying individuals to see if they are 21 years of age or older. These delivery personnel would have to be trained in recognizing underage people and detecting false identification cards if they were to do these types of deliveries. As it stands there are no mandates in place that would require the delivery companies to check any identification.

Presently Maine has a "face to face" sale method in place and this seems to work well. Maine's current "face to face" law with regards to the sale of alcohol was recently upheld in the United States Court of Appeals for the First Circuit in the Cherry Hill Vineyard case. (A copy of the Court's decision is attached at the end of this section) It is difficult to speculate whether or not an appeal will be filed, however I believe in this case there will be one. If a law is to pass through the Legislature allowing wine by mail how long will it be before we are challenged by the beer and spirits industry to do the same? If this occurs the unintended consequences would be the loss of tax revenue from importation and the loss of sales tax. Smaller retailers may be forced to give up their liquor licenses and the loss of jobs would be inevitable. Our in-state wineries would face discriminatory practices because they are required by law to check identification and complete their sales "face to face" whereas out of state sales would not.

This is a popular issue with more concerns and will be discussed again in the next legislative session.

CONCERNS FOR THE NEXT 4 YEARS:

At this time the department is experiencing difficulties in accomplishing its goals of licensing, supervising and regulating approximately 8,000 licensees. Each inspector is responsible for monitoring approximately 1600 licensees each, along with 350 importers and distributors. The enforcement of liquor laws and rules have been restricted in scope for the past four years primarily due to short staffing, the many changes in the liquor laws and of course the increase in the number of licensees in the state. We have experienced some success with the addition of the referral program and the Memorandum of Understanding between the Department of Public Safety and local law enforcement agencies. However if we have continued growth in the number of licensees and changes in liquor law that continue to weaken the Three Tier System we will be facing serious

short comings in our ability to regulate our liquor laws and licensees. The Department must plan for the future now and start to make adjustments so we can continue to deliver quality services to our constituents in the years to come.

Concerns continued

1. Eighty percent of our current licensing and enforcement inspectors are eligible to retire within the next 5 to 9 years. It takes an average of three years to train an inspector for these positions. We must give serious consideration to adding new inspectors immediately so as to have replacements ready to take over when we lose people to retirement.
2. Shear numbers overwhelms the current enforcement and inspection unit and we have an immediate need for people to be out on the road in the evening and weekends. The current staffing situation only allows for us to have people working Monday through Friday during the day.
3. The increasing applications for licenses and special permits have put additional strain on the clerical staff. Our backlog has increased by 20 percent in the past year. Projections for the next four years, without additional clerical staff, will prevent us from delivering services to our customers in a timely manner.
4. Our ability to provide training for our customers has been severally handicapped by understaffing. Our training program can generate \$100,000.00 in revenue per year, at a minimal cost, however we do not have the resources to provide this service.

At this time all of the departments' available resources are concentrated on issuing liquor licenses and preventing sales to minors or visibly intoxicated people. Although these two violations are serious, we cannot continue to allow the rest of the laws to be ignored or not be enforced. Without additional staff and the ability to enforce our current liquor laws we are facing a very serious situation in the next 4 four years.

It is in the Departments and the States best interest to add staffing immediately so as to avoid a crisis situation four years down the road. Adding two new inspectors and one new clerical position over the next two years would bring the liquor unit up to 13 people and increase our staff by approximately 50% of the original size of the unit.

The computer system for the division is also becoming a concern. Presently the division utilizes a multitude of various programs such as Microsoft Office Productivity Suite with a Windows operating system. We also utilize an Oracle data base for agency specific operations. This would be the makeup of our base system for the Department of Public Safety. Liquor licensing system is presently a "patchwork" of operating systems and data bases. We need to consolidate and homogenize our system or we could be facing issues with this outdated system. We need a system that has a more user friendly interface and

is a specifically designed solution that will protect the integrity of our data. Failure is a possibility due to obsolete components that are no longer being readily supported by the vendors.

Protecting the three-tier system of distribution

The Three-tier system of alcohol distribution is the system for distributing alcoholic beverages. The three-tiers are producers, distributors and retailers. A producer must sell to a distributor who must then sell to a retailer.

States have various exceptions to this rule, the most prevalent one being the case of a brewpub, which is simultaneously a producer and retailer and has no requirement to sell to a distributor. Maine allows an entity to have a part in two of the tiers, letting small breweries act as their own distributor. An example of this occurs in the wine industry where many Maine permits wineries to sell bottles of wine on-site to their customers through a face to face sale. These are examples of "carve outs" of the system which overtime will continue to weaken the three-tier system. This system is the primary regulating tool used by the State and other control States.

Usually producers will give a distributor the exclusive rights to market their product within a geographical area so that there will not, for example, be two distributors of Anheuser-Busch products competing against each other.

Rules also vary according to what kind of relationships each of the tiers can enter into with the other two tiers. So for example a producer may not be allowed to give promotional items or services to a retailer. A beer distributor might be responsible for setting up and maintaining draft lines in a restaurant, or may be legally prohibited from doing so depending on the state.

Maine needs to protect the three-tier system because we do not want one of the upper tiers, particularly a large producer, to have the ability to control and influence the retail market. An example of this would be if large producer "A", who currently has a large share of the market, decided to influence a distributor not to carry other brands. Then the distributor would tell retailers if you want our popular product you either need to stop selling other brands or give us more retail space and advertising.

Three-tier system provides protection to all three layers of the distribution model. An example of why this system is so important occurs in the soda industry. When you go to a restaurant and ask for a Coke the server might inform you that they only serve another major brand. This system needs to be preserved by the State and efforts should be made to accomplish this.

United States Court of Appeals For the First Circuit

No. 07-1513

CHERRY HILL VINEYARD, LLC AND PHILIP BROOKS,

Plaintiffs, Appellants,

v.

JOHN E. BALDACCI, IN HIS OFFICIAL CAPACITY
AS GOVERNOR OF MAINE, ET AL.,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MAINE

[Hon. Gene Carter, Senior U.S. District Judge]

[Hon. Margaret Kravchuk, U.S. Magistrate Judge]

Before

Boudin, Chief Judge,
Selya, Senior Circuit Judge,
and Schwarzer, ** Senior District Judge.

James A. Tanford, with whom Robert D. Epstein, Epstein Cohen Donahoe & Mendes, Richard J. Silver, and Russell Silver & Silverstein were on brief, for appellants.

Christopher C. Taub, Assistant Attorney General, with whom G.

*Of the Northern District of California, sitting by designation.

Steven Rowe, Attorney General, Paul Stern, Deputy Attorney General, and Michelle Robert, Assistant Attorney General, were on brief, for appellees.

Lisa Hibner Tavani, Deputy Attorney General, State of New Jersey, with whom Anne Milgram, Attorney General of New Jersey, Lorinda Lasus, Deputy Attorney General, State of New Jersey, Troy King, Attorney General of Alabama, Dustin McDaniel, Attorney General of Arkansas, Joseph R. Biden III, Attorney General of Delaware, Thurbert E. Baker, Attorney General of Georgia, Lawrence Wasden, Attorney General of Idaho, Steve Carter, Attorney General of Indiana, Martha Coakley, Attorney General of Massachusetts, Mike Cox, Attorney General of Michigan, Jim Hood, Attorney General of Mississippi, Kelly A. Ayotte, Attorney General of New Hampshire, Gary K. King, Attorney General of New Mexico, Marc Dann, Attorney General of Ohio, Hardy Myers, Attorney General of Oregon, Greg Abbott, Attorney General of Texas, Mark Shurtleff, Attorney General of Utah, Darrell V. McGraw, Jr., Attorney General of West Virginia, and Roberto J. Sánchez-Ramos, Secretary of Justice, Commonwealth of Puerto Rico, on brief for States of New Jersey, Alabama, Arkansas, Delaware, Georgia, Idaho, Indiana, Massachusetts, Michigan, Mississippi, New Hampshire, New Mexico, Ohio, Oregon, Texas, Utah, and West Virginia, and the Commonwealth of Puerto Rico, amici curiae.

Carter G. Phillips, Jacqueline G. Cooper, Sidley Austin LLP, Craig Wolf, Joanne Moak, and Kent G. Huntington on brief for Wine and Spirits Wholesalers of America, Inc., American Beverage Licensees, The Presidents Forum of the Beverage Alcohol Industry, and National Beer Wholesalers Association, amici curiae.

Jerrold A. Crouter, Jonathan M. Goodman, and Drummond Woodsum & MacMahon on brief for Maine Chiefs of Police Association, amicus curiae.

Sarah L. Olson, Anne G. Kimball, Wildman, Harrold, Allen & Dixon LLP, Todd S. Holbrook, Peter J. Rubin, Bernstein, Shur, Sawyer & Nelson, and Arthur J. DeCelle, General Counsel, on brief for The Beer Institute, amicus curiae.

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October 11, 2007

SELYA, Senior Circuit Judge. This appeal calls upon us to assess Maine's decision to allow small wineries to operate partially outside the usual strictures of the State's alcohol control laws. The plaintiffs challenge this decision on the ground that it constitutes impermissible favoritism in violation of the dormant commerce clause. The district court found the challenge wanting.

While the central principles on which the dormant commerce clause operates are well-developed, gray areas exist around the edges. We believe that Maine's exception for small wineries falls within one of these gray areas - and in those precincts, courts must proceed case by case. Here, after careful perscrutation of Maine's statutory scheme and its constitutional implications, we find no substantial evidence that the exception for small wineries actually discriminates against interstate commerce. Consequently, we affirm the judgment of the district court.

I. BACKGROUND

This case has been submitted on a stipulated record. Those stipulations limn the statutory scheme by means of which Maine regulates the sale of wine. To any extent that the statutes themselves are ambiguous, we assume that they operate and are enforced in the manner agreed upon by the parties.

A. The Statutory Scheme.

As a general matter Maine, like many states, has chosen to regulate the distribution of alcoholic beverages by requiring that producers sell exclusively to licensed wholesalers who, in turn, may sell only to licensed retailers. Consumers may purchase alcoholic beverages for off-premises consumption only from licensed retailers and may do so only in face-to-face transactions. This three-tiered system has been justified on multiple grounds: as an efficient means of controlling the distribution of alcoholic beverages, as an effective means of promoting temperance, and as a facilitating means of collecting excise taxes. See, e.g., North Dakota v. United States, 495 U.S. 423, 432 (1990) (recognizing these as legitimate grounds); Wine & Spirits Retailers, Inc. v. Rhode Island, 481 F.3d 1, 13 (1st Cir. 2007) (recognizing promotion of temperance and control of alcohol distribution as legitimate legislative purposes). Its legitimacy has been vouchsafed by no less an authority than the Supreme Court. See Granholm v. Heald, 544 U.S. 460, 466 (2005); North Dakota, 495 U.S. at 432.

Consistent with this three-tiered system, Maine wineries may, for the most part, sell their wares in-state only to wholesalers. See Me. Rev. Stat. tit. 28-A, § 1361. But this edict admits of an exception for small vintners that obtain special "farm winery" licenses. See id. § 1355(3). To qualify for a farm winery license, a vineyard must produce no more than 50,000 gallons of

wine annually, see id. § 1355(3)(A), and must pay a modest license fee (\$50 per year), see id. § 1551(3)(F). There are no geographic restrictions applicable to farm wineries, and licenses are available on the same terms to wineries located throughout the United States. Despite this equal footing, no winery outside of Maine has yet applied for a farm winery license.

Farm wineries enjoy a number of special prerogatives. For one thing, they may bypass wholesalers and sell directly to retailers and restaurants. Id. § 1355(3)(D). For another thing, they may sell directly to consumers; provided, however, that the transactions take place on the winery's premises or at one of up to two off-site locations established by the winery. Id. § 1355(3)(B)-(C). Out-of-state wineries may establish off-site sales outlets on the same basis as in-state wineries.

Sales made by farm wineries directly to consumers, wherever consummated, must be face to face. Id. This means, of course, that wine cannot be direct-shipped from a winery to a consumer. Indeed, Maine law expressly forbids the furnishing of alcoholic beverages via mail order services, see id. § 2077-B, and farm wineries are not exempt from that prohibition. Were a non-Maine winery to obtain a farm winery license, it too would be subject to this prohibition and could sell its products to Maine consumers only on the winery's premises or at a designated off-site location.

An additional provision of the statutory regime impinges indirectly upon the ability of out-of-state wineries to sell directly to Maine consumers. See id. § 2077. That provision prohibits a Maine resident from bringing more than four quarts of wine (typically five bottles) into the state. Id. Individuals may obtain relief from this import limitation only by special request. Id. § 2073(3)(A). Such requests are evaluated on a case-by-case basis by a state agency. Id. The parties have stipulated that, when requested, such permission is "generally granted." In the absence of such a dispensation, a Maine resident visiting an out-of-state winery and purchasing wine in person would be statutorily forbidden from bringing more than four quarts home with her, and the winery would be statutorily forbidden from shipping purchased wine to consumers in Maine.

B. Travel of the Case.

We turn now from the statutory scheme to the particulars of this case. On September 27, 2005, two plaintiffs – Dr. Philip Brooks, a Maine resident and oenophile, and Cherry Hill Vineyard, LLC, an Oregon winery that produces fewer than 50,000 gallons of wine a year – filed a civil action in Maine's federal district court against a number of state hierarchs.¹ In their complaint,

¹The defendants, all of whom are sued in their official capacities, are the governor, the attorney general, and the two ranking officers of Maine's Bureau of Liquor Enforcement. We sometimes refer to the defendants, collectively, as "Maine" or "the State."

they alleged that Maine's farm winery program, in conjunction with the prohibition on direct shipping, has the effect of discriminating against interstate commerce in violation of the dormant commerce clause.² They prayed for a declaration that the statutory scheme is unconstitutional insofar as it prevents out-of-state wineries from selling their merchandise directly to Maine consumers. Relatedly, they sought injunctive relief barring enforcement of sections 1361(4), 2077, and 2077-B against wineries that choose to sell or ship their wares directly to Maine consumers.

The State defended the face-to-face transactional requirement and the related restriction on direct shipping as necessary to prevent underage persons from gaining access to alcoholic beverages. Wholesalers and retailers have a vested interest in the three-tiered system and, by leave of court, a trade group – the Maine Beer and Wine Wholesalers Association – appeared as an amicus curiae in support of the statutory scheme.

The parties compiled a stipulated record and cross-moved for summary judgment. The district court referred the motions to a magistrate judge, who concluded that the face-to-face

²We think it noteworthy that the plaintiffs have not challenged the importation limit, see Appellants' Br. at 15 n.18, but, rather, treat it as aggravating the unconstitutional discrimination of which they complain. Because the plaintiffs have chosen to focus their challenge on the farm winery exception and the face-to-face sales requirement, we eschew any particularized analysis of the constitutionality of the importation limit.

transactional requirement and the related ban on direct shipping, as memorialized in Maine's statutory scheme, did not discriminate against interstate commerce but, instead, comprised a reasonable exercise in regulation designed to forestall the sale of alcoholic beverages to minors. Cherry Hill Vineyard, LLC v. Baldacci, Civ. No. 05-153, 2006 WL 2121192, at *8-9 (D. Me. July 27, 2006). The district court summarily adopted the magistrate judge's recommended decision and granted summary judgment for the defendants. Cherry Hill Vineyard, LLC v. Baldacci, Civ. No. 05-153 (D. Me. Mar. 5, 2007) (unpublished). This timely appeal followed.

We note, with appreciation, that five separate sets of amici have filed helpful briefs (all of them urging affirmance of the judgment below). There is an interesting wrinkle concerning the arguments advanced by the amici. The plaintiffs, citing our decisions in United States v. Sturm, Ruger & Co., 84 F.3d 1, 6 (1st Cir. 1996), and Rhode Island v. Narragansett Indian Tribe, 19 F.3d 685, 705 n.22 (1st Cir. 1994), argue that amici cannot raise new arguments. In both of the cited cases, however, amici wished to advance novel arguments on behalf of appellants. Here, the amici have appeared in support of the appellees. Given our settled rule that an appellate court may affirm the entry of summary judgment on any ground made manifest by the record, see, e.g., Iverson v. City of Boston, 452 F.3d 94, 98 (1st Cir. 2006), this is quite probably a material difference. In any event, the point is of mainly

academic interest, as we affirm on the basis of a line of argument consistently propounded by the State.

II. ANALYSIS

Because the district court acted under the aegis of Federal Rule of Civil Procedure 56, our review is de novo. See Auburn Police Union v. Carpenter, 8 F.3d 886, 892 (1st Cir. 1993). Here, our de novo review begins with first principles. The Constitution grants Congress the power to "regulate Commerce . . . among the several States." U.S. Const. art. I, § 8, cl. 3. This affirmative grant of power to the federal sovereign has long been understood, by necessary implication, to strip state governments of any authority to impede the flow of goods between states. See Alliance of Auto. Mfrs. v. Gwadosky, 430 F.3d 30, 35 (1st Cir. 2005).

The doctrine that surrounds this principle, sometimes referred to as the dormant commerce clause, holds that a state regulation that discriminates against interstate commerce on its face, in purpose, or in effect is highly suspect and will be sustained only when it promotes a legitimate state interest that cannot be achieved through any reasonable nondiscriminatory alternative. Id. Laws that regulate evenhandedly and only incidentally burden commerce are subjected to less searching scrutiny under a balancing test, which operates to validate a challenged regulation unless it burdens commerce in a way that is

"clearly excessive in relation to the putative local benefits" to be derived therefrom. Wine & Spirits Retailers, 481 F.3d at 11 (citing Pike v. Bruce Church, 397 U.S. 137, 142 (1970)).

A. The Plaintiffs' Argument.

This is a rifle-shot appeal. The plaintiffs do not advance any argument under the Pike balancing test. They must, therefore, avail themselves of the strict scrutiny reserved for statutes that frankly discriminate against interstate commerce. Even within that taxonomy, the plaintiffs' objection is narrow; they forgo any argument that the challenged portions of Maine's statutory scheme are discriminatory either on their face or in their conceived purpose.

Winnowing out these possibilities, the plaintiffs pin their hopes on the isthmian claim that the challenged portions of the Maine regime are discriminatory in effect, that is, that by allowing direct sales to consumers only in face-to-face transactions, the statutory scheme has the practical effect of benefitting Maine wineries at the expense of their out-of-state competitors. In advancing this argument, the plaintiffs remind us that, for this purpose, discrimination has been broadly defined as "differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." Or. Waste Sys. v. Dep't of Env'tl. Quality, 511 U.S. 93, 99 (1994).

Challenges of this type have a theoretical basis in the case law. Even facially neutral laws enacted without discriminatory motive and in furtherance of legitimate local objectives may be discriminatory in effect (and, thus, engender strict scrutiny under the jurisprudence of the dormant commerce clause). See, e.g., Hunt v. Wash. State Apple Adver. Comm'n, 432 U.S. 333, 352-53 (1977); Trailer Marine Transp. Corp. v. Rivera Vazquez, 977 F.2d 1, 10 (1st Cir. 1992).

When such a challenge is mounted, the initial burden of establishing discrimination rests with the challenger. See Hughes v. Oklahoma, 441 U.S. 322, 336 (1979). Once discrimination is established, however, the devoir of persuasion shifts and the affected state must demonstrate that no reasonable nondiscriminatory regulation could achieve its objectives. See New Energy Co. v. Limbach, 486 U.S. 269, 278 (1988).

With this background in place, we frame the issue. The plaintiffs argue that the requirement that direct sales take place on winery premises effectively prevents out-of-state wineries, many of which are geographically distant, from enjoying any real opportunity of selling directly to consumers. In-state wineries, the plaintiffs say, are not similarly disadvantaged because consumers can much more readily travel to their premises. So, the plaintiffs' thesis runs, the regime's effect is to raise the cost of, say, west coast wines as compared to Maine wines since the

former will, as a practical matter, be available to consumers only after the addition of hefty "middleman" mark-ups.³ See generally Granholm, 544 U.S. at 474 (calling the retailer and wholesaler "two extra layers of overhead" that "increase . . . cost"). Moreover, wines produced by small out-of-state wineries that are unable to attract the attention of a retailer or wholesaler may be unavailable in Maine altogether. Indeed, the plaintiffs argue, in order to reach Maine consumers for face-to-face transactions, out-of-state wineries would necessarily be burdened with opening off-site locations within the Maine market. Establishing that kind of presence would further escalate costs.⁴

The plaintiffs conclude by asserting that the discriminatory burden imposed by the face-to-face sales requirement and the related ban on direct shipping cannot be justified as necessary to any legitimate governmental interest. They insist that the State can fulfill its goal of restricting access to alcoholic beverages on the part of underage youths by, say,

³In mounting this argument, the plaintiffs attempt to distinguish between the cost attributable to the statutory requirements and any added expense that is attributable to geographic reality (for example, the fact that Oregon wine must be shipped cross-country in order to reach Maine consumers will inevitably add to its cost).

⁴Although the plaintiffs do not challenge Maine's four-quart importation limit, see supra note 2, they complain that their disadvantage is compounded by that limit. In practice, the importation limit prevents even committed wine collectors who are willing to travel from bringing home enough wine to justify the journey.

mandating that carriers delivering wine to direct purchasers confirm that recipients are at least twenty-one years of age. See, e.g., Mich. Comp. Laws § 436.1203 (taking this approach). On this basis, the plaintiffs asseverate that the face-to-face requirement and the related ban on direct shipping cannot withstand strict scrutiny.

B. The Rejoinder.

Although vigorously asserted by able counsel, this argument lacks force. When all is said and done, the plaintiffs have not satisfied their initial burden of showing that Maine's statutory scheme is discriminatory in effect. Without such evidence, we must defer to the state legislature, which "has 'virtually complete control' over the importation and sale of liquor and the structure of the liquor distribution system." North Dakota, 495 U.S. at 431 (quoting Cal. Retail Liquor Dealers Ass'n v. Midcal Alum., Inc., 445 U.S. 97, 110 (1980)).

To be sure, the plaintiffs cite a plethora of cases in endeavoring to demonstrate that the expense added by the restriction on direct shipment offends the dormant commerce clause. But these decisions are not capable of carrying the weight that the plaintiffs load upon them.

The plaintiffs' most loudly bruted authority is Granholm, in which the Supreme Court invalidated Michigan and New York restrictions on the direct shipping of alcohol by out-of-state

wineries. Despite some superficial similarities, the fit between Granholm and this case is not exact and, thus, the decision is of limited utility here.⁵ The novel aspect of Granholm was the Court's holding that the Twenty-First Amendment – a constitutional provision dealing with the regulatory power of the several states in regard to the manufacture, distribution, and sale of alcoholic beverages – cannot salvage explicitly discriminatory regimes even though the regulated product is an alcoholic beverage. See Granholm, 544 U.S. at 493. The Twenty-First Amendment is only peripherally involved in this case, and does not require discussion. On the issue before us, Granholm does not dictate the result. That opinion provides less than complete guidance, and virtually no new elaboration, with respect to what does – or does not – constitute discrimination against interstate commerce.

Both the Michigan and New York schemes invalidated in Granholm discriminated against out-of-state purveyors – and did so in ways that long have been understood to be unconstitutional. See id. at 467 (terming the discrimination "explicit"); see also id. at 472-76. The Michigan scheme was discriminatory on its face – it allowed in-state producers to ship wines directly to Michigan

⁵The Granholm Court did express skepticism as to whether a ban on direct shipping furthers the goal of limiting the access of underage youths to alcohol. See 544 U.S. at 490. Thus, were the plaintiffs able to carry their initial burden of putting forth substantial evidence showing an impermissibly discriminatory effect, Granholm might have more impact on other elements within the decisional calculus.

consumers while banning out-of-state producers from doing so. See id. at 473-74. Thus, the finding of unconstitutionality does not assist the present plaintiffs.

The New York scheme was closer, but still different; it allowed wineries to direct-ship only if they first established a physical presence in New York. See id. at 474. The scheme was found to "allow in-state wineries to sell wine directly to consumers in that State but to prohibit out-of-state wineries from doing so, or, at the least, to make direct sales impractical from an economic standpoint." Id. at 466. The plaintiffs insist that the Maine scheme operates much the same as the New York scheme because, in practical effect, it gives in-state producers preferential access to consumers. While one district court, drawing heavily on Granholm, has found discriminatory a requirement that direct wine sales be made face to face, see Cherry Hill Vineyard, LLC v. Hudgins, 488 F. Supp. 2d 601, 618-19 (W.D. Ky. 2006), other courts disagree, see, e.g., Baude v. Heath, Civ. No. 05-0735, ___ F. Supp. 2d ___, ___ n.25 (S.D. Ind. Aug. 29, 2007) [2007 WL 2479587, at *16 n.25]; Jelovsek v. Bresden, 482 F. Supp. 2d 1013, 1020-21 (E.D. Tenn. 2007); Hurley v. Minner, Civ. No. 05-826, 2006 WL 2789164, at *6 (D. Del. Sept. 26, 2006).

We concur with the latter courts. The plaintiffs in this case overlook a key distinction between the New York and Maine statutes. New York created an additional barrier to the entry of

out-of-state wineries into the direct-shipping market – a barrier that Maine has not erected. To elaborate, New York created a direct-shipping market for wine; it allowed direct shipping on particular conditions, and those conditions were rigged to favor in-state wineries (which, unlike out-of-state wineries, would not have to set up separate sales outlets within New York's boundaries). See Granholm, 544 U.S. at 474. Maine flatly outlaws any and all direct shipping of wine. Consequently, there is no direct-shipping market; neither in-state nor out-of-state wineries may direct-ship. Hence, while well-established legal rules demanded the invalidation of both the Michigan and New York schemes, see, e.g., Or. Waste Sys., 511 U.S. at 99-100, those rules do not demand any such ukase here.

By the same token, most of the other cases chronicled by the plaintiffs involve statutes that – unlike the Maine regime at issue here – explicitly discriminate against out-of-state goods or products. See, e.g., id. at 99; Chem. Waste Mgmt., Inc. v. Hunt, 504 U.S. 334, 342 (1992); City of Philadelphia v. New Jersey, 437 U.S. 617, 627 (1978). These cases are distinguishable because Maine's statutory scheme vis-à-vis farm wineries does not explicitly discriminate against interstate commerce. Farm winery licenses are available on equal terms to in-state and out-of-state vineyards alike, and Maine's ban on the direct shipping of wine applies evenhandedly across the board.

We are, then, on terra incognita. In the absence of any explicit (i.e., facial) discrimination, the plaintiffs must persuade us that Maine's evenhanded requirement that all wine purchases be made face to face camouflages some more sinister reality: that its practical effect is invidiously discriminatory. This is a burden that litigants in analogous cases ordinarily have failed to carry. See, e.g., Brown & Williamson Tobacco Corp. v. Pataki, 320 F.3d 200, 212-14 (2d Cir. 2003) (upholding, as against a dormant commerce clause challenge, state law requiring that all tobacco sales be conducted in face-to-face transactions).

The Supreme Court has not directly spoken to the question of what showing is required to prove discriminatory effect where, as here, a statute is evenhanded on its face and wholesome in its purpose. In our view, that showing must be substantial – and an examination of the evidence in the record satisfies us that the plaintiffs have not pushed past this plateau. We explain briefly.

We previously have held that a plaintiff bringing a dormant commerce clause challenge based exclusively on the allegedly discriminatory effect of a statutory scheme is required to submit some probative evidence of adverse impact. See Alliance of Auto. Mfrs., 430 F.3d at 41 (upholding summary judgment when plaintiff "offered only prognostications woven from the gossamer strands of speculation and surmise, unaccompanied by any significantly probative evidence" of a discriminatory effect on commerce); accord

R & M Oil & Supply, Inc. v. Saunders, 307 F.3d 731, 735 (8th Cir. 2002) (holding that plaintiff had failed to provide sufficient evidence to prove discriminatory effect); E. Ky. Res. v. Fiscal Ct. of Magoffin County, 127 F.3d 532, 544 (6th Cir. 1997) (finding no discriminatory effect when plaintiffs failed to present evidence showing how out-of-state entities, as compared to in-state entities, were burdened).

Sweeping aside rhetorical flourishes, the plaintiffs have proffered no evidence that permitting farm wineries to sell only face to face, either on premises or at approved in-state locations, discriminates against interstate commerce. There is no evidence that Maine law acts to protect Maine vineyards or that Maine consumers substitute wines purchased directly from Maine vineyards for wines that they otherwise would have purchased from out-of-state producers. There is not even evidence that any wines at all are purchased by consumers directly from Maine vineyards. And, finally, nothing contained in the stipulated record suggests that the locus option somehow alters the competitive balance between in-state and out-of-state firms. Cf. Hunt, 432 U.S. at 351 (holding that statutory scheme designed to eliminate out-of-state companies' competitive advantage in marketing created an unconstitutionally discriminatory effect).

The substitution scenario is further weakened by the fact that the plaintiffs have adduced no evidence that would in any way

undermine the plausible impression that Maine consumers (like imbibers everywhere) view trips to a winery as a distinct experience incommensurate with – and, therefore, unlikely to be replaced by – a trip to either a mailbox or a retail liquor store. See Jelovsek, 482 F. Supp. 2d at 1021 (observing that "it seems the market for on-site wine purchases, requiring the effort (or pleasure) of a trip to the winery, is different in kind and reach from the convenience-oriented market that would be created and facilitated by a law allowing direct-shipping").⁶ Nor have they offered evidence to impeach the suggestion, made in one of the cases on which they rely, that bottles of wine are unique and, thus, unlikely to be perceived by consumers as interchangeable. See Hudgins, 488 F. Supp. 2d at 617; see also Gen. Motors Corp. v. Tracy, 519 U.S. 278, 299 (1997) (observing that "difference[s] in products may mean that the different entities serve different markets, and would continue to do so even if the supposedly discriminatory burden were removed").

The plaintiffs' principal effort to fill this void involves a report prepared by the Federal Trade Commission (FTC). Drawing on this report, they argue that the ban on direct shipping raises the cost of out-of-state wines and prices some wines out of

⁶The plaintiffs question the discussion in Jelovsek, presently pending on appeal before the Sixth Circuit, on the ground that the case was decided on the pleadings. Whatever the situation in Jelovsek, the plaintiffs here had ample opportunity to flesh out the record, yet they still have not been able to furnish probative evidence of discriminatory effect.

the Maine market altogether. FTC, Possible Anticompetitive Barriers to E-Commerce: Wine (July 2003) [FTC Report], available at <http://www.ftc.gov/os/2003/07/winereport2.pdf> (last visited Sept. 20, 2007). But nothing in the FTC Report establishes that the farm winery exception disproportionately burdens interstate commerce.

The plaintiffs also repeatedly cite Associated Indus. of Mo. v. Lohman, 511 U.S. 641 (1994), for the proposition that discrimination should be measured in dollars and cents, such as in lost sales. See id. at 654. Even if that is so, however, the plaintiffs have not shown a single penny of losses attributable to the allegedly discriminatory farm winery exception. They invite us to infer the existence of such losses but prudence requires that we decline that invitation. In our judgment, the mere fact that a statutory regime has a discriminatory potential is not enough to trigger strict scrutiny under the dormant commerce clause. See id. (noting that the Justices "have never deemed a hypothetical possibility of favoritism to constitute discrimination that transgresses constitutional commands"). There must be substantial evidence of an actual discriminatory effect, and such evidence is utterly absent here.⁷ Given Maine's large land mass and the

⁷Cherry Hill's complaint that it will be forced to establish off-site locations geographically closer to Maine consumers in order to attract Maine business appears in some sense to be a complaint about the effects of geography. Distance is not congruent with state lines, and the effects of geography alone do not constitute impermissible discrimination. An effect is not discriminatory, in violation of the dormant commerce clause, if it

concentration of its population in the southern end of the state, see Grant's Dairy - Me., LLC v. Comm'r of Me. Dep't of Agric., Food & Rural Res., 232 F.3d 8, 21 (1st Cir. 2000), it cannot plausibly be said that the farm winery exception redounds to the exclusive benefit of Maine vineyards. Rather, whatever minimal benefits might be inferred from the structure of the scheme itself seem largely to be dispersed on the basis of geography.

In short, there is simply no evidence that out-of-state wineries suffer any disproportionate loss of business on account of Maine's direct-shipping ban. The plaintiffs have made no showing that any discrimination vis-à-vis access to the Maine market actually results from the farm winery exception itself. While the FTC Report and the plaintiffs' other evidentiary proffers suggest that a direct-shipping ban harms out-of-state producers, the plaintiffs acknowledge that the "constricted availability of wine is due in large part to the three-tier system itself." Appellants' Br. at 10. Because the three-tiered system has not been challenged here, this acknowledgment undercuts any inference that the allegedly

results from natural conditions. See Doran v. Mass. Turnpike Auth., 348 F.3d 315, 319 (1st Cir. 2003); Grant's Dairy - Me., LLC v. Comm'r of Me. Dep't of Agric., Food & Rural Res., 232 F.3d 8, 21 (1st Cir. 2000); see also Baude, Civ. No. 05-0735, at *27-28.

discriminatory farm winery exception is responsible for the perceived harm.⁸

The plaintiffs' response to this lack of evidence is an assertion that even if "the impact is small because direct sales do not constitute a significant market and . . . in-state wineries do not do much walk-in business," the regime is nonetheless unconstitutional because the dormant commerce clause contains no de minimis exception. Appellants' Reply Br. at 8. But the case upon which they rely for this proposition, Camps Newfound/Owatonna v. Town of Harrison, 520 U.S. 564 (1967), concerned a statute that was discriminatory on its face. See id. at 581. It strikes us as implausible that the same de minimis standard would apply when evaluating whether a facially neutral statute has a discriminatory effect on interstate commerce. See Brown & Williamson Tobacco, 320 F.3d at 216 (finding a "de minimis advantage to in-state [companies] . . . insufficient to establish a discriminatory effect"); cf. New Energy, 486 U.S. at 276 (commenting that "where discrimination is patent . . . neither a widespread advantage to in-state interests

⁸To be sure, Granholm may reflect a retrenchment of the broad state power over the distribution and sale of alcoholic beverages that characterized earlier Supreme Court jurisprudence. But it does not appear, on the basis of Granholm alone, that a challenge can successfully be mounted to the three-tiered system. See Granholm, 544 U.S. at 466 (reaffirming that "States can mandate a three-tier distribution scheme in the exercise of their authority under the Twenty-first Amendment"); id. at 493 ("If a State chooses to allow direct shipment of wine, it must do so on evenhanded terms."); see also U.S. Const. amend. XXI. Any further step away from such a scheme is for the Supreme Court to take.

nor a widespread disadvantage to out-of-state competitors need be shown") (emphasis supplied).

The de minimis standard, when used in cases involving facially discriminatory laws, speaks to the degree of discrimination. It cannot sensibly be used to answer the different question of whether discriminatory effect exists. In other words, it is only once the fact of discrimination has been proved that the de minimis standard comes into play. It follows that the plaintiffs cannot succeed in this case merely by invoking the de minimis standard and ignoring their burden to proffer substantial evidence of discrimination.

This result appeals to common sense. Were we to require no showing beyond the de minimis level, no distinction would exist between the discriminatory effect test and the incidental burden test employed by the Supreme Court in Pike, 397 U.S. at 142. While the Court has recognized that "there is no clear line separating the category of state regulation that is virtually per se invalid under the Commerce Clause, and the category subject to the Pike v. Bruce Church balancing approach," Brown-Forman Distillers Corp. v. N.Y. State Liquor Auth., 476 U.S. 573, 579 (1986), it has nonetheless continued to maintain that distinction. We do not propose to abolish it today.

In a last-ditch effort to put the genie back in the bottle, the plaintiffs essay a naked appeal to the logic of the

argument that some discriminatory effects must result from a regime that allows consumers to go to in-state wineries and buy as much wine as they want but precludes them from ordering wine directly from out-of-state wineries. Conjecture, however, cannot take the place of proof.⁹

III. CONCLUSION

We need go no further. The short of the matter is that the plaintiffs have not carried their burden of showing that the challenged regulation is discriminatory in effect. In the absence of such a showing, the plaintiffs' constitutional challenge fails.

Affirmed.

⁹In any event, this sortie smacks of an attack on the import limitation – and the plaintiffs have foresworn any direct attack on that limitation. See supra note 2. They cannot have their cake and eat it too.

K. Any other information specifically requested by the committee of jurisdiction:

At the time this report was due there were no requests for other information by this committee.

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program:

The 21st Amendment prohibits the transportation or importation of alcohol into any state in violation of that state's laws. U.S. Const. amend. XXI, § 2.

Although states regulate the sale of alcohol within their borders, The Alcohol and Tobacco Tax and Trade Bureau (TTB) within the U.S. Department of the Treasury administers and enforces the following provisions of federal law related to alcohol beverages.

- 1) The Federal Alcohol Administration Act, 27 USC §201 et seq. The FAA regulates the interstate activity of alcohol beverage producers, importers and wholesalers through issuance of federal "basic permits".
- 2) The Internal Revenue Code of 1986, 27 USC Chapter 51. The Code requires collection of federal excise taxes on alcohol beverages.
- 3) The Alcohol Beverage Labeling Act 27 USC §213 et seq. and see also § 205. This Act regulates the content of labels and requires that labels be registered.

See web address at www.ttb.gov.

The State of Maine regulates the sale of alcoholic beverages under the provisions of Title 28-A that, among other things, provides for collection of taxes and tracking of product within the state.

In particular the State of Maine, through the Department of Public Safety, regulates the sale of beer, wine, and low alcohol spirits in the private sector through the so-called "three tier system" whereby producers (or their importers), wholesalers, and retailers may not be financially involved one with the other. (28-A M.R.S.A. §706) Each "tier" is licensed separately by the Department. Producers (or their importers) doing business in Maine must hold a "basic permit" issued by the federal government and have registered, with the federal government and the Department, those labels intended for sale within the state. Holders of state licenses who do not comply with state liquor laws, including but not limited to, collection of state taxes and prohibition of sale to minors, are subject to a fine, or suspension or revocation of the privileges associated with that license and, where relevant, risk suspension or revocation of their "basic permit".

Unlike beer, wine, and low alcohol spirits, the State of Maine operates a monopoly over the sale of distilled spirits. The state controls procurement, distribution and retail sale of all distilled spirits within the state. The State procures product only from those producers (or their importers) that hold a federal "basic permit" and have registered their labels with the federal government. The Liquor and Lottery Commission, within the Department of Administrative and Financial Services, determines what distilled spirits products will be listed for retail sale within the state and sets the retail price for those products quarterly. The Department of Administrative and Financial Services (DAFS) has executed a ten year contract with Maine Beverage Company to procure and warehouse those products listed by the Commission and to distribute the products to licensed "agency stores" for retail sale. Agency stores are licensed by the Department of Public Safety.

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement:

There are no set policies in Liquor Licensing for the collection and management of personal information. However, the Department of Public Safety does have a confidentiality policy that employees must read and abide by. Part of confidentiality is to maintain the rights of privacy for our constituents that we serve on a daily basis. A copy of this policy has been provided for your review.

The liquor licensing division does not have any information of a personal nature on their website. What you will find is information that anyone might find in a phonebook or newspaper advertisement. One will find licensee business addresses, business names and the name of the licensee. There would not be any personal home addresses, social security numbers, and dates of birth or anything that would allow someone to steal another's identity so the internet aspect of this request is safe and secure. If you go to <http://www.maine.gov/dps/liqr/index.html> it will bring up the liquor licensing home page. From there you can navigate around and see what information is on the site.

Information that is collected in person through our application process is secured in filing cabinets in the liquor licensing division. We are mandated by the Legislature to collect information from applicants for applications. We get any information we need when a constituent fills out the appropriate applications that they have requested. There are applications that do have some personal information. With that said no information is ever released from liquor licensing unless we receive a request. We would then be compelled to release this information because of the Freedom of Information Act.

With all of this said the Maine State Police abides by the terms of the Maine Freedom of Access Act with respect to the collection, management, use, and dissemination of information and records in the custody of our agency. To the extent, then, that the fair information practice principles of notice, choice, access, integrity, and enforcement are contemplated by and reflected in that Act, our agency adheres to those principles.

The Commissioner of Public Safety recently issued a directive to all departments instructing employees to shred all sensitive information. An example of sensitive information would be any materials containing names, dates of birth, social security numbers, addresses and license numbers for constituents. Any information that would be considered important or susceptible to identity theft will be shredded. The department has secured containers for the disposal of these documents and hires a company that comes directly to the building and shreds materials on site.

The portal for the State of Maine strives to meet the fair information practice principles of notice, access, integrity and enforcement as follows:

Notice

The State Internet portal, Maine.gov, has its privacy policy publicly posted at <http://www.maine.gov/portal/policies/privacy.html>. This page is directly linked from the Department of Public Safety home page. This policy describes what data is collected, how it is collected, how it is used etc ...

Choice

The posted privacy policy informs the user that the disclosure of personally identifying information is strictly voluntary though the user will be unable to complete some online transactions should they choose not to provide certain relevant information.

Access

In the event that corrections to information are identified by the user those corrections are communicated to the portal provider via email, (online) live-help and telephone. The portal provider is obligated by law (1MSRA §536) to collect those corrections and communicate them to the State agencies responsible for the data in question.

Integrity

State agencies are required by law (1MSRA §536) to take reasonable steps ensure that information is accurate, complete and current as well as to update databases after verification of user identified corrections.

Enforcement

The integrity of data in the custody of state agencies is statutorily guaranteed as is its correction as dictated as described above.

STATE OF MAINE
Department of Public Safety

Policy Statement on Confidentiality

As employees of the Maine Department of Public Safety, we are vested by the people of the State of Maine with a trust and responsibility that requires the highest ethical standards. Employees of this Department must continually maintain the respect and confidence of the public. The following standards must be observed at all times. Failure to adhere to these standards may result in discipline up to and including discharge.

1. Except as necessary in the normal course of business, employees shall not divulge employer, customer, or co-worker information obtained in the performance of their official duties to any person within the Department, or outside of the Department, unless authorized to do so by a Department manager.
2. Employees shall not obtain information through department telephones, computer terminals, departmental documents, or other official means for any purpose other than official Department business. Any information obtained through authorized access to federal, state, or Department documents cannot be duplicated, altered, used or disclosed without proper authorization from a Department manager.
3. Except as necessary in the normal course of business, employees shall not remove documents, property or equipment from the workplace under any circumstances, unless authorized to do so by a Department manager.
4. Employees shall not take part in any activity of the Department that involves relatives or friends to the extent feasible. Relatives would include spouse, child, parent, grandparent, sister, brother, aunt, uncle, niece, nephew, first cousin, in-law and step-relative related to the employee by blood, marriage or adoption.
5. Employees shall not disclose computer security codes, voice mail codes, safe combinations, or entry combinations/passwords to the public, friends, relatives or co-workers.
6. Employees shall not trace, attempt to duplicate, or otherwise forge a client's, employer's, customer's, vendor's, or co-worker's signature on any document.

Employee's Name _____

Work Location _____

I certify that I have read and fully understand the standards set forth in the Department of Public Safety Policy Statement on Confidentiality.. I further understand that violation of these standards may result in discipline up to and including discharge.

Employee Signature

Date

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication.

Attached are all the reports, applications and similar paperwork utilized by the Liquor Licensing unit. The five other sub requests that went with this portion for each report is also attached.

**Providing
Alcohol to Minors
(Under 21) is ILLEGAL**

***Fines are up to \$2000
and/or up to one year
in jail and you may
be charged with a
felony if death or
injury results.***

It's not your call - It's the LAW!

Supported By:

Maine Office of Substance Abuse (DHHS), Department of Public Safety
and U.S. OJJDP. For more information on underage drinking
prevention, call the Office of Substance Abuse

Information & Resource Center

1-800-499-0027

www.maineosa.org

NOTICE

**The legal age to
purchase
alcoholic beverage is**

21

Picture ID required

**THE DEPARTMENT OF PUBLIC SAFETY
LIQUOR LICENSING UNIT**

Applications for Liquor Licensing

ON PREMISE LICENSEES:

1. On Premise Liquor License Application

1. Chapter 27 ss 651
2. [1997, c. 373, §60 (amd).]
3. Annually
4. 3000
5. Form downloadable from web

2. Application for Auxiliary License

1. Chapter 43 ss 1075
2. [1995, c. 195, §2 (amd).]
3. As Needed
4. 1,000
5. Applications available through office

3. Supplementary Questionnaire for Corporate Applicants

1. Chapter 27 ss 651.2 C (3)
2. [1987, c. 45, Pt. A, §4 (new).] [1997, c. 373, §61 (amd).]
3. All Corporate Licensee Applicants
4. 3000
5. Form downloadable from web

4. Supplementary Questionnaire for Auxiliary Mobile Golf Cart License

1. Chapter 43 ss 1075-A
2. [2003, c. 579, §4 (new).] [2003, c. 579, §4 (new).]
3. As Needed
4. 15
5. Applications Available From Office

5. Supplementary Questionnaire for Club Applicants

1. Chapter 27 ss 651.2 C (3)
2. [1987, c. 45, Pt. A, §4 (new).] [1997, c. 373, §61 (amd).]
3. All Club licensee Applications
4. 300
5. Form Downloadable from web

6. Application for Special Permit for Catering Privileges Off Premise

- 1. Chapter 43 ss 1052**
- 2. [1999, c. 236, §3 (amd).]**
- 3. As Needed**
- 4. 1,000**
- 5. Application downloadable from web**

7. Application for License for Incorporated Civic Organizations

- 1. Chapter 43 ss 1071**
- 2. [1997, c. 373, §96 (amd).]**
- 3. As Needed**
- 4. 150**
- 5. Application downloadable from web**

8. Bottle Club Registration Application

- 1. Chapter 7 ss 161**
- 2. [2003, c. 452, Pt. P, §1 (amd); Pt. X, §2 (aff).]**
- 3. Annually**
- 4. 32**
- 5. Applications available from Office**

9. Public Service Application

- 1. Chapter 27 ss 652**
- 2. [1997, c. 373, §62 (amd).]**
- 3. Annually**
- 4. 25**
- 5. Applications downloadable from web**

10. Municipal Approval for Vessels

- 1. Chapter 43 ss 1077**
- 2. [1997, c. 373, §102 (amd).]**
- 3. When Required**
- 4. 5**
- 5. Form downloadable from web**

11. Application for a BYOB Function

- 1. Chapter 7 ss 163.2**
- 2. [1997, c. 373, §36 (amd).]**
- 3. As needed**
- 4. 200**
- 5. Application can be downloaded from web**

12. On / Off Premise Transfer Application.

- 1. Chapter 21 ss 605.1**
- 2. [1997, c. 373, §55 (amd).]**
- 3. As Needed**
- 4. 50**
- 5. Application available from Office**

OFF PREMISE LICENSEES:

13. Off Premise Liquor License Application

- 1. Chapter 27 ss 651**
- 2. [1997, c. 373, §60 (amd).]**
- 3. Annually**
- 4. 3,800**
- 5. Form downloadable from web**

14. Supplementary Questionnaire for Corporate Applicants

- 1. Chapter 27 ss 651.2 C (3)**
- 2. [1987, c. 45, Pt. A, §4 (new).] [1997, c. 373, §61 (amd).]**
- 3. All Corporate Licensee Applicants**
- 4. 3000**
- 5. Form downloadable from web**

15. Off Premise Transfer Application

- 1. Chapter 21 ss 605.1**
- 2. [1997, c. 373, §55 (amd).]**
- 3. As Needed**
- 4. 50**
- 5. Application available from Office**

16. Off Premise Retailer Disclosure of Lessee on the Premise

- 1. R&R Chapter 3.6**
- 2.**
- 3. As Needed**
- 4. 250**
- 5. Form can be downloaded from web**

17. New Agency Store Application

- 1.**
- 2.**
- 3.**
- 4.**
- 5.**

18. Agency Liquor Store Renewal Application

- 1. Chapter 19 ss 458**
- 2. [1997, c. 373, §50 (amd).]**
- 3. Annually**
- 4. 340**
- 5. Form downloadable from web**

MISC:

19. Licensed Maine Wholesalers Request for Beer & Wine Tasting

- 1. Chapter 55 ss 1402**
- 2. [1997, c. 373, §124 (amd).]**
- 3. As needed**
- 4. 200**
- 5. Form can be downloaded from web**

20. Application for Liquor Salesman

- 1. Chapter 59 ss 1502**
- 2. [1997, c. 373, §135 (amd).]**
- 3. Annual**
- 4. 300**
- 5. Form can be downloaded from web**

21. Permit to Import / Purchase Wine for Sacramental Purposes or Religious Rites

- 1. Chapter 83 ss 2075.3C**
- 2. [1987, c. 45, Pt. A, §4 (new) [1993, c. 730, §47 (amd)]**
- 3. As needed**
- 4. 10**
- 5. Issued from Office Only**

22. Application for Basic Permit to Purchase, Import and Transport Alcohol

- 1. Chapter 83 ss 2073.3**
- 2. [1997, c. 373, §154 (amd).]**
- 3. As needed**
- 4. 50**
- 5. Application available from office**

23. Application Return Form

- 1. For Administrative Use**
- 2.**
- 3. As Needed**
- 4. 800**
- 5. For Office Use Only**

24. Local Option Information Packet

- 1. For Administrative Use**
- 2.**
- 3. As needed**
- 4. 50**
- 5. Information available on web or by Office**

25. Affidavit

- 1. Chapter 29 ss703-A.2**
- 2. [1997, c. 373, §66 (amd).]**
- 3. For All Licensees Employees**
- 4. 6000**
- 5. Form downloadable from web**

26. Warning Notice

- 1. For Administrative Use**
- 2.**
- 3. As Needed For Administrative Use**
- 4. 3000**
- 5. By Office Staff Only**

**Department of Public Safety
Liquor Licensing & Inspection
Division**



<u>BUREAU USE ONLY</u>
License No. Assigned: _____
Class: _____
Deposit Date: _____
Amt. Deposited: _____

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. Business Name (D/B/A)
DOB: _____	
DOB: _____	
DOB: _____	Location (Street Address)
Address	City/Town State Zip Code
	Mailing Address
City/Town State Zip Code	City/Town State Zip Code
Telephone Number Fax Number	Business Telephone Number Fax Number
Federal I.D. #	Seller Certificate #

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES NO

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: _____

10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
 Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES NO Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? _____ Which of the above is nearest? _____

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.

A large, empty rectangular box with a thin black border, intended for the applicant to draw and label their on-premise diagram.

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-8745 Fax: (207) 624-8767



SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Exact Club Name: _____

2. Title, name, birth date and telephone number of each principal officer of the club:

Title	Name	Birth Date	Telephone

3. Date Club was incorporated: _____

4. Purpose of Club: () Social () Recreational () Patriotic () Fraternal

5. Date regular meetings are held: _____

6. Date of election of Club Officers: _____

7. Date elected officers are installed: _____

8. Total Membership: _____ Annual Dues: _____ Payable When: _____

9. Does the Club cater to the public or to groups of non-members on the premises? Yes No

10. Excluding salaries, will any person, other than the Club, receive any of the financial profits from the sales of liquors? Yes No

11. If a manager or steward is employed, complete the following:

Name: _____ Date of Birth: _____

Signature & Title of Club Officer

Date

Print Name & Title of Club Officer

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



APPLICATION FOR AUXILIARY LICENSE - \$100.00
Check Payable: Treasurer State of Maine

The undersigned hereby applies for an auxiliary license and certifies that the applicant is the holder of a spirituous, vinous and malt restaurant, hotel license or club license located at a ski area / golf course.

1. Full Name of Applicant: _____
(PLEASE PRINT) Last First Middle Initial
Date of Birth: _____ Telephone No. _____ Fax: _____
Address: _____
Mailing Address City/Town State Zip Code

2. Describe auxiliary premise and the location at the ski/golf area: _____

3. Do you have all necessary permits from the Department of Human Services for your auxiliary premise?
Yes No

4. What is the distance from the premise to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premise to the main entrance of the school, school dormitory, church chapel or parish house by the ordinary course of travel? _____

Which of the above is nearest? _____

NOTE: *The above application must be signed by the individual(s) or a duly authorized officer of the corporation executing the application and approved by the Municipal Officers/County Commissioner and filed with the Liquor Licensing & Inspection Division.*

Dated at: _____ on _____, 20____
City/Town State Date

Signature of Individual(s), or Duly Authorized Officer of Corporation, or If Partnership by Members of Partnership

Print Name

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town

On: _____
Date

The undersigned being: ☐ Municipal Offices ☐ County Commissioners of the

☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____,
Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Signature	Print Name

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: _____
Business D/B/A Name: _____
2. Date of Incorporation: _____
3. State in which you are incorporated: _____
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title

6. What is the amount of authorized stock? _____ Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? Yes No
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes No
9. If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ City/Town _____ On: _____ Date _____

Signature of Duly Authorized Officer

Print Name of Duly Authorized Officer

Date

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-8745 Fax: (207) 624-8767



**SUPPLEMENTARY QUESTIONNAIRE FOR
 Auxiliary Mobile Golf Cart License**

1. Exact Name Of Golf Course: _____

2. Name, date of birth, and telephone number of each person authorized to operate and sell from mobile golf cart.

(All operators of the mobile service bar must be 21 years of age and have successfully completed alcohol server education)

NAME	DATE OF BIRTH	TELEPHONE	T.I.P.S. I.D. NUMBER

3. Are all operators of the mobile service bar employees of the golf course? _____

4. Does the operator of the mobile service bar have means to make immediate contact with an employee at the licensed on-premise location at the course? YES NO

Describe _____

5. How many additional security employees will be on the course to ensure adherence to the laws and rules applying to the selling, serving and consumption of alcohol? _____

6. Do you have signs on cart stating legal age for service and consumption? _____

7. Are signs posted stating that patrons may not bring alcoholic beverages on to the golf course or licensed premise? YES NO How Many? _____

Location(s) _____

If a manager or steward is employed, complete the following:

Name: _____

Date of Birth: _____

Signature of Officer or Owner

Date

Print Name & Title of Officer or Owner

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Exact Club Name: _____

2. Title, name, birth date and telephone number of each principal officer of the club:

Title	Name	Birth Date	Telephone

3. Date Club was incorporated: _____

4. Purpose of Club: () Social () Recreational () Patriotic () Fraternal

5. Date regular meetings are held: _____

6. Date of election of Club Officers: _____

7. Date elected officers are installed: _____

8. Total Membership: _____ Annual Dues: _____ Payable When: _____

9. Does the Club cater to the public or to groups of non-members on the premises? Yes No

10. Excluding salaries, will any person, other than the Club, receive any of the financial profits from the sales of liquors? Yes No

11. If a manager or steward is employed, complete the following:

Name: _____ Date of Birth: _____

Signature & Title of Club Officer

Date

Print Name & Title of Club Officer

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division

164 State House Station
Augusta ME 04333-0164

Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR SPECIAL PERMIT FOR CATERING PRIVILEGES
OFF PREMISES \$10.00 (per day)
Check Payable: Treasurer State of Maine**

License No.: _____ Name of Licensee: _____

Mailing Address: _____

Town/ City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Title and Purpose of Event: _____

Location of Event: _____

Physical Address: _____

Town/City: _____ State: _____ Zip Code: _____

Indoor Event Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)

Describe specific indoor and/or outdoor area to be licensed: _____

Date of Event: _____ Time – From: _____ To: _____

Number of Persons Attending: _____

Name of Sponsor: _____

Address: _____ Town/City: _____

State: _____ Zip Code: _____ Telephone Number: _____

Signature of Licensee or Corporate Officer

Date

Print Name of Licensee or Corporate Officer

FOR USE ONLY BY DEPT. OF PUBLIC SAFETY – LIQUOR LICENSING

RESTRICTIONS:

[] **APPROVED – PERMIT** # _____ **DATED:** _____

[] **NOT APPROVED** **ISSUED BY:** _____

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR LICENSE FOR
INCORPORATED CIVIC ORGANIZATION**
\$50.00 Fee / \$10.00 Filing Fee
Check Payable: Treasurer State of Maine

1. (a) Full Name of Applicant: _____
(Corporate Name)
- (b) Corporate Address: _____
Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: _____
- (d) Address: _____
Street Address Town/City State Zip Code
- (e) Telephone Number: _____ Fax: _____

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. (a) Title and Purpose of Event: _____

- (b) Date of Event: _____ Time -- From: _____ AM/PM To: _____ AM/PM
- (c) Inside Outside Event (If **Outside**, attach diagram of area)
- (d) Location of Event: _____
- (e) Number of Persons Attending: _____
- (f) Name and Address of Sponsor: _____
Address: _____ Town/City: _____ State: _____
- (g) Name and Address of Caterer: _____
Address: _____ Town/City: _____ State: _____
(If other than licensee): _____
(If food is to be served): _____
- (h) Type of building to be occupied: _____

(i) Area to be licensed: _____

Dated at: _____ on _____, 20____
Town/City, State Month/Day

NOTE:

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Liquor Licensing & Inspection Division.

NAME OF CORPORATION

BY: _____
CORPORATE OFFICER'S SIGNATURE - TITLE

PRINTED NAME & TITLE

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: ف Municipal Offices ف County Commissioners of the
 ف City ف Town ف Plantation ف Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

Signature	Print

***72 Hours in Advance of Said Event or Gathering
REQUESTED***

N.B. If said event or gathering is located in an unincorporated place, the application must be approved by the County Commissioners of the County wherein the event or gathering is to take place and the above approval form may be changed in accordance with the fact.

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-8745 Fax: (207) 624-8767



BUREAU USE ONLY

Registration No. Assigned:

Deposit Date:

Amt. Deposited:

BOTTLE CLUB REGISTRATION APPLICATION
\$50.00 – Check Payable: Treasurer State of Maine

PRESENT LICENSE EXPIRES _____

ALL QUESTIONS MUST BE ANSWERED IN FULL
Please Print Clearly

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
DOB:			
DOB:			
DOB:		Location (Street Address)	
Address	City/Town	State	Zip Code
		Mailing Address	
City/Town	State	Zip Code	City/Town
			State
			Zip Code
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. #		Seller Certificate #	

3. Is applicant(s) a corporation? Yes No If Yes, complete Supplementary Corporate Questionnaire.

4. Is applicant(s) a non-profit club? Yes No If Yes, complete Supplementary Club Questionnaire.

5. Does applicant(s) own the premises? Yes No If No, give name and address of owner.

Name: _____

Address: _____ Town/City: _____

State: _____ Zip Code: _____

6. What are the regular days and hours your establishment is operated as a Bottle Club?

Days: Sun Mon Tue Wed Thurs Fri Sat Hours: _____

7. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married:

Name in Full (<i>Print Clearly</i>)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Use a separate sheet of paper if necessary.

8. Has applicant(s) or manager(s) ever been convicted of any violation of the law, other than minor traffic violations of any State of the United States? Yes No

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

9. Has any other person any interest, directly or indirectly, in your business? Yes No

10. Has applicant(s) formerly held a Maine liquor license? Yes No

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2000.00 or by both."

Dated at: _____ on _____, 20____
City/Town Date Year

Signature(s) of Applicant(s) or Corporate Officer(s)

Print Name of Applicant(s) or Corporate Officer(s)

STATE OF MAINE

Dated at: _____, Maine _____ ss On: _____
City/Town (County) Date

The undersigned being: Municipal Offices County Commissioners of the

City Town Plantation Unincorporated Place of: _____, Maine

Hereby approve said application in accordance with provisions of Section 161A of Title 28A, MRS as amended.

Signature

Print

**Department of Public Safety
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY

License No. Assigned:

Deposit Date:

Amount Deposited:

CK/MO/CASH:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

- ف Public Service, Class I Spirituous, Vinous & Malt\$900.00
- ف Public Service, Class II Spirituous Only\$550.00
- ف Public Service, Class III Vinous Only\$220.00
- ف Public Service, Class IV Malt Liquor Only\$220.00
- ف Filing Fee (must accompany all applications).....\$10.00

ALL QUESTIONS MUST BE ANSWERED IN FULL

The undersigned hereby applies for a license as _____ to sell alcoholic beverages.
Steamboat, Railroad Dining Cars, Pullman Cars or Aircraft

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. Business Name (D/B/A)		
DOB:			
DOB:			
DOB:	Location (Street Address)		
Address	City/Town	State	Zip Code
	Mailing Address		
City/Town	State	Zip Code	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. #	Seller Certificate #		

- 3. Has applicant ever held a liquor license, which was revoked? ƒ Yes ƒ No
If Yes, give date and record _____
- 4. Has applicant ever been refused a license by this Division? ƒ Yes ƒ No
- Is applicant a Corporation, Limited Liability Co. or Limited Partnership? ƒ Yes ƒ No
If Yes, complete Supplementary Corporate Questionnaire.
- 6. If business is New indicate opening date: _____

7. Dining Car(s) or Steamboat(s) or Pullman(s) or Aircraft(s)

Dated at _____ on _____ 20____
Town/City State Month/Day Year

Signature(s) of Applicant(s) or Corporate Officer

Printed Name of Applicant(s) or Corporate Officer

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-8745 Fax: (207) 624-8767



MUNICIPAL APPROVAL – VESSELS

The undersigned hereby applies for permission to sell and dispense alcoholic beverages aboard the vessel:

_____ Name of Vessel
 In port or docked in the port of: _____
 _____ City/Town _____ State
 pursuant to 28A MRSA, Section 1077.
 Dated at: _____ on _____, 20____
 _____ City/Town _____ Date
 License Number: _____

_____ Name of Company
 By: _____
 _____ Signature
 _____ Printed Name
 _____ Title of Signing Officer

STATE OF MAINE

Dated at: _____, Maine _____ ss
 _____ City/Town
 On: _____
 _____ Date

The undersigned being: Municipal Officers County Commissioners _____ of the
 City Town Plantation Unincorporated Place of: _____
 Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, MRSA

NOTE: A separate approval must be obtained for **each** municipality in which you desire to sell and dispense alcoholic beverages. All applications approved by municipal officers must be submitted to the Liquor Licensing & Inspection Division before alcoholic beverages may be dispensed in any port.

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



APPLICATION FOR B.Y.O.B. FUNCTION

\$10.00 (Per Day)

Check Payable: Treasurer State of Maine

Name of Applicant _____

Address _____ Town/City: _____ State: _____

Telephone (Day) _____ Fax: _____

If Organization, name of person responsible: _____

Birth of Date of Applicant(s): _____

Location of Function: _____

Address: _____ City/Town: _____

Describe specific area to be licensed: _____

Date of Function: _____ Time – From: _____ To: _____

Number of Persons attending: _____

Signature of Person Responsible _____ Date _____

Print Name of Person Responsible

**FOR USE ONLY BY DEPT. OF PUBLIC SAFETY – LIQUOR LICENSING
RESTRICTIONS:**

[] **APPROVED – PERMIT #** _____ **DATED:** _____

[] **NOT APPROVED** **ISSUED BY:** _____

This permit is not assignable and is valid for use only by the applicant named heron for the date, time, and location indicated heron. This permit is issued subject to the Laws, Rules and Regulations of the Division and is issued subject to the penalties as provided for in Title 28A, Chapter 33.

NOTE:

MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

This application must be approved by the Municipal Officers of the municipality in which the function is to be held or, if held in an unincorporated place, by the County Commissioner. Title 28A, Section 1076, Subsection 7D grant authority for this approval without public notice.

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: Municipal Offices County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

Signature	Print

***72 Hours in Advance of Said Event or Gathering
 REQUESTED***

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



ON PREMISE TRANSFER APPLICATION

The undersigned, who is the holder of an On Premise Liquor License under the provisions of Section 605, Title 28A MRSA hereby respectfully requests that said license be transferred from his present location,

Street Address

TO:

Street Address

Both premises being within the same municipality of:

City/Town

Has the premises for which the transfer is requested been licensed by the Department of Human Services?
Yes No

How many feet to the nearest school, school dormitory, church, chapel, or parish house? _____
Which of the above is nearest? _____

Permanent License #: _____ Expiration Date: _____

Name of Business: _____

Contact Person: _____

Telephone Number: _____ Fax Number: _____

Requested Transfer Date: _____

Dated at: _____ on _____, 20____
City/Town, State Date

Signature of Individual(s), or Duly Authorized Officer of Corporation, or
If Partnership by Members of Partnership.

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the

City Town Plantation Unincorporated Place of: _____, Maine

**Department of Public Safety
Liquor Licensing &
Inspection Division**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES _____

- Off-Premise Retailer – Malt Liquor \$200.00
- Off-Premise Retailer – Table Wine \$200.00
- Filing Fee \$ 10.00

NOTE: If the place of business is located in an unincorporated place, the application must be approved by the County Commissioners. All such applications shall be accompanied by receipt of payment of the \$10.00 filing fee to the County Treasurer.

Check Payable: Treasurer State of Maine

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:					
DOB:					
DOB:			Location (Street Address)		
Address			City/Town	State	Zip Code
			Mailing Address		
City/Town	State	Zip Code	City/Town	State	Zip Code
Telephone Number		Fax Number	Business Telephone Number		Fax Number
Federal I.D. #			Seller Certificate #		

3. List of Wholesale Value and Types of Merchandise in inventory: **(Must be answered)**

Edible Foods \$ _____ Tobacco Products \$ _____ Paper Goods \$ _____
Greeting Cards, Magazines, Newspapers \$ _____ Total of all other merchandise in inventory \$ _____

4. Is applicant a Corporation, Limited Liability Co. or Limited Partnership: Yes No (If Yes complete Supplementary Questionnaire)

5. If manager is to be employed, give name: _____

6. If business is NEW indicate opening date: _____ Business Hours: _____

7. Is/Are applicant(s) citizens of the United States? Yes No

8. Is/Are applicant(s) residents of the State of Maine? Yes No

164 State House Station
Augusta ME 04333-0164

OffPremRetailApp / 2003

Tel: (207) 624-7220

Fax: (207) 287-3424

9. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married:

Name in Full (Print Clearly)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Use a separate sheet of paper if necessary.

10. Has applicant(s) or manager(s) ever been convicted of any violation of the law, other than minor traffic violations of any

State of the United States? Yes No

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

11. Will any law enforcement official benefit financially either directly or indirectly in our license, if issued?

Yes No If Yes, give name: _____

12. Has applicant(s) formerly held a Maine liquor license? Yes No

13. Do applicant(s) own the premises? Yes No If No, give name and address of owner: _____

14. Describe in detail where liquor will be stored: (Supplemental On/Off Premise Diagram Required) _____

15. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? Yes No If Yes, give details: _____

16. Does any other person have any interest directly or indirectly in your business? Yes No If Yes, give details: _____

PAYMENTS TO THE DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING & INSPECTION DIVISION BY CHECK SUBJECT TO PENALTY PROVIDED BY SECTION 3 OF TITLE 28A, MAINE REVISED STATUTES

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$500.00 or by both."

Dated at: _____ on _____, 20____

City/Town

Date

Year

Signature(s) of Applicant(s) or Corporate Officer(s)

Print Name of Applicant(s) or Corporate Officer(s)

164 State House Station
Augusta ME 04333-0164

OffPremRetailApp / 2003

Tel: (207) 624-7220

Fax: (207) 287-3424

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: _____
Business D/B/A Name: _____
2. Date of Incorporation: _____
3. State in which you are incorporated: _____
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title

6. What is the amount of authorized stock? _____ Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? Yes No
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes No
9. If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ City/Town _____ On: _____ Date _____

Signature of Duly Authorized Officer

Date

Print Name of Duly Authorized Officer

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



OFF PREMISE TRANSFER APPLICATION

The undersigned, who is the holder of an Off Premise Liquor License under the provisions of Section 605, Title 28A MRSA §1 hereby respectfully requests that said license be transferred from his present location,

_____ Street Address

TO:

_____ Street Address

Both premises being within the same municipality of:

_____ City/Town

Permanent License #: _____ Expiration Date: _____

Name of Business: _____

Contact Person: _____

Telephone Number: _____ Fax Number: _____

Requested Transfer Date: _____

Dated at: _____ on _____, 20____
City/Town Date

Signature of Individual(s), or Duly Authorized Officer of Corporation, or If Partnership by Members of Partnership.

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



Off Premise Retailer Disclosure of Lessee on the Premise

I, _____ d/b/a _____
(Name) (Premise Name)

in _____, Maine hereby advise that the Division of a lessee conducting
(Town/City)
business on my licensed premises and has not been disclosed as an applicant for this license:

Name of Lessee: _____ DBA _____

Type of Business: _____ Description of area leased: _____

Diagram of area must be provided on the back of this form.

It is agreed in accordance with Division rule 3.6 that the lessee will not possess or sell alcoholic beverages and will allow inspection by the Division of Liquor Licensing & Inspection.

Lessee-Signature: _____ Date: _____

Licensee-Signature: _____ Date: _____

RULE 3.6: Notwithstanding other provisions of law to the contrary, an applicant for off-premise retail sales need not disclose the identity of a sub-lessee occupying a portion of the licensed premises under the following circumstances:

- A. The sub-lessee is prohibited, both by Maine law and the applicant, from selling, possessing, transporting otherwise controlling alcoholic beverages on the licensed premises;
- B. The sub-lessee is required to allow Division inspection of it's premises at all reasonable times;
- C. The applicant discloses the existence of the sub-lease and identifies the sub-lessee, along with the portion of the licensed premises occupied by the sub-lessee, in its license application; and
- D. The applicant acknowledges that it is responsible for the actions of the sub-lessee, its employees and agents on the licensed premises in accordance with the applicant's obligations pursuant to the licensing requirements of Title 28-A and this chapter; and
- E. An applicant for license may use neither the inventory nor the assets of the sub-lessee in order to meet the licensing requirements of this chapter.

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

AGENCY LIQUOR STORE APPLICATION

**\$2000.00 Check Payable:
Treasurer State of Maine**

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

NOTE: If the place of business is located in an unincorporated place, the application must be approved by the County Commissioners. All such applications shall be accompanied by receipt of payment of the \$10.00 filing fee to the County Treasurer.

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:					
DOB:					
DOB:			Location (Street Address)		
Address			City/Town	State	Zip Code
			Mailing Address		
City/Town	State	Zip Code	City/Town	State	Zip Code
Telephone Number	Fax Number		Business Telephone Number		Fax Number
Federal I.D. #			Seller Certificate #		

- Is applicant a Corporation: Yes No If Yes, complete and attach Supplementary Questionnaire for Corporate.
- If a manager is to be employed, give name: _____
- Is/are applicant(s) citizens of the United States? Yes No
- Is/are applicant(s) residents of the State of Maine? Yes No
- List name, date of birth, place of birth for all applicants and managers, if any. Give maiden name, if married:

Name in Full (Print Clearly)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations in any State of the United States, within the past 5 years? Yes No
- Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____

9. Will any law enforcement official benefit financially either directly or indirectly in our license, if issued?
 Yes No If Yes, give name: _____
10. Has/have applicant(s) formerly held a Maine liquor license? YES NO
11. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____
12. Describe in detail the premises to be licensed: _____
13. Describe in detail the customer parking available: (paved; lighted; size) _____
14. What are your present hours of operation? From _____ AM/PM To _____ AM/PM Days _____
15. How many people are presently employed in your retail business? _____
16. How long has this premise been in operation as a retail store? _____
17. Describe in detail your liquor storage area, including total square footage. Applicant must specifically diagram and explain how spirits will be kept safely and separately from other items in the store to prevent theft and access by minors. Use separate sheet of paper if necessary. _____
18. Describe in detail your liquor selling area, including total square-footage and shelf space. Applicant must specifically diagram and explain how spirits will be kept safely and separately from other items in the store to prevent theft and access by minors. Also, explain / show how the selling area will be designated "closed" or inaccessible during the hours when spirits may not be sold. Use separate sheet of paper if necessary. _____
19. Describe in detail any security system(s) / measures now used in your store: _____
20. What is the distance from the premise to the **Nearest** school, school dormitory, church, chapel or parish house measured from the main entrance of the premise, to the main entrance of the above by the ordinary course of travel? (State law requires the measurement from the main entrance be more than 300 feet.)
 Which of the above is nearest? _____ What is the distance? _____
21. What is the name of and the distance to the nearest:
 a. State operated liquor store: _____
 b. Agency operated liquor store: _____
22. In general, what surrounding area does your retail store serve? _____
23. List the wholesale value and types of merchandise in inventory: (Use separate sheet of paper if necessary.)
 Beer: \$ _____ Wine: \$ _____ Edible Foods: \$ _____ Tobacco Products: \$ _____
 Paper Goods: \$ _____ Greeting Cards, Magazines, and Newspapers: \$ _____
 Total of all other merchandise in inventory: \$ _____
24. Annual retail sales: Beer: \$ _____ Wine: \$ _____
25. Have you received any assistance financially or otherwise, (including any mortgages), from any source other than yourself in the establishment of your business? Yes No If Yes, give details: _____

Dated at: _____ on _____ 20 _____
 City/Town, State Month/Day

Signature of Individual(s) or, Duly Authorized Officer of Corporation or, If Partnership, by Members of Partnership _____ Printed Name _____

NOTE:
 I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$500.00, or by both.

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
 Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-8745 Fax: (207) 624-8767



AGENCY LIQUOR STORE RENEWAL \$300.00

RESELLING AGENT - \$50.00

CHECK PAYABLE: TREASURER STATE OF MAINE

PRESENT LICENSE EXPIRES _____

BUREAU USE ONLY	
License No. Assigned:	_____
Deposit Date:	_____
Amount Deposited:	_____
CK/MO/CASH:	_____

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:					
DOB:					
DOB:			Location (Street Address)		
Address			City/Town	State	Zip Code
			Mailing Address		
City/Town	State	Zip Code	City/Town	State	Zip Code
Telephone Number	FAX:		Business Telephone Number	FAX:	
Federal I.D. #			Seller Certificate #		

3. Is applicant a Corporation, Limited Liability Company or Limited Partnership? Yes No
 If answer is "yes", complete **Supplementary Questionnaire**.

4. Have any changes occurred in Ownership, Partnership or Corporate structure since last renewal? Yes No

5. List current annual dollar sales of: **Retail sales:** \$ _____ **Wholesale/Licensee sales:** \$ _____

6. List current on-hand inventory of spirits, in dollars: \$ _____

7. Basic Federal Permit # _____ Federal Tax Stamp EIN # _____ Tax Year 20 _____

Dated at: _____ on _____, 20 _____
Town/City, State Month/Day

 Signature of Individual(s) or Duly Authorized Officer of Corporation or, if Partnership, by Member

NOTE: I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2000, or by both.

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**LICENSED MAINE WHOLESALERS REQUEST FOR:
BEER & WINE TASTINGS**

License No.: _____ Name of Licensee: _____

Mailing Address: _____

Town/ City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Date of Event: _____ Time - From: _____ To: _____

Number of Persons Attending: _____

Title and Purpose of Event: _____

Location of Event: _____

Physical Address: _____

Town/City: _____ State: _____ Zip Code: _____

Telephone Number: _____

PLEASE ATTACH:

List of vendors participating:

List of employees serving alcohol:

Signature of Licensee or Corporate Officer

Date

Print Name of Licensee or Corporate Officer

FOR USE ONLY BY DEPT. OF PUBLIC SAFETY - LIQUOR LICENSING

RESTRICTIONS:

APPROVED

DATED: _____

NOT APPROVED

APPROVED BY: _____

DEPARTMENT OF PUBLIC SAFETY



LIQUOR LICENSING AND INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333

Tel: (207) 624-7220 Fax: (207) 287-3424

APPLICATION FOR LIQUOR SALESMAN

YEAR ENDING DECEMBER 31, 2007

\$50.00 Check Payable: Treasurer State of Maine

NEW: _____ (If new, please include a letter from your company confirming that you are authorized to represent them in this state.)

RENEWAL: _____

NAME: _____

ADDRESS: _____

STATE: _____ ZIP CODE: _____ FAX NUMBER: _____

TELEPHONE-HOME: _____ WORK: _____

DATE OF BIRTH: _____ PLACE OF BIRTH: _____

Name and address of all firms or corporations by whom you are employed as a liquor salesman:

Have you, in the past 5 years, been arrested, indicted, or convicted of any violation of law, other than a minor traffic violation of any State or of the United States Government?

YES: _____ NO: _____ (If yes, please give details):

Signature

Date

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR
PERMIT TO PURCHASE, IMPORT AND
TRANSPORT ALCOHOL**

Office Use Only
Date Received: _____
Basic Permit Issue Date: _____
Basic Permit Number: _____

Date: _____

Application is hereby made by: (Name of Applicant): _____, the holder of Basic Permit No. _____, for Permit to Purchase, Import and Transport the alcohol hereinafter described, and to purchase same from: (Name of Vendor) _____, whose business address is (Street & Number) _____, (Town/City) _____, (State) _____; said alcohol to be delivered to and stored on the premises covered by the above mentioned Basic Permit issued to the undersigned date of _____, 20 _____, for use solely for the following legitimate use and purpose: _____

Kind of alcohol to be purchased imported and transported: Tax Free or Tax Paid? (Applicant will indicate which – See Instructions) _____

Name of alcohol to be purchased, imported and transported, as known to the trade. _____

Exact quantity of alcohol to be purchased, imported and transported immediately. _____

The actual management of the business and operations to be carried on under the permit will be under the direct charge and supervision of: _____

Whose business address is: _____

The undersigned applicant swears or affirms that Basic Permit No. _____, above referred to, was issued to the applicant on the date hereinbefore stated and is now in full force and effect; that the applicant is qualified under the laws of the State of Maine and the rules and regulations of the Commissioner pertaining to alcohol, to purchase, import and transport the alcohol hereinbefore described; and that the applicant will observe and conform to all the provisions, stipulations and conditions of said Basic Permit and any permit which may be issued hereon.

Signed: _____
Individual

Partnership or Corporate Name

Member of Partnership or Corporation

Application approved this _____ day of _____, 20 _____

By: _____
Commissioner of Liquor Licensing & Inspection

INSTRUCTIONS

Legitimate users of Tax Free Alcohol, such as Schools, Colleges, State Institutions and Hospitals, must first apply for and secure a Tax Free Permit from the United States Treasury Department, Bureau of Internal Revenue, Alcohol, & Tobacco Tax Division, John F. Kennedy Building, Boston, Massachusetts.

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04330-0164
 Tel: (207) 624-8745 Fax: (207) 624-8767



Date: _____

Office Use Only	
Date Received:	_____
Basic Permit Issue Date:	_____
Basic Permit Number:	_____

APPLICATION FOR BASIC PERMIT TO PURCHASE, IMPORT AND TRANSPORT ALCOHOL

Application is hereby made for a Basic Permit to Purchase, Import and Transport alcohol for use in conformity with the laws of the State of Maine and in conformity with Rules and Regulations pertaining to alcohol made or hereafter made by the Commissioner of Public Safety.

It is understood that if the Liquor Licensing & Inspection Division issues the BASIC permit hereby applied for, that in addition thereto each and every time the holder of such permit desires to purchase, import and transport alcohol, such holder must make application for and obtain from said Liquor Licensing & Inspection Division a PERMIT TO PURCHASE, IMPORT AND TRANSPORT ALCOHOL.

Applicant:

Individual: Name: _____ DOB: _____

Business Address: _____

Home Address: _____

Partnership: Firm Name: _____

Business Address: _____

Name, DOB, and home address of each partner: *PRINT CLEARLY*

Name	DOB	Home Address

Corporation: Name: _____

Business Address: _____

Name, DOB, and home address of: *PRINT CLEARLY*

	Name	DOB	Address
President			
	City/Town	State	Zip Code
Treasurer			
	City/Town	State	Zip Code
Clerk			
	City/Town	State	Zip Code

Kind of Alcohol to be Purchased, Imported and Transported: Tax Free or Tax Paid? (Applicant will indicate which - See Instructions). If tax free, have you a Federal Permit to procure such tax-free alcohol? Yes No Is so, state Federal Permit Number: _____. Name of Alcohol to be Purchased, Imported and Transported, as know to the trade _____ Estimated Quantity of Alcohol to be Purchased, Imported and Trans-

ported during the remainder of the present fiscal year, _____ gallons. The estimated quantity and the kind of alcohol referred to, in this application, will be used solely for the following legitimate use and purpose:

The actual management of the business and operation to be carried on under said permit will be under the direct charge and supervision of: _____

Whose business address is: **Number & Street** _____ **Town/City** _____
State _____ **Zip Code** _____.

The location of the permit premises and the place on the permit premises where alcohol obtained under permit will be stored is as follows: **Name & Street** _____ **Town/City** _____

State _____ **Zip Code** _____

Place on permit Premises _____

Upon first obtaining the proper permit from the Liquor Licensing & Inspection Division, and subject to the rules and regulations of said Commissioner of Public Safety, alcohol may be obtained by any industrial establishment in this State for industrial uses, or by schools, colleges and State institutions for laboratory use only, or by hospitals for medicinal use therein only, or by any licensed pharmacist in this State for use in the compounding of prescriptions and other medicinal use but not for sale by such pharmacists unless compounded with or mixed with other substances, or by any physician, surgeon, osteopath, chiropractor, optometrist, dentist, or veterinarian for medicinal use only.

The applicant fully understands that any permit issued hereon will contain, among other things, the following provisions, stipulations and conditions, all of which the applicant agrees will be faithfully observed and performed, and that any misrepresentation of any fact found to have been made in securing the permit, shall be deemed a lack of good faith in conforming to the provisions of the Laws of the State of Maine pertaining to alcohol and the rules and regulations of the Commissioner of Public Safety and shall constitute good cause for the revocation of said permit.

That the applicant and all persons employed by the applicant in any connection with the permit privileges, and all other persons employed by the applicant while on the permit premises, shall observe and conform to all the provisions, stipulations and conditions of the permit; all laws of the United States relating to the manufacture, taxation, and control of, and traffic in, alcohol; all regulations made pursuant to said laws which are now, or may hereafter be, in force; all laws of the State of Maine relating to alcohol and other intoxicating liquors, and all rules and regulations of the Commissioner of Public Safety made pursuant to said laws which are now, or may hereafter be, in force; and the applicant and all agents, servants and employees of the applicant, shall observe and conform to the laws, rules and regulations, relating to alcohol, in all the states in which any of the permit privileges are exercised.

That the applicant shall provide and maintain on the permit premises, a safe and secure place of storage for all alcohol possessed under authority of the permit, the same to be of sufficient capacity to hold the maximum quantity of alcohol which may be so possessed by the applicant at any time, and to be kept under lock and accessible only to the applicant and the responsible agents of the applicant, and to be subject to inspection and approval by the Liquor Licensing & Inspection Division; and all alcohol received and possessed by authority of the permit shall be stored and kept in such place of storage, and in no other place except upon approval by the Liquor Licensing & Inspection Division.

That the applicant shall make and keep on the permit premises accurate and complete records of the purchases, uses and disposition made of alcohol obtained by the applicant under and by authority of the permit issued to said applicant by the Liquor Licensing & Inspection Division.

That the applicant shall keep the files and records pertaining to the business conducted under the permit on the premises covered by the permit, and shall make all reports required of the applicant, by law or regulation or by the Commissioner of Public Safety, and shall upon proper request, promptly allow and permit inspection to be made by any official or officer of the Liquor Licensing & Inspection Division, of such files and records, and of all the premises and property used for or in connection with any operation or transaction under said permit, including the stock of alcohol on hand, and all vehicles passing into or out of said premises.

The application and any permit issued thereon must state the name and address of the person who will have the actual management and direct charge and supervision of the business and operations to be carried on under the permit; and if a change is made in the management of such business and operations, notice thereof, stating the name and address of the new or additional manager, shall, at once, be sent by mail to the Liquor Licensing & Inspection Division, permittee and such permittee fails or neglects to make such further change as meets with the approval of said Division, said Division may cancel, revoke or otherwise terminate the permit and all privileges granted thereby.

The applicant hereby certifies that the said applicant is qualified under the laws of Maine and the rules and regulations of the Commissioner of Public Safety pertaining to alcohol, to have and receive the permit hereby applied for.

CORPORATE SEAL

Signature

Printed Name

Partnership or Corporate Name

Member of Partnership or Corporation

Subscribed and sworn to before me this

_____ day of _____, 20 _____

Signature

Print Name

Title

Application approved this _____ day of _____, 20 _____

Liquor Licensing & Inspection Division

By: _____

INSTRUCTIONS

An application which is not executed in accordance with instructions and the regulations, or which does not contain all the information required, will be returned to the applicant without action.

Signing of application: If applicant is an individual, the application shall be signed by the applicant, using full name; if a partnership, the firm name must be written followed by the signature of the partner authorized to sign for the partnership; and if a corporation, the corporate name must be written, followed by the signature and title of an office thereof duly authorized to sign for the corporation; and the corporate seal affixed, if any.

Application should state exact location of the place of business for which permit is desired, giving street and number, if any; otherwise the best description possible.

Application shall state the purposes for which the alcohol is to be used.

Legitimate users of Tax Free Alcohol, such as School, Colleges, State Institutions and Hospitals, must first apply for and secure a Tax Free Basic Permit from the United States Treasury Department, Bureau of Internal Revenue, Alcohol & Tobacco Tax Division, John F. Kennedy Building, and Boston, Massachusetts.

JOHN ELIAS BALDACCI
GOVERNOR



MICHAEL P. CANTARA
COMMISSIONER

**DEPARTMENT OF PUBLIC SAFETY
LIQUOR LICENSING AND INSPECTION**

Date of return: _____

Your application for licensure is being returned for one or more of the following reason(s):

1. The question(s) indicated by an (X) are incomplete or incorrect and must be completed or corrected. _____
2. The fee remitted \$ _____ is incorrect, correct fee is \$ _____.
3. No fee remitted, correct fee is \$ _____.
4. Application must be signed by all applicants, sole proprietor(s) or by an officer of the corporation.
5. Corporate questionnaire must be signed.
6. Application must be approved and signed by Municipal Officers or County Commissioners. See back page of application.
7. Applicants from unorganized territories must submit receipt of \$10.00 filing fee which has been paid to the County Commissioners.
8. Please complete the enclosed form.
9. Check not signed.
10. _____

To prevent further delays in processing your application, please return immediately.

If you have questions, please feel free to contact me.

Thank You

STATE HOUSE STATION 164, AUGUSTA ME 04333

Tel: (207) 624-7220

TDY: (207) 624-4478

Fax: (207) 287-3424



STATE OF MAINE
Department of Public Safety
Liquor Licensing
164 State House Station
Augusta, Maine
04333



Chapter 5: LOCAL OPTION (HEADING: PL 1987, c. 45, Pt. A, @4 (new))

§121. Local option election in a municipality

A local option election in a municipality shall be held in the following manner. [1987, c. 45, Pt. A, §4 (new).]

1. Petition. A petition for a local option election must be signed by a number of voters equal to at least 15% of the number of votes cast in that municipality in the last gubernatorial election. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least 45 days before holding any primary, special statewide, general or municipal election or town meeting. [1993, c. 608, §2 (amd).]

2. Meeting. Upon receipt of a petition, the municipal officers shall notify the inhabitants of their respective municipalities to meet in the manner prescribed by law. The meeting shall be held to vote upon any or all of the questions contained in section 123. [1987, c. 45, Pt. A, §4 (new).]

3. Conduct of election. Except as provided in this section, the petition process and the voting at elections held in towns and plantations must be held and conducted in accordance with Title 30-A, sections 2528, 2529 and 2532, even if the town or plantation has not accepted the provisions of section 2528. The voting at elections held in cities must be held and conducted in accordance with Title 21-A. No referendum questions except those set out in section 123 may be printed on the ballot. The municipal clerk shall make a return of the results, certify the results and send it to the office of the Secretary of State. The Secretary of State shall forward the results to the bureau. [1997, c. 373, §29 (amd).]

PL 1987, Ch. 45, SA4 (NEW).
PL 1987, Ch. 147, §1 (AMD).
PL 1993, Ch. 608, §2,3 (AMD).
PL 1997, Ch. 373, §29 (AMD).

§122. Unincorporated places

1. No local option election. No local option election may be held in unincorporated places. [1989, c. 158, §2 (rpr).]

2. Authorization of sales. The county commissioners may, after holding a public hearing: [1987, c. 342, § 17 (new).]

2. Authorization of sales.

A. Authorize or refuse to authorize the sale of liquor to be consumed on the premises where sold; and [1987, c. 342, § 17 (new).]

[1987, c. 342, § 17 (new).] [1987, c. 342, § 17 (new).]

B. Authorize or refuse to authorize the sale of liquor to be consumed off the premises where sold. [1987, c. 342, § 17 (new).]

[1987, c. 342, § 17 (new).] [1987, c. 342, § 17 (new).]

3. Approval of licenses. The county commissioners may refuse to approve a liquor license application on the ground that the license is not warranted for any substantial public convenience, necessity or demand. [1987, c.

342, § 17 (new).]

PL 1987, Ch. 45, §A4 (NEW).

PL 1987, Ch. 147, §2 (AMD).

PL 1987, Ch. 342, §17 (RPR).

PL 1989, Ch. 158, §2 (AMD).

§123. Local option questions

Any one or more of the following questions may be voted on in a local option election held under section 121. Each question applies to both full-time and part-time licensed establishments. [1987, c. 342, §18 (rpr).]

1. Sale of liquor for consumption on the premises on days other than Sunday. Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sunday? [1997, c. 373, §30 (amd).]

2. Sale of liquor for consumption off the premises on days other than Sunday. Shall this municipality authorize the State to permit the operation of state liquor stores and agency liquor stores on days other than Sunday? [1997, c. 373, §30 (amd).]

2-A. Sale of malt liquor and wine for consumption off the premises on days other than Sunday. Shall this municipality authorize the State to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on days other than Sunday? [1997, c. 373, §30 (amd).]

3. Sale of liquor for consumption on the premises on Sundays. Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays? [1997, c. 373, §30 (amd).]

4. Sale of liquor for consumption off the premises on Sundays. Shall this municipality authorize the State to permit the operation of state liquor stores and agency liquor stores on Sundays? [1997, c. 373, §30 (amd).]

4-A. Sale of malt liquor and wine for consumption off the premises on Sundays. Shall this municipality authorize the State to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on Sundays? [1997, c. 373, §30 (amd).]

5. Operation of state liquor stores and agency liquor stores on Sunday. [1987, c. 342, §18 (rp).]

6. Sale of spirits to be consumed on the premises on Sunday. [1987, c. 342, §18 (rp).]

7. Sale of malt liquor and wine to be consumed on the premises on Sunday. [1987, c. 342, §18 (rp).]

8. Sale of malt liquor and wine for consumption on the premises on Sunday. [1987, c. 342, §18 (rp).]

9. Operation of bottle clubs. [1987, c. 342, §18 (rp).]

PL 1987, Ch. 45, §A4 (NEW).

PL 1987, Ch. 342, §18 (RPR).

PL 1991, Ch. 95, §1-4 (AMD).

PL 1997, Ch. 373, §30 (AMD).

§124. Results of vote

1. Determination vote. If the results of an election held under section 121 or 122 show that: [2001, c. 471, Pt. B, §14 (amd).]

1. Determination vote.

A. A majority of the votes cast in any municipality on any local option question is in the affirmative, the bureau may issue licenses of the type authorized by the affirmative vote in that municipality; [2001, c. 471, Pt.

B, §14 (amd).]

[2001, c. 471, Pt. B, §14 (amd).] [2001, c. 471, Pt. B, §14 (amd).]

B. A majority of the votes cast in any municipality on any local option question is in the negative, the bureau may not issue licenses of the type denied by the negative vote in that municipality; or [2001, c. 471, Pt. B, §14 (amd).]

[2001, c. 471, Pt. B, §14 (amd).] [2001, c. 471, Pt. B, §14 (amd).]

C. The vote is tied on any local option question, the law remains as it was before the voting. [1997, c. 373, §31 (amd).]

[1997, c. 373, §31 (amd).] [2001, c. 471, Pt. B, §14 (amd).]

2. Effective date. The vote is effective on the first day of the month following the certification of the vote to the Secretary of State. [1987, c. 45, Pt. A, §4 (new).]

3. Existing licenses. The holder of any license issued and outstanding on the effective date of the local option vote that denies issuance of that type of license and specifically indicates that the existing privilege is to be voided shall immediately surrender it to the bureau. The bureau shall refund that portion of the unused fee paid. [1997, c. 373, §32 (amd).]

4. Repeal or reconsideration. When a municipality has voted to accept or reject any local option question, the vote is effective until repealed by a new petition and vote as required by section 121 or 122. A negative vote on a question repeals existing privileges only if the petition clearly indicates an intent that it do so. No local option vote may be taken on the same question more than once in any one-year period. [2001, c. 471, Pt. B, §15 (amd).]

PL 1987, Ch. 45, §A4 (NEW).

PL 1987, Ch. 623, §5 (AMD).

PL 1991, Ch. 95, §5 (AMD).

PL 1991, Ch. 377, §15 (AMD).

PL 1997, Ch. 373, §31, 32 (AMD).

PL 2001, Ch. 471, §B14, 15 (AMD).

To the Municipal Officers of the Town of _____

We undersigned qualified voters residing in _____

whose names appear on the voting list, request that the following Local Option Liquor

Referendum Question(s) be submitted to the voters of _____

at the next primary, special statewide, general or municipal election or annual or special town

meeting to be held on _____, 19____, as provided under Title 28-A

Sections 121 & 123.

(Here insert each question you wish to have
voted upon exactly as they appear in the law.)

Each petitioner

- (a) Must be a registered voter
- (b) Must sign his or her own name (Not printed)
- (c) Must not write another person's name
- (d) Must sign but once
- (e) Must spell out first name
- (f) If married woman, spell out her own first name
and surname instead of using husband's name preceded by "Mrs."

**Department of Public Safety
Liquor Licensing
State House Station #164
Augusta, ME 04333**

Telephone (207) 624-7220
FAX (207) 287-3424

INSTRUCTIONS REGARDING THE AFFIDAVIT

As of July 1, 1990, each applicant for employment as a seller or server of alcoholic beverages is required to submit a completed affidavit stating they have not been convicted of the laws of Illegal Sale of Liquor and/or Furnishing Liquor to a Minor.

If the applicant refuses to submit or sign the affidavit or states that they have been convicted of either of those laws, that person cannot be hired in that capacity.

LICENSEE REQUIREMENT

The licensee is required to supply the affidavit to the applicant. You should witness the signing of the affidavit by the applicant.

There is no need to forward the affidavit to this office, simply keep it on file in your records and make it available to a Liquor Licensing Inspector upon request.

Liquor Licensing is required to supply each licensed premise with one affidavit form and the licensee is responsible to make copies of it to have on hand to supply the applicants.

AFFIDAVIT

I, _____, reside at

Street

City

I do state that, within the last two years from the date of this statement, I have not been convicted of the Class E crime of selling liquor within this State without a valid license (currently Title 28-A M.R.S.A. Section 2078). Nor have I, within the last two years from the date of this statement, been convicted of violating the following statute:

FURNISHING OR ALLOWING POSSESSION OR CONSUMPTION OF LIQUOR OR IMITATION LIQUOR TITLE 28-A M.R.S.A. SECTION 2081.

No person may knowingly procure, or in any way, aid or assist in procuring, furnish, give, sell or deliver liquor or imitation liquor for or to a minor or allow any minor under that person's control, or in any place under that person's control to possess or consume liquor or imitation liquor.

No person may knowingly procure, or in any way, aid or assist in procuring, furnish, give, sell or deliver liquor to or for a visibly intoxicated person or allow any visibly intoxicated person under that person's control to possess or consume liquor.

I have not been convicted of violating both section 2078 and section 2081 within the last five years from the date of this statement. Nor have I been convicted of violating either section 2078 or section 2081 twice within the last five years from the date of this statement.

WARNING: Any person who makes a false statement in this affidavit is guilty of a crime pursuant to Title 28-A M.R.S.A. Section 2085.

DATE

NAME

DATE

WITNESS

This affidavit is to be kept as part of the licensee's records.
(Reproduce as necessary)

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



WARNING

It is required by law that you submit your application to local authorities for approval by Municipal Officers. If you are located in an unorganized territory you must submit your application to the County Commissioners.

The Municipal Officers or the County Commissioners may need 6 to 8 weeks lead time to properly advertise and hold public hearings.

**ALL MUNICIPAL AND/OR COUNTY COMMISSIONERS
APPROVALS EXPIRE IN
"60 DAYS"**

**APPLICATIONS SHOULD BE IN THIS OFFICE AT LEAST TWO (2)
WEEKS PRIOR TO THE OPENING OF YOUR BUSINESS.**

If you have any further questions, please feel free to contact us at (207) 624-8745

**MAINE DEPT OF
PUBLIC SAFETY**

Liquor Licensing & Inspection
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-7220
Fax: (207) 287-3424



SPECIAL NOTICE

Our records indicate that your present liquor license will expire on

WARNING

It is required by law that you submit your renewal application to local authorities for approval by Municipal Officers. If you are located in an unorganized territory you must submit your application to the County Commissioners.

The Municipal Officers or the County Commissioners may need 6 to 8 weeks lead time to properly advertise and/or hold public hearings. Accordingly, please submit your renewal application to them immediately in order to avoid the possibility of a period of operation without a liquor license.

**ALL MUNICIPAL AND/OR COUNTY COMMISSIONERS
APPROVALS EXPIRE IN "60 DAYS"**

**RENEWAL APPLICATIONS SHOULD BE RECEIVED BY THIS OFFICE AT LEAST 7
DAYS PRIOR TO EXPIRATION OF LICENSE. IF THIS CANNOT BE ACCOMPLISHED,
PLEASE NOTIFY US IMMEDIATELY.**

If you have any further questions, please feel free to contact us at (207) 624-7220

REPORTS AND APPLICATIONS FOR MALT & WINE TAX DIVISION

1. Certificate of Approval license
 1. Chapter 51 ss1351
 2. 1997 Ch.373 ss112 amd.
 3. Annual
 4. 750-800
 5. Application can be downloaded from web
2. Maine Brewery license
 1. Chapter 51 ss1355
 2. 1993 Ch. 730 ss46 amd.
 3. Annual
 4. 40-50
 5. Application can be downloaded from web
3. Small Maine Brewery license
 1. Chapter 51 ss1355
 2. 1993 Ch. 730 ss46 amd.
 3. Annual
 4. 40-50
 5. Application can be downloaded from web
4. Farm Winery license
 1. Chapter 51 ss1355
 2. 1993 Ch. 730 ss46 amd.
 3. Annual
 4. 24-28
 5. Application can be downloaded from web
5. Wholesale license
 1. Chapter 55 ss1401
 2. 1997 Ch. 373 ss123 amd.
 3. Annual
 4. 30-35
 5. Application can be downloaded from web
6. Summary of Excise Tax report
 1. Chapter 65 ss1652
 2. 1987 Ch 342 ss116 rpr
 3. Monthly
 4. 800-1,000
 5. Form can be downloaded from web
7. Brewery Excise Tax Report
 1. Chapter 65 ss1652
 2. 1987 Ch 623 ss17 new
 3. Monthly
 4. 70-75
 5. Form can be downloaded from web

8. Winery Excise Tax Report
 1. Chapter 65 ss1652
 2. 1993 Ch. 462 ss7 amd
 3. Monthly
 4. 30-40
 5. Form can be downloaded from web
9. Claim for Credit of Excise Tax
 1. Chapter 65 ss1652
 2. 1997 Ch 373 ss138 amd
 3. Monthly
 4. 400-500
 5. Form can be downloaded from web
10. Shipment Reports
 1. Chapter 51 ss1364
 2. 1997 Ch 373 ss119 amd
 3. Monthly
 4. 15,000-17,000
 5. Forms can be downloaded and e-mailed
11. Price Posting forms
 1. Chapter 55 ss1408
 2. 1987 Ch 45Pt. A ss4 new
 3. New application, product or price change
 4. 1,000-1,500
 5. Form can be downloaded and e-mailed
12. Label Registration form
 1. Chapter 61 ss1551
 2. 1987 Ch 342 ss114 new
 3. Annually for all and whenever there is a new product
 4. 10,000-15,000
 5. Form can be downloaded on web
13. Distributor Territory appointment
 1. Chapter 57 ss1453
 2. 1987 Ch 34 ssA4 new
 3. Initial license or new product
 4. 200-300
 5. Form can be downloaded and e-mailed
14. Notice of Intent to Destroy Beer/Wine
 1. Chapter 65 ss1652
 2. 1997 Ch 373 ss138 amd
 3. When beer or wine is to be destroyed
 4. 40-50
 5. Form can be downloaded on web
15. Purchase Order Forms
 1. Chapter 55 ss1405
 2. 1987 Ch 45, Pt A ss4 new
 3. Every shipment

4. 40,000-50,000
5. Forms can be requested by e-mail



DEPARTMENT OF PUBLIC SAFETY
 LICENSING & INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333-0164

<u>DEPARTMENT USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	By:

Telephone: (207) 624-7222 or 7221 Fax: (207) 287-3424

PRESENT LICENSE EXPIRES _____

APPLICATION FOR CERTIFICATE OF APPROVAL

- Certificate of Approval – Malt Liquor \$600.00
- Certificate of Approval – Table Wine \$600.00
- Certificate of Approval – Table Wine (120 gallons or less per year) \$100.00

Check Payable: Treasurer State of Maine

The undersigned hereby applies for a certificate of approval for selling, transporting and shipping into the State of Maine liquors to the Maine wholesale licensees in accordance with the provisions of **Title 28-A, section 1361, MRS** as amended.

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. Applicants: _____
PRINT CLEARLY – EXACT LEGAL ENTITY
2. D.B.A: _____
3. Telephone Number: _____ Fax Number: _____
4. Business Street Address: _____
5. Federal I.D. #: _____
6. List all corporate officers or partners, if a partnership:

PRINT CLEARLY

NAME:

DOB

NAME:	DOB

7. If a corporation is any officer, director, or stockholders of said corporation in any way interested, directly or indirectly as a director or stockholder, in any other corporation, which is the holder of a wholesale license for the sale of liquors, granted by the State of Maine? _____ MALT _____ WINE

8. Is the applicant directly or indirectly giving aid or assistance in the form of money, property, credit (other than the usual commercial credit), or financial assistance of any sort, to any person, association, or corporation holding a liquor license granted by the State of Maine? _____ YES _____ NO

9. Each holder of a certificate of approval shall file with his application a list giving the name and address of each bottler and wholesaler dealer authorized to distribute products of that certificate holder and designating the exclusive territory assigned to each wholesaler within the State. Wholesalers shall not sell those products to licensees outside of the exclusive territory so allocated and designated, unless previously authorized by the department.

NAME

ADDRESS

PRINT CLEARLY

ATTACH A DISTRIBUTOR TERRITORY FORM AND /OR ADDITIONAL INFORMATION OUTLINING THE EXCLUSIVE TERRITORIES FOR EACH WHOLESALER AND PRODUCTS OR BRAND THEY MAY DISTRIBUTE WITHIN THE AREA.

Documentation of primary source must be included with this application for every brand registered.

Application must be accompanied by label registration application or, if renewal, a re-registration of each label is required.

10. It is unlawful for any wholesale licensee to purchase alcoholic beverages from other than the primary source of supply within the United States. "Primary source of supply" means the distillers, the bottler, the brewer, the brand owner or designated agent of any distiller, brewer or brand owner.

11. Do you intend to maintain special in-state storage warehouse facilities? _____ YES _____ NO

If answer is yes, please check the appropriate space, complete the following section and enclose required additional fee.

_____ Certificate of Approval for in-state storage warehouse, **Malt Only**-----\$600.00

_____ Certificate of Approval for in-state storage warehouse, **Table Wine** -----\$600.00

_____ Certificate of Approval for in-state storage warehouse, **Spirituos Only**-----\$600.00

12. Address of Maine warehouse:

Street: _____ City/Town: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

Name of manager or person in charge: _____

Print Clearly

Dated at: _____ on Month/Day _____ 20 _____

Signature(s) or Applicant(s) or Corporate Officer

Print Name

Signature(s) or Applicant(s) or Corporate Officer

Print Name

DEPARTMENT OF PUBLIC SAFETY

LIQUOR LICENSING AND INSPECTION UNIT



Promise by any person that he or she can obtain a liquor license through influence should be completely disregarded.
 To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE:	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES _____

APPLICATION FOR BREWER OF MALT LIQUORS

\$1,000.00

Check Payable: Treasurer State of Maine

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
DOB:			
DOB:			
DOB:		Location (Street Address)	
Address		City/Town	State Zip Code
		Mailing Address	
City/Town	State Zip Code	City/Town	State Zip Code
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. #		Federal Permit #:	

2. Is applicant a corporation, limited liability company or limited partnership? _____ Yes _____ No

If YES, complete Supplementary Questionnaire.

3. Business records are located at: _____

4. Is/Are applicant(s) citizens of the United States? _____ Yes _____ No

5. Is/Are applicant(s) citizens of the State of Maine? _____ Yes _____ No

6. If a corporation, does any officer, director, or stockholder of said corporation have in any way an interest, directly or indirectly, as a director or stockholder in any other corporation which is a holder of a wholesale license granted by the State of Maine?

_____ Yes _____ No.

7. Is the applicant directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person, association, or corporation holding a liquor license granted by the State of Maine?

_____ Yes _____ No

8. Each holder of a Brewer's License shall file with the application a list giving the name and address of each wholesale dealer authorized to distribute products of that Licensed Brewery and designating the exclusive territory assigned to each wholesaler within the State. Wholesalers shall not sell those products to licensees outside of the exclusive territory so allocated and designated, unless previously authorized by the Department.

NAME (PRINT CLEARLY)	ADDRESS

Attach a distributor territory form and / or additional information outlining the exclusive territories for each wholesaler and products or brand that they may distribute within the area assigned.

9. It is unlawful for any wholesale licensee to purchase alcoholic beverages from other than the primary source of supply within the United States. "Primary sources of supply" means the distiller, the brewer, the bottler, the brand owner or the designated agent of any distiller, brewer or brand owner.

Documentation of primary source must be included with this application for every brand registered.

I/We agree to comply with Title 28-A, Section 1363, MRSA, which provides, in part, that the manufacturer or holder of a certificate of approval shall not, either directly or indirectly, lend any money, credit or equivalent thereof to any wholesaler in equipping, filling out, maintaining or conducting, either in whole or in part, an establishment of business where liquors are sold, with the exception of the usual and customary credit of liquors sold and delivered.

Dated at: _____ on _____, 20____
(Month/Day)

 Signature(s) of Applicant(s) or Corporate Officer

 Print Name

 Signature(s) of Applicant(s) or Corporate Officer

 Print Name



Promise by any person that he or she can obtain a liquor license through influence should be completely disregarded.
 To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE:	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

APPLICATION FOR SMALL BREWERY

\$50.00

Check Payable: Treasurer State of Maine

The undersigned hereby applies for a Small Brewery License to produce malt liquors containing 25% or less Alcohol by volume not to exceed 50,000 gallons per year or their metric equivalent.

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. Business Name (D/B/A)
DOB:	
DOB:	
DOB:	Location (Street Address)
Address	City/Town State Zip Code
	Mailing Address
City/Town State Zip Code	City/Town State Zip Code
Telephone Number Fax Number	Business Telephone Number Fax Number
Federal I.D. #	Federal basic permit number.

- Is applicant a corporation, limited liability company or limited partnership? _____ Yes _____ No
 complete Supplementary Questionnaire ,If YES.
- Business records are located at: _____
- Is/Are applicant(s) citizens of the United States? _____ Yes _____ No
- Is/Are applicant(s) citizens of the State of Maine? _____ Yes _____ No
- If a corporation, does any officer, director or stockholder of said corporation have in any way an interest, directly or indirectly, as a director or stockholder in any other corporation which is a holder of a wholesale license granted by the State of Maine?
 _____ Yes _____ No.
- Is the applicant directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person, association, or corporation holding a liquor license granted by the State of Maine?
 _____ Yes _____ No
- Each applicant shall file with the application a list giving the name and address of each wholesale dealer authorized to distribute products and designate the exclusive territory assigned to each wholesale dealer. Attach a distributor territory form or additional information outlining the exclusive territory for each wholesaler and the products they may distribute within the area.

9. Will you maintain an additional location for on-premise consumption?

_____ Yes _____ No

Name of Premise D/B/A _____

Address: _____ State _____ Zip Code _____

Telephone: _____ Name of Manager _____

Type of Premise _____

10. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married.

Name in Full (Print Clearly)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes No If Yes, give name: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name



Promise by any person that he or she can peddle a liquor license through influence should be completely disregarded.
 To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE:	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES _____

APPLICATION FOR FARM WINERY

\$50.00

Check Payable: Treasurer State of Maine

The undersigned hereby applies for a Farm Winery License to produce table wine and sparkling wine up to 24% alcoholic content not to exceed 50,000 gallons per year.

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:					
DOB:					
DOB:			Location (Street Address)		
Address			City/Town	State	Zip Code
			Mailing Address		
City/Town	State	Zip Code	City/Town	State	Zip Code
Telephone Number	Fax Number		Business Telephone Number	Fax Number	
Federal I.D. #					

- Is applicant a corporation, limited liability company or limited partnership? Yes No
 complete Supplementary Questionnaire ,If YES.
- Business records are located at: _____
- Is/Are applicant(s) citizens of the United States? Yes No
- Is/Are applicant(s) citizens of the State of Maine? Yes No
- If a corporation, does any officer, director, or stockholder of said corporation have in any way an interest, directly or indirectly, as a director or stockholder in any other corporation which is a holder of a wholesale license granted by the State of Maine?
 Yes No.
- Is the applicant directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person, association, or corporation holding a liquor license granted by the State of Maine?
 Yes No
- Each applicant shall file with the application a list giving the name and address of each wholesale dealer authorized to distribute products and designate the exclusive territory assigned to each wholesale dealer. Attach a distributor territory form or additional information outlining the exclusive territory for each wholesaler and the products they may distribute within the area.

9. Will you maintain an additional location for tasting and retail sales other than your winery location?

_____ Yes _____ No If yes, check appropriate box(es) and enclose additional fee.

Farm Winery-Additional Location _____ \$50.00

Address: _____ State _____ Zip Code _____

Telephone: _____ Name of Manager _____

10. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married.

Name in Full (Print Clearly)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ف NO ف

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ف No ف If Yes, give name: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

STATE OF MAINE



164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

BUREAU USE ONLY

License No. Assigned: _____
Deposit Date: _____
Amount Deposited: _____
CK/MO/CASH: _____

**WHOLESALE
MALT/WINE APPLICATION**

PRESENT LICENSE EXPIRES: _____

ALL QUESTIONS MUST BE ANSWERED IN FULL

Indicate type of license.

- Application for Wholesale Malt Liquor License.....\$600.00
- Application for Wholesale Table Wine License.....\$600.00
- Filing Fee.....\$ 10.00

Check Payable to: Treasurer State of Maine

Federal I.D.# _____

Print Clearly

1. Full Name of Applicant: _____ DOB: _____

Street & Number: _____ City/Town: _____

State: _____ Zip Code: _____ Telephone #: _____ Fax #: _____

2. Firm Name: _____

Principal place of business: - Street Number: _____

City/Town: _____ State: _____ Zip Code: _____

Telephone #: _____ Fax #: _____

3. Are you a citizen of the United States: Yes No

4. Have you been a resident of the State of Maine or, if a corporation, has your corporation been in business in the State of Maine for at least 6 months? Yes No

a. Are you, or any principal officer in the corporate structure of your corporation, if incorporated, a law enforcement official? Yes No

b. Will any law enforcement official benefit either directly or indirectly in your license, if issued: Yes No

5. Number of distributing centers or warehouses: _____

Print Clearly

Name	Street	City

6. Have you as an individual, or any member of the partnership, association or corporation, or officer thereof, or any member of your/their family or manager, ever been arrested, indicted or convicted for any violation of the law, other than minor traffic violations, of any state, or of the United States: Yes No

Name: _____ DOB: _____

Location: _____ Offense: _____

Date of Conviction: Year _____ Month: _____ Day: _____

Disposition: _____

7. Has applicant any interest, financial or otherwise, directly or indirectly, in the business of any person holding a liquor license issued by the Liquor Licensing & Inspection Division of this State: Yes No **If Yes,** _____

8. Is the applicant directly or indirectly giving aid or assistance in the form of money, property, equipment or otherwise, to the holder of any malt liquor license or any other liquor license issued by the Liquor Licensing & Inspection Division of this State? Yes No **If Yes,** _____

9. Does the applicant own or control any real or personal property, which is rented, leased or used by the holder of any liquor license or other liquor license issued by the Liquor Licensing & Inspection Division of this State: Yes No **If yes,** _____

10. Is any interest in the premises for which license is desired owned or controlled, directly or indirectly, by any other person, association or corporation engaged or interested, directly or indirectly, in the manufacture, distribution, sale or transportation of malt liquors or any other liquors? Yes No **If Yes,** _____

11. If a corporation, is any officer, director or stockholder of a corporation which is the holder of a manufacturer's certificate of approval from the State of Maine, in any way interested, either directly or indirectly, as a director, officer or stockholder of or in the corporation making this application for a wholesaler malt liquor license or any other liquor license issued by the Liquor Licensing & Inspection Division of this State: Yes No **If Yes,** _____

QUESTION 12 TO BE ANSWERED BY RENEWAL APPLICANTS ONLY

12. Have there been any changes in ownership, management, or operation of the business to which this application applies during the past year? Yes No **If Yes,** give details, including Maine citizenship status and address of any new person. _____

QUESTIONS 13 – 22 INCLUSIVE TO BE ANSWERED BY NEW APPLICANTS ONLY

13. If a partnership or association, are all members thereof citizens of the United States? Yes No **If No,** who: _____

14. If a partnership or association, are all members thereof citizens of Maine? Yes No If No, who: _____

15. If a partnership, give name(s) and address(s) of all partners:

Print Clearly

Name	DOB	Street & Number	Town/City	State	Zip Code

16. If an individual or partnership, give date of birth and place of birth for all members:

Print Clearly

Name	DOB	Place of Birth		
		City	State	Country

17. Has applicant previously held a license issued by the Liquor Licensing & Inspection Division? Yes No
If so, When? (List each year) _____

18. Has license ever been denied to applicant by the Liquor Licensing & Inspection Division of this State? Yes No
If Yes, indicate when. _____

19. Has license ever been suspended or revoked? Yes No If Yes, indicate when. _____

20. If not native born, when did you become naturalized? _____

21. If a corporation, give information requested on supplementary questionnaire for corporate applicants.

22. Who owns the property or holds the lease upon the property, real or personal, used by the applicant in the operation of said business?
Name: _____ Street & Number: _____
Town/City: _____ State: _____ Zip Code: _____

a. State distance from boundary of nearest dry city or town. _____

I certify that all statements above are true to the best of my knowledge. I understand that if any information given in this application is false, that the liquor license to which this application applies is subject to immediate cancellation or suspension.

Dated at _____ on _____, 20____
City/Town State Month/Day

Signature(s) of Applicant(s) or Corporate Officer

Printed name of Applicant(s) or Corporate Officer

Signature(s) of Applicant(s) or Corporate Officer

Printed name of Applicant(s) or Corporate Officer

Signature(s) of Applicant(s) or Corporate Officer

Printed name of Applicant(s) or Corporate Officer

DEPARTMENT OF PUBLIC SAFETY



LIQUOR LICENSING & INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333

SUMMARY OF EXCISE TAX, CREDITS AND PREMIUMS

WHOLESALER _____ MONTH _____

_____ MALT LIQUOR _____ TABLE WINE _____ SPARKLING WINE

_____ CIDER UNDER 7% _____ FMB less than 6%

EXCISE TAX

1. TOTAL TAX DUE _____
2. TOTAL CREDITS CLAIMED _____
(Attach documentary evidence to justify claim)
3. OVERPAYMENT FROM PREVIOUS MONTH _____
4. TOTAL CREDIT CLAIMED (add line 2 and 3) _____
5. NET EXCISE TAX DUE (malt, table, sparkling, _____
cider, FMB)
(Subtract line 4 from line 1 and enter here)
6. ENTER ON THIS LINE .40 – MALT, 1.00 – TABLE WINE, _____
.24 – SPARKLING WINE, .40 – CIDER OR .24 FMB
7. MULTIPLY LINE 5 BY LINE 6 & ENTER ON THIS LINE _____
8. TOTAL EXCISE TAX AND PREMIUM DUE, ADD _____
LINES 5 AND 7 AND ENTER HERE

PAID BY CHECK _____ DATED _____ FOR _____

DATE _____

SIGNATURE _____

DEPARTMENT OF PUBLIC SAFETY



LIQUOR LICENSING & INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333

BREWER OF MALT LIQUOR
EXCISE TAX & PREMIUM REPORT

NAME OF LICENSE HOLDER

LICENSE NUMBER

NAME OF BREWERY

CURRENT LICENSE EXPIRES

STREET ADDRESS

MONTH OF WITHDRAWAL

TOWN ZIP

PHONE #

- (1) TOTAL GALLONS OF MALT LIQUOR WITHDRAWN FROM BOND THIS LICENSE YEAR TO DATE. (1) _____
- (2) TOTAL GALLONS OF TAX PAID MALT PREVIOUSLY REPORTED TO LIQUOR LICENSING AND INSPECTION UNIT THIS YEAR. (2) _____
- (3) TOTAL GALLONS WITHDRAWN THIS MONTH. (SUBTRACT LINE 2 FROM LINE 1) (3) _____
- (4) PLUS TRANSFERS IN FROM OTHER BREWERIES. (ATTACH INVOICES) (4) _____
- (5) LESS TOTAL CREDITS CLAIMED. (ATTACH DOCUMENTARY EVIDENCE TO JUSTIFY CLAIM) (5) _____
- (6) LESS TRANSFERS OUT TO OTHER BREWERIES. (ATTACH INVOICES) (6) _____
- (7) TOTAL TAXABLE GALLONS THIS MONTH. (7) _____
- (8) NET EXCISE TAX DUE. (MULTIPLY LINE 7 X .25) (8) _____
- (9) NET PREMIUM DUE (MULTIPLY LINE 7 X .10) (9) _____
- (10) TOTAL NET TAX DUE. (ADD LINES 8 & 9) (10) _____

PAID BY CHECK # _____

DATED: _____

SIGNED BY: _____

DATED: _____

THIS REPORT MUST BE FILED BY THE 10TH OF THE MONTH IMMEDIATELY FOLLOWING WITHDRAWAL FROM THE BONDED AREA.

DEPARTMENT OF PUBLIC SAFETY



LIQUOR LICENSING & INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333
WINERY
TABLE WINE
EXCISE TAX & PREMIUM REPORT

NAME OF LICENSE HOLDER

LICENSE NUMBER

NAME OF WINERY

CURRENT LICENSE EXPIRES

STREET ADDRESS

MONTH OF WITHDRAWL

TOWN ZIP

PHONE #

- (1) TOTAL GALLONS OF TABLE WINE WITHDRAWN FROM BOND THIS LICENSE YEAR TO DATE. (1) _____
- (2) TOTAL GALLONS OF TAX PAID TABLE WINE PREVIOUSLY REPORTED TO LIQUOR LICENSING AND INSPECTION UNIT THIS YEAR. (2) _____
- (3) TOTAL GALLONS WITHDRAWN THIS MONTH. (SUBTRACT LINE 2 FROM LINE 1) (3) _____
- (4) LESS TOTAL CREDITS CLAIMED. (ATTACH DOCUMENTARY EVIDENCE TO JUSTIFY CLAIM) (4) _____
- (5) TOTAL TAXABLE GALLONS THIS MONTH. (5) _____
- (6) NET EXCISE TAX DUE. (MULTIPLY LINE 7 X .30) (6) _____
- (7) NET PREMIUM DUE (ENTER AMOUNT ON LINE 6) (7) _____
- (8) TOTAL NET TAX DUE. (ADD LINES 6 & 7) (8) _____

PAID BY CHECK # _____

DATED: _____

SIGNED BY: _____

DATED: _____

THIS REPORT MUST BE FILED BY THE 10TH OF THE MONTH IMMEDIATELY FOLLOWING WITHDRAWAL FROM THE BONDED AREA.

DEPARTMENT OF PUBLIC SAFETY



LIQUOR LICENSING & INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333
WINERY
SPARKLING & FORTIFIED
EXCISE TAX & PREMIUM REPORT

NAME OF LICENSE HOLDER

LICENSE NUMBER

NAME OF WINERY

CURRENT LICENSE EXPIRES

STREET ADDRESS

MONTH OF WITHDRAWAL

TOWN ZIP

PHONE #

- (1) TOTAL GALLONS OF SPARKLING WINE WITHDRAWN FROM BOND THIS LICENSE YEAR TO DATE. (1) _____
- (2) TOTAL GALLONS OF TAX PAID SPARKLING WINE PREVIOUSLY REPORTED TO LIQUOR LICENSING AND INSPECTION UNIT THIS YEAR. (2) _____
- (3) TOTAL GALLONS WITHDRAWN THIS MONTH. (SUBTRACT LINE 2 FROM LINE 1) (3) _____
- (4) LESS TOTAL CREDITS CLAIMED. (ATTACH DOCUMENTARY EVIDENCE TO JUSTIFY CLAIM) (4) _____
- (5) TOTAL TAXABLE GALLONS THIS MONTH. (5) _____
- (6) NET EXCISE TAX DUE. (MULTIPLY LINE 5 X 1.00) (6) _____
- (7) NET PREMIUM DUE (MULTIPLY LINE 5 X .24) (7) _____
- (8) TOTAL NET TAX DUE. (ADD LINES 6 & 7) (8) _____

PAID BY CHECK # _____

DATED: _____

SIGNED BY: _____

DATED: _____

THIS REPORT MUST BE FILED BY THE 10TH OF THE MONTH IMMEDIATELY FOLLOWING WITHDRAWAL FROM THE BONDED AREA.



CLAIM FOR CREDIT OF EXCISE TAX
ON MALT LIQUOR, TABLE WINE, SPARKLING WINE, CIDER AND FLAVORED MALT BEVERAGES

THE UNDERSIGNED, _____ OF _____
WHOLESALE LICENSEE

Maine License number _____ hereby makes claim for credit of Excise Taxes on malt liquor, table wine, sparkling wine, cider or flavored malt beverages in the sum of _____ dollars and _____ cents,

(\$ _____). Said tax having previously been paid by wholesaler to the Department of Public Safety, Liquor Licensing and Inspection Unit, and is now justly due wholesaler, according to the following statement.

STATEMENT OF CLAIM

_____ MALT LIQUOR _____ TABLE WINE _____ SPARKLING WINE _____ CIDER _____ FMB

_____ SHORT SHIPMENT-P.O. NUMBER _____ INVOICE DATE _____

_____ RETURNED TO BREWERY OR WINERY

_____ LEAKERS

_____ DESTRUCTION WITNESSED BY DEPARTMENT OF PUBLIC SAFETY

_____ OTHER REASON _____

ATTACHED PLEASE FIND DOCUMENTARY EVIDENCE TO JUSTIFY CLAIM:

STATEMENT OF FACT

THE UNDERSIGNED WHOLESALER CERTIFIES THAT THE ABOVE MENTIONED ALCOHOLIC

BEVERAGES WERE RETURNED TO _____ ON _____
CERTIFICATE OF APPROVAL HOLDER DATE

FOR DESTROYED BEVERAGES ATTACH VALIDATED MAINE NOTICE OF INTENT TO DESTROY.

NAME OF WHOLESALER

BY _____

DATE _____



DEPARTMENT OF PUBLIC SAFETY
 LICENSING & INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333-0164

REPORT OF LOW ALCOHOL SPIRITS SHIPMENTS
 Less than 6% Alcohol

By Holders of a Wine Certificate of Approval Issued by the Department of Public Safety, Liquor Licensing Unit, Authorizing the Sale of Low Alcohol Spirits to Wholesaler Licensees within the State.

Month of _____ 20_____

Name _____ Address _____ Permit No. _____

Name of Wholesaler	Maine Purchase Order Number	Invoice Number	Invoice Date	Total Gallonage Per Invoice

Total Gallons Shipped: _____

Dated at _____, This _____ day of _____, 20_____

State of _____

By _____
 If a corporation report must be signed by duly authorized officer.

This record shall be filed with the licensing & Inspection Unit, Augusta, Maine on or before the 10th day of each calendar month.



DEPARTMENT OF PUBLIC SAFETY
 LICENSING & INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333-0164

REPORT OF FORTIFIED WINE SHIPMENTS
 24% Alcohol or Less

By Holders of a Wine Certificate of Approval Issued by the Department of Public Safety, Liquor Licensing Unit, Authorizing the Sale of Table Wine to Wholesaler Licensees within the State.

Month of _____ 20_____

Name _____ Address _____ Permit No. _____

Name of Wholesaler	Maine Purchase Order Number	Invoice Number	Invoice Date	Total Gallonage Per Invoice

Total Gallons Shipped: _____

Filed at _____, This _____ day of _____, 20_____

State of _____

By _____
 If a corporation report must be signed by duly authorized officer.

This record shall be filed with the licensing & inspection unit, Augusta, Maine on or before the 10th day of each calendar month.



DEPARTMENT OF PUBLIC SAFETY
LICENSING & INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164

REPORT OF SPARKLING WINE SHIPMENTS
15.5% Alcohol or Less

By Holders of a Wine Certificate of Approval Issued by the Department of Public Safety, Liquor Licensing Unit, Authorizing the Sale of Table Wine to Wholesaler Licensees within the State.

Month of _____ 20____

Name _____ Address _____ Permit No. _____

Name of Wholesaler	Maine Purchase Order Number	Invoice Number	Invoice Date	Total Gallonage Per Invoice

Total Gallons Shipped: _____

Dated at _____, This _____ day of _____, 20____

ate of _____

By _____
If a corporation report must be signed by duly authorized officer.

This record shall be filed with the licensing & Inspection Unit, Augusta, Maine on or before the 10th day of each calendar month.



DEPARTMENT OF PUBLIC SAFETY
 LICENSING & INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333-0164

REPORT OF TABLE WINE SHIPMENTS
 15.5% Alcohol or Less

By Holders of a Wine Certificate of Approval Issued by the Department of Public Safety, Liquor Licensing Unit, Authorizing the Sale of Table Wine to Wholesaler Licensees within the State.

Month of _____ 20_____

Name _____ Address _____ Permit No. _____

Name of Wholesaler	Maine Purchase Order Number	Invoice Number	Invoice Date	Total Gallonage Per Invoice

Total Gallons Shipped: _____

Dated at _____, This _____ day of _____, 20

State of _____

By _____
 If a corporation report must be signed by duly authorized officer.

This record shall be filed with the licensing & inspection Unit, Augusta, Maine on or before the 10th day of each calendar month.



DEPARTMENT OF PUBLIC SAFETY
LICENSING & INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164

REPORT OF MALT LIQUOR SHIPMENTS

By Holders of a Malt Certificate of Approval Issued by the Department of Public Safety, Liquor Licensing Unit, Authorizing the Sale of Malt Liquor to Wholesaler Licensees within the State.

Month of _____ 20_____

Name _____ Address _____ Permit NO. _____

Name of Wholesaler	Maine Purchase Order Number	Invoice Number	Invoice Date	Total Gallonage Per Invoice

Total Gallons Shipped: _____

Dated at _____, This _____ day of _____, 20_____

State of _____

By _____
If a corporation report must be signed by duly authorized officer.

This record shall be filed with the licensing & Inspection Unit, Augusta, Maine on or before the 10th day of each calendar month.



DEPARTMENT OF PUBLIC SAFETY
 LICENSING & INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333-0164

REPORT OF FLAVORED MALT BEVERAGE SHIPMENTS
 Less than 6% Alcohol

By Holders of a Wine Certificate of Approval Issued by the Department of Public Safety, Liquor Licensing Unit, Authorizing the Sale of Flavored Malt Beverages to Wholesaler Licensees within the State.

Month of _____ 20_____

Name _____ Address _____ Permit NO. _____

Name of Wholesaler	Maine Purchase Order Number	Invoice Number	Invoice Date	Total Gallonage Per Invoice

Total Gallons Shipped: _____

Dated at _____, This _____ day of _____, 20_____

State of _____

By _____
 If a corporation report must be signed by duly authorized officer.

This record shall be filed with the licensing & Inspection Unit, Augusta, Maine on or before the 10th day of each calendar month.



LIQUOR LICENSING AND INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333
 TABLE WINE PRICE POSTING FORM

 (Wholesaler or Certificate of Approval)

 (Date of Filing)

 (Street)

 (Effective Date)

 (City/Town) (State) (Zip)

SUPPLIERS NAME	BRAND NAME	# PERCASE/SIZE	CURRENT PRICE PER CASE	NEW PRICE PER CASE

FOR REQUESTED CHANGES:

- ____ INCREASE
- ____ DECREASE
- ____ CLOSE OUT
- ____ NEW ITEM

REMARKS

By: _____

(Owner or Duly Authorized Officer)



LIQUOR LICENSING AND INSPECTION UNIT
 164 STATE HOUSE STATION
 AUGUSTA, ME 04333

MALT LIQUOR PRICE POSTING FORM

 (Wholesaler or Certificate of Approval)

 (Date of Filing)

 (Street)

 (Effective Date)

 (City/Town)

 (State)

 (Zip)

SUPPLIERS NAME

BRAND NAME

PERCASE/SIZE

RET. BOT. NR.

BOT.

CANS

Bbls.

Dep. Charge

Old. Cont. Charge

New Cont. Charge

SUPPLIERS NAME	BRAND NAME	# PERCASE/SIZE	RET. BOT. NR.	BOT.	CANS	Bbls.	Dep. Charge	Old. Cont. Charge	New Cont. Charge

FOR REQUESTED CHANGES:

REMARKS

____ INCREASE

____ DECREASE

____ CLOSE OUT

____ NEW ITEM

By: _____

(Owner or Duly Authorized Officer)

DEPARTMENT OF PUBLIC SAFETY



LIQUOR LICENSING AND INSPECTION UNIT
164 STATE HOUSE STATION
AUGUSTA, ME 04333

DISTRIBUTOR TERRITORY APPOINTMENT

DATE _____

CERTIFICATE HOLDER

DISTRIBUTOR

TERRITORY

BRANDS



John Elias Baldacci
Governor

STATE OF MAINE
Department of Public Safety
Liquor Licensing
164 State House Station
Augusta, Maine
04333



Michael P. Cantara
Commissioner

NOTICE OF INTENT TO DESTROY BEER / WINE
NOTICE is given pursuant to the Title 28 a of Maine State Revised Statutes

WHOLESALE LICENSEE:

ADDRESS:

TELEPHONE #:

FAX NUMBER:

DATE OF DESTRUCTION:

TIME:

LOCATION:

Notice of intent must be submitted and accepted 5 (Five) working days prior to the destruction date.

Office Located at CENTRAL MAINE COMMERCE CENTER 45 Commerce Drive Suite 1, AUGUSTA, ME 04330

(207) 624-7223 and 624-7224 Licensing and Inspections

(207) 287-3424 FAX

(207) 624-7230 Referrals and Training

STATE OF MAINE
 DEPARTMENT OF PUBLIC SAFETY
 164 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0164

ORDER NO. **B 13201**

CAUTION: This number must appear on the invoice for this shipment.

MALT BEVERAGE ORDER FOR BONDED WHOLESALERS ONLY

License No. _____ SHIP TO: _____ Name of Licensee _____ Street Address _____ City or Town State Zip Code	Date of Order _____ FROM: _____ Name of Brewery _____ Street Address _____ City or Town State Zip Code
---	---

FOR OFFICE USE ONLY:	INVOICE NUMBER	TOTAL GALLONS SHIPPED
		X .25
	EXCISE TAX LIABILITY	\$

1. Certificate Holder Copy

THIS COPY MUST BE RETURNED TO THE DEPARTMENT OF PUBLIC SAFETY ON ALL CANCELLED ORDERS.

This is authorization to ship Alcoholic Beverages into Maine in accordance with T28A SS 1405 MRSA. Failure to report shipments to the Department of Public Safety shall be grounds for disciplinary action.

STATE OF MAINE
 DEPARTMENT OF PUBLIC SAFETY
 164 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0164

ORDER NO. W 13101

Excise Tax
 30¢ Per Gallon

CAUTION: This number must appear
 on the invoice for this shipment.

TABLE WINE ORDER FOR BONDED WHOLESALERS ONLY
 15-1/2% ALCOHOL OR LESS

License No.	Date of Order
SHIP TO: <hr/> <p style="text-align: center;">Name of Licensee</p> <hr/> <p style="text-align: center;">Street Address</p> <hr/> <p style="text-align: center;">City or Town State Zip Code</p>	FROM: <hr/> <p style="text-align: center;">Name of Certificate Holder</p> <hr/> <p style="text-align: center;">Street Address</p> <hr/> <p style="text-align: center;">City or Town State Zip Code</p>

FOR OFFICE USE ONLY:	INVOICE NUMBER		TOTAL GALLONS SHIPPED
			X .30
		EXCISE TAX LIABILITY	\$

1. Certificate Holder Copy

This is authorization to ship Alcoholic Beverages into Maine in accordance with T28A SS 652 MRSA. Failure to report shipments to the Department of Public Safety shall be grounds for disciplinary action.

STATE OF MAINE
 BUREAU OF LIQUOR ENFORCEMENT
 STATE HOUSE STATION 164,
 AUGUSTA, MAINE 04333

ORDER NO. S 11251

Excise Tax
 \$1.00 Per Gallon

SPARKLING WINE, LOW ALCOHOL SPIRITS & FORTIFIED WINE
 ORDER FOR BONDED WHOLESALERS ONLY

License No.

Date of Order

20

SHIP TO:

FROM:

 Name of Licensee

 Street Address

 City or Town State Zip Code

 Name of Brewery

 Street Address

 City or Town State Zip Code

FOR OFFICE USE ONLY:	INVOICE NUMBER		TOTAL GALLONS SHIPPED
			X 1.00
		EXCISE TAX LIABILITY	\$

1. Certificate Holder Copy

THIS COPY MUST BE RETURNED TO THE BUREAU OF LIQUOR ENFORCEMENT ON ALL CANCELLED ORDERS.

This is authorization to ship Alcoholic Beverages into Maine in accordance with T28A SS 652 MRSA. Failure to report shipments to the Bureau shall be grounds for disciplinary action.

MAINE LIQUOR LAWS



Reference Booklet
For Liquor Licensees,
Agents and Employees

This booklet is designed to help you find the answers to some of the many questions licensees and their employees ask. This booklet does not cover all liquor laws that pertain to you and your business. For a complete list of laws refer to M.R.S.A. Title 28-A and The Department of Public Safety Liquor Licensing Rules and Regulations applicable to liquor licensees. Both publications are available on our web site at www.state.me.us/dps/liqr/homepage.htm or at the Gardiner office.

Parenthesis () refers to a particular section of Title 28-A, Maine Liquor Laws and Rules and Regulations.

The Employee Affidavit may be reproduced as necessary.

All licensees are urged to consult the Department of Public Safety, Liquor Licensing, with any questions involving the sale or consumption of liquor on their licensed premise.

**Department of Public Safety
Liquor Licensing**

164 State House Station
Augusta, Maine 04333

Located at:

Central Maine Commerce Center
500 Civic Center Drive
Augusta, Maine 04330
Phone: 207-624-7231
FAX: 207-287-3424

Prepared by: Jeffrey R. Austin, Licensing Supervisor
May 2004

.....

WHAT'S NEW FOR 2004

Title 28-A §1012, sub-§4 Golf Course Mobile Service Bar

This law allows golf courses to have one (1) licensed mobile golf cart selling and dispensing alcohol (beer only) on the golf course.

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TABLE OF CONTENTS

Days and Hours for Sale of Liquor / Possession and Consumption	1
Legal Age to Purchase or Consume Liquor or Imitation Liquor / Age of Employees.....	2
Employee Affidavit Required / Licensee and Employees Liabile	3
Affidavit Instructions	4
Affidavit Form.....	5
Discounts and Rebates / Food Requirements	6
Minors / Intoxicated Persons	7
Prohibited Practices / Permitted Practices	8
Clubs / Catering.....	9
Sale of Imitation Liquor / Credit Sales	10
Liquor Purchases.....	11
Malt Liquor Sales in Kegs	12
Other Licenses and Permits / Right to Inspect.....	13
Advertising / Records.....	14
The Maine Liquor Liability Act	15
Retaining False ID Cards.....	16
Termination of Business / License Renewal	17

DAYS AND HOURS FOR THE SALE OF LIQUOR

(Section 4)

<u>DAY</u>	<u>START</u>	<u>STOP</u>
Monday – Saturday	6 AM	1 AM
Sunday	9 AM	1 AM

You are allowed to sell liquor until **2 AM on New Years Eve**. The starting time you may sell on New Years Eve remains the same depending on which day of the week it falls.

NOTE: In towns that are dry for liquor sales on Sunday, but permit the sale of liquor during the week, and New Years Eve falls on Sunday, you may sell from 9 PM until 2 AM.

Wholesalers may sell or deliver liquor starting at 4 AM Monday through Saturday.

NOTE: It is legal to sell liquor on election days and Memorial Day, regular hours apply.

.....

POSSESSION AND CONSUMPTION

(Section 4)

Licensees may not allow possession or consumption of liquor on the licensed premise after 1:15 AM (2:15 on New Years Eve).

Licensees or employees may not possess or consume liquor on the licensed premise during restricted times. (Employees may possess partially filled bottles and glasses while cleaning up after 1:15 AM.)

**LEGAL AGE TO PURCHASE OR CONSUME
LIQUOR OR IMITATION LIQUOR**

(Sections 2 & 705)

The legal age to purchase, possess or consume liquor or imitation liquor in Maine is **21**.

NOTE: You can refuse to sell or serve liquor :

- **If the customer fails to show proper identification, i.e. a Maine-issued Driver's License or ID card.** (Title 28-A, Section 706)
- **To prevent a person from becoming visibly intoxicated.** (Title 28-A Section 2516).

.....
AGE OF EMPLOYEES

(Section 704, 1202 R & R 3.4)

21 Years Old: Can make liquor sales or service unsupervised.

17 to 20 Years Old: Can make liquor sales or service in the presence of an employee who is at least 21 years old and in a supervisory capacity.

15 and 16 Years Old: Indirect handling of liquor only (stocking coolers, bagging liquor or bussing tables).

Under Age 15: No contact with liquor in any manner (including licensee's children).

NOTE: It is recommended that you contact the Department of Labor to check on other child labor restrictions. (207-780-3344)

EMPLOYEE AFFIDAVIT REQUIRED

(Section 703-A)

As of July 1990, licensees must require a person applying for employment, in the sale or service of liquor, to submit an affidavit stating that the applicant has not been convicted of violating the section of law Title 28-A, Section 2078 (illegal sale of liquor) or Title 28-A Section 2081 (furnishing liquor to minors or furnishing a place for minors to possess or consume liquor), within 2 years of the date of the affidavit, or two violations of either in the past 5 years.

A blank copy of the affidavit is included in this booklet.

NOTE: This does not apply to persons who were cited for sale to a minor or other administrative violations while working for a licensed premise.

.....
LICENSEE AND EMPLOYEES LIABLE

(Section 801)

As of July, 1990, the agents or employees of a licensee may be held administratively liable along with the licensee for violations of the Maine Liquor Laws or the Department of Public Safety, Liquor Licensing Rules and Regulations. The judge may suspend or revoke the liquor license and levy fines or civil forfeitures up to \$1,500 against either party.

**Remember that you are responsible for violations on
your licensed premise.**

Department of Public Safety
Liquor Licensing
State House Station #164
Augusta, ME 04333

Telephone (207) 624-8973
FAX (207) 624-8979

INSTRUCTIONS REGARDING THE AFFIDAVIT

As of July 1, 1990, each applicant for employment as a seller or server of alcoholic beverages is required to submit a completed affidavit stating they have not been convicted of the laws of Illegal Sale of Liquor and/or Furnishing Liquor to a Minor.

If the applicant refuses to submit or sign the affidavit or states that they have been convicted of either of those laws, that person cannot be hired in that capacity.

LICENSEE REQUIREMENT

The licensee is required to supply the affidavit to the applicant. You should witness the signing of the affidavit by the applicant.

There is no need to forward the affidavit to this office, simply keep it on file in your records and make it available to a Liquor Licensing Inspector upon request.

Liquor Licensing is required to supply each licensed premise with one affidavit form and the licensee is responsible to make copies of it to have on hand to supply the applicants.

AFFIDAVIT

I, _____, reside at

_____ Street _____ City

I do state that, within the last two years from the date of this statement, I have not been convicted of the Class E crime of selling liquor within this State without a valid license (currently Title 28-A M.R.S.A. Section 2078). Nor have I, within the last two years from the date of this statement, been convicted of violating the following statute:

FURNISHING OR ALLOWING POSSESSION OR CONSUMPTION OF LIQUOR OR IMITATION LIQUOR TITLE 28-A M.R.S.A. SECTION 2081.

No person may knowingly procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor or imitation liquor for or to a minor or allow any minor under that person's control, or in any place under that person's control to possess or consume liquor or imitation liquor.

No person may knowingly procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor to or for a visibly intoxicated person or allow any visibly intoxicated person under that person's control to possess or consume liquor.

I have not been convicted of violating both section 2078 and section 2081 within the last five years from the date of this statement. Nor have I been convicted of violating either section 2078 or section 2081 twice within the last five years from the date of this statement.

WARNING: Any person who makes a false statement in this affidavit is guilty of a crime pursuant to Title 28-A M.R.S.A. Section 2085.

DATE NAME

DATE WITNESS

This affidavit is to be kept as part of the licensee's records.
(Reproduce as necessary)

DISCOUNTS AND REBATES

(Section 708, R & R 1.15B)

It is unlawful to offer any free merchandise, rebate or gift contingent on the purchase of any liquor.

Wholesalers may replace damaged or discontinued stock with like product or issue a credit for future purchases. No rebates will be allowed.

.....

FOOD REQUIREMENTS

(Sections 2, 1062, 1063, 1065 & 1073)

Certain types of licensed premises, Class A Lounges, Golf Clubs, Indoor Tennis Clubs, etc., must have food available at all times that liquor is being served.

Class A Restaurants must sell a certain dollar amount of food based on the population of the municipality where the premise is located, and at all times must have a kitchen staffed and providing full course meals for the public when liquor is being served.

Class A Restaurants / Lounges may close their kitchen during certain business hours as long as food is offered.

Restaurants must have at least 10% of their annual gross sales from the sale of food.

INSTRUCTIONS REGARDING THE AFFIDAVIT

As of July 1, 1990, each applicant for employment as a seller or server of alcoholic beverages is required to submit a completed affidavit stating they have not been convicted of the laws of Illegal Sale of Liquor and/or Furnishing Liquor to a Minor.

If the applicant refuses to submit or sign the affidavit or states that they have been convicted of either of those laws, that person cannot be hired in that capacity.

**Department of Public Safety
Liquor Licensing
State House Station #164
Augusta, ME 04333**

**Telephone (207) 624-8973
FAX (207) 624-8979**

AFFIDAVIT

I, _____, reside at

Street

City

I do state that, within the last two years from the date of this statement, I have not been convicted of the Class E crime of selling liquor within this State without a valid license (currently Title 28-A M.R.S.A. Section 2078). Nor have I, within the last two years from the date of this statement, been convicted of violating the following statute:

FURNISHING OR ALLOWING POSSESSION OR CONSUMPTION
OF LIQUOR OR IMITATION LIQUOR TITLE 28-A M.R.S.A. SECTION
2081.

No person may knowingly procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor or imitation liquor for or to a minor or allow any minor under that person's control, or in any place under that person's control to possess or consume liquor or imitation liquor.

~~No~~ person may knowingly procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor to or for a visibly intoxicated person or allow any visibly intoxicated person under that person's control to possess or consume liquor.

I have not been convicted of violating both section 2078 and section 2081 within the last five years from the date of this statement. Nor have I been convicted of violating either section 2078 or section 2081 twice within the last five years from the date of this statement.

WARNING: Any person who makes a false statement in this affidavit is guilty of a crime pursuant to Title 28-A M.R.S.A. Section 2085.

DATE

NAME

DATE

WITNESS

This affidavit is to be kept as part of the licensee's records.
(Reproduce as necessary)

MINORS

(Section 1061, 1065, 1066A, 705)

The following establishments may not permit minors on their premises unless one of the following exemptions apply:

Minors Not Permitted:

1. Taverns
2. Hotel Lounges
3. Class A Lounges
4. Off Track Betting Lounges

Exemptions:

1. The minor is accompanied by a parent or court appointed legal guardian.
2. The minor is employed by the premise and working at the time.
3. The premise is closed to the service of liquor for a particular event or time.

No premise shall sell liquor or imitation liquor to a minor, nor allow any minor to possess or consume liquor or imitation liquor on their licensed premise.

INTOXICATED PERSONS

(Section 705)

It is unlawful to sell liquor to a visibly intoxicated person. It is also unlawful to allow a visibly intoxicated person to consume or possess liquor, or remain in a premise licensed for on-premise consumption.

VISIBLY INTOXICATED PERSON: a person who shows the signs of intoxication, such as severe sway in gait, swaying or "tipsy" while standing still, severely slurred speech, strong smell of intoxicants on the breath, argumentative, combative or incoherent in their dialogue. Visibly intoxicated would be a notable level of intoxication observed without the aid of a "Standard Field Sobriety" test.

LICENSEE REQUIREMENT

The licensee is required to supply the affidavit to the applicant. You should witness the signing of the affidavit by the applicant.

There is no need to forward the affidavit to this office, simply keep it on file in your records and make it available to a Liquor Licensing Inspector upon request.

Liquor Licensing is required to supply each licensed premise with one affidavit form and the licensee is responsible to make copies of it to have on hand to supply the applicants.

PROHIBITED PRACTICES

(Section 709)

It is unlawful to:

Deliver more than two drinks containing spirits or a carafe of wine or a serving of malt liquor containing more than 33.8 ounces to one person at one time without a meal.

Offer to sell an unlimited number of drinks for a fixed price, except at a function not open to the public.

Permit any game or contest which involves drinking or the awarding of drinks as prizes.

Allow any practice which would encourage people to drink in excess.

PERMITTED PRACTICES

(Section 709)

It is lawful to:

Offer free food or entertainment.

Increase the price of drinks with entertainment.

Include a drink as part of a package.

Offer room service including liquor. (Licensed hotels only.)

Reduce the price of drinks for a private function.

Charge different prices for the same drink in a different room.

Happy hours are permitted with restrictions on certain advertising.

CLUBS

(Section 1072, R & R 2.8B & 2.9C)

Clubs can only sell or serve liquor to members and their guests, members of the same national or international organizations and their auxiliaries and guests.

NOTE: Service of liquor to the guest is only allowed if the member remains on the premises with the guest.

Clubs must maintain a register of the members, showing their name, identity and address.

No liquor can be sold at a prearranged function when the club advertises the function or invites the public to attend. **The function sponsor can advertise the function. If tickets are sold, they must be pre-sold and cannot be sold at the door during the event.**

NOTE: Clubs with a spirituous, malt and wine license, Class 1 or Class 5 Club, can have off premise catering with a permit from the Department of Public Safety Liquor Licensing.

CATERING

(Section 1052)

Class A Restaurants, Class A Restaurant / Lounges, Class A Lounges and Hotels can conduct off-premise catering. A permit can be obtained from the Department of Public Safety Liquor Licensing. The law requires you to apply 24 hours in advance of the function (a longer notice is appreciated). You must have the approval of the municipal officers of the municipality where the function will be held.

SALE OF IMITATION LIQUOR

(Section 705)

The sale or service of imitation liquor to minors is prohibited. Imitation liquor is any product containing less than 1/2 of 1% alcohol by volume which seeks to imitate liquor by appearance, taste and smell. ***This is the only restriction on licensees for imitation liquor.***

.....

CREDIT SALES

(Section 7 & 705)

It is unlawful to extend credit for the purchase of liquor. You may allow a person to run a tab during the evening as long as the tab is paid prior to the person leaving your place of business.

Examples of unlawful acts:

1. Allow a person to buy liquor and pay for it at a later date.
2. Exchange a thing of value (other than money) for liquor.

Examples of lawful acts:

1. Paying for liquor with cash, check or major credit card.
2. Extend credit to the host of a private, prearranged function.
3. Hotels and Clubs may extend credit to bona fide registered guests or members.

If you extend credit contrary to law, you have no legal right of action to collect the claim.

LIQUOR PURCHASES

(Section 606 & R & R 1.15)

All Maine licensees must purchase their beer, wine and low alcohol spirits from a properly licensed Maine Wholesaler.

NOTE: A licensee may not go to a local discount store or other retailer to purchase beer, wine or low alcohol spirits to be resold at the licensed premise.

All Maine on-premise licensees must purchase their spirituous liquors from a licensed Agency Store with the proper federal wholesale tax stamp.

**When purchasing any liquor for the licensed premise
you must
identify yourself as a licensee and receive the proper
paperwork for the purchase.**

All liquor must be paid for at delivery or before.

MALT LIQUOR SALES IN KEGS

(Section 714)

Keg means a container capable of holding at least 7.75 gallons of liquid.

The seller of the keg must require positive identification of the purchaser. Every retail keg sale requires the retail seller to complete a form and attach an identification sticker to the keg. The stickers and forms are furnished by the wholesaler.

The retailer is required to keep the form for 2 years like other liquor records. The information obtained by the retailer is used to assist law enforcement in the investigation and prosecution of persons that furnish liquor to minors.

The seller of the keg may require a deposit of up to \$50 from the purchaser of the keg, regardless of the size of the keg. The seller shall refund the deposit to a person who returns a properly tagged keg purchased from that seller.

The seller shall inform the purchaser that if the keg is returned without the original numbered band intact, the deposit is forfeited.

OTHER LICENSES AND PERMITS

(R & R 1.1)

Most of the licensed premises are required to have licenses and permits issued by other State agencies, municipalities and the Federal Government. Please check to see if you are required to have any of these licenses, and if so, be sure they are kept current.

Retail Seafood License: Needed for the retail sale of lobster, shellfish or crayfish in any form. (Department of Marine Resources at 624-6550)

Food Establishment License: Needed by all retail stores selling food products. (Department of Agriculture at 287-3841)

Dance License: Establishments that allow dancing must have a dance license. (Department of Public Safety State Fire Marshall's Office at 624-8739)

Eating Place License: Required at any premise where food is consumed. You will either need this license or the Food Establishment License, but not both. (Department of Human Services at 287-5671)

Tobacco License: Department of Human Services at 287-5671

Sellers Certificate: Department of Taxation at 287-2336

Federal ID Number: 1-800-937-8864

Special Tax Stamp: Required by all retailers and wholesalers of liquor. (Bureau of A.T.F. at 215-597-2246)

.....

RIGHT TO INSPECT

(Section 12 & 754)

Representatives of the Department of Public Safety and other law enforcement officers have the right to inspect the entire licensed premise, including records, at any time.

ADVERTISING

(Section 710, R & R 7 & 15)

All licensed premises are allowed to have one outside sign and one sign inside the premise where it may be seen from outside, advertising the fact that liquor is for sale.

All advertising of liquor in the paper, periodicals, flyers or on television, radio or billboards, must be approved by the Department of Public Safety, Liquor Licensing, prior to publication.

Club advertising, see page 9.

No licensee, except a wholesale licensee, shall advertise liquor by any lighted sign visible from the exterior of a licensed premise during the hours that liquor is prohibited for sale.

Agency stores may display one outside sign on the premise to read "Agency Liquor Store". Letters for the sign may not exceed 18" in height.

RECORDS

(Section 751)

All Maine licensees are required to keep records of their purchases. These records are to be kept separate and apart from the records of other transactions of the business and they must be kept for 2 years.

All on-premise licensees are also required to keep records of their sales.

THE MAINE LIQUOR LIABILITY ACT

These are highlights of the act only,
refer to Title 28-A Section 2501
for the entire act.

Purpose: To prevent intoxication related deaths, injuries and damages. To encourage responsible serving practices and to provide a basis for obtaining compensation for damages as a result of intoxication related injuries.

Conditions: If you serve a minor who becomes intoxicated, or a visibly intoxicated person, and because of their intoxication they cause death, injury or damage to a third person, you can be sued.

Conduct: If your service to the minor or visibly intoxicated person is negligent or reckless, you can be held liable.

Who May Sue: The injured party or their estate and/or the minor who was served, if at the time of service the minor was 17 or younger.

Notice of Intent to Sue: A party bringing suit must provide you with a written notice of their intent to sue within 180 days or show good cause why the notice could not be filed.

Statutes of Limitation: The suit must be brought within 2 years.

Limit on Award: The law imposes a limit on damages of \$250,000 plus medical care and treatment. The amount of the award and the percentage you can be held liable for is determined by a judge and jury.

Named and Retained: The party bringing suit must name as a defendant the minor or intoxicated person causing the injury, along with the server and other involved parties.

Several Liability: This liability is a several liability, not a joint liability. This means that several parties may be named as defendants but that each defendant is responsible for their own percentage of the damages.

Evidence of responsible serving practices: An approved server/seller education training course is admissible in court.

Refusal to serve: You can refuse to sell alcohol to anyone who fails to show proper identification of age, reasonably appears to be a minor, or to prevent someone from becoming visibly intoxicated.

RETAINING FALSE ID CARDS

You may retain identification cards for a reasonable amount of time to determine the age of the person. You must inform the person why you are retaining the card.

NOTE: In order for us to prosecute an individual for using a false or altered identification card or a card belonging to another person, the following information is needed:

1. Name and address of business where card was retained.
2. Reason the card was retained.
3. Date and time that the card was retained.
4. Did the card belong to the person presenting it.
5. Name and address of employee that retained the card.
6. Any statements made by the holder of the card.
7. Any other information you feel is important.

Send retained cards to: Department of Public Safety
Liquor Licensing
164 State House Station
Augusta, ME 04333

Or contact the local law enforcement agency in your area.

TERMINATION OF BUSINESS

(Section 605)

Once the premise is sold or goes out of business, the license is not transferable and must be returned to the Department of Public Safety, Liquor Licensing. A new owner must apply for a license of his/her own.

LICENSE RENEWAL

(General Information)

In order to ensure the continuous operation of your premise, submit your renewal application at least thirty (30) days in advance of the expiration date. All on-premise retail licensees must have their renewal applications approved by the city, town or county commissioner before being sent to the Department of Public Safety, Liquor Licensing.

NOTE: All questions must be answered and the required fee must accompany all applications.

Common reasons for license delay:

1. Incorrect license fee.
2. Application not signed by applicant or officers of the corporation.
3. Incomplete corporate questionnaire, if applicable.
4. Application must be signed by the Municipal Officers or County Commissioners.

Common reasons for premise inspection delay:

1. Physical address of the premise is not given.
2. If property is leased we need a copy of the lease for inspection.
3. Have all required permits as listed on Page 13.

A Quick Reference Guide for Law Enforcement

MAINE LIQUOR LAWS

Quick Reference Guide for Law Enforcement

Printed with funds from the U.S. Office of Juvenile Justice and
Delinquency Prevention

For additional copies of this publication, contact the Office of Substance
Abuse Information and Resource Center at 1-800-499-0027 or
207-287-8900 or email osa.ircosa@maine.gov

JUNE 2004

Introduction

This Quick Reference Guide is designed to provide law enforcement officers with the most useful information on liquor laws and effective enforcement strategies. It lists common liquor violations, but does not represent a complete listing of all criminal, civil and administrative violations. For a complete listing, refer to MRSA Title 28-A or the Department of Public Safety's Rules and Regulations. Both are linked on the Department of Public Safety web site at www.state.me.us/dps/liqr/LiqrLawLinks.htm

This publication contains information about both Criminal and Civil Liquor Violations for which a law enforcement officer may cite someone to court, and Administrative Liquor Violations which must be referred to the licensing division for prosecution. Detailed information on making such referrals is provided in this publication.

This publication was developed through a partnership between the Maine Criminal Justice Academy, the Office of Substance Abuse, and the Division of Liquor Licensing and Compliance (DPS). Special thanks are due to Frank Lyons, former Maine Liquor Enforcement Officer, for his assistance with the development of the content.

Maine Criminal Justice Academy

15 Oak Grove Road
Vassalboro, ME 04989

If you have questions regarding liquor laws or liquor violations please contact one of the following:

Liquor Licensing Inspection Unit 624-7230

Jeff Austin, Licensing Supervisor 624-7231
jeffrey.r.austin@maine.gov

Business Hours: Monday-Friday, 8 am - 5 pm, or leave a message and your call will be returned the next business day.

Alcohol abuse remains one of the critical problems facing families, communities, and law enforcement departments in Maine. Alcohol is the drug of choice among both youth and adults in Maine, and is a factor in all of the leading causes of death for Maine citizens under 30 years old. A recent study of the costs of alcohol and drug abuse in Maine highlights the following staggering statistics.

In 2000:*

- There were 473 deaths in Maine directly caused by or attributable to alcohol abuse, including 46 deaths in alcohol-related car crashes. These early deaths resulted in an estimated 9,033 years of potential life lost.
- Approximately 2,280 arrests were made for assaults (aggravated, sexual, and other) that were directly related to alcohol abuse – about 30% of the total assaults for that year.
- Alcohol-related crime in Maine is estimated to have cost a total of \$49.1 million.

Protecting Maine's Citizens

The Maine Liquor Laws can help law enforcement agencies protect Maine citizens from problems related to high-risk drinking. Enforcement is a powerful prevention tool when it is used to:

- Reduce underage access (by deterring furnishing/sales and confiscating alcohol before it gets consumed).
- Clearly communicate a community's standards for acceptable behavior and provide meaningful consequences for violating these standards.
- Focus on preventing high-risk behavior and take advantage of opportunities to intervene in harmful patterns of behavior.
- Increase individuals' understanding of their own risk by expressing specific & personal concern for high-risk behavior.
- Engage parents as critical partners in influencing their children's choices and empower them to address the problem directly and constructively with their kids.

*Maine Office of Substance Abuse, The Economic Costs of Alcohol and Drug Abuse in Maine, 2000. Published February 2004.

Key Civil and Criminal Laws

A summons can be issued by an officer for the following violations:

Title	Section	Complaint Wording	Violation
28-A	2051-E*	Illegal Possession Liquor by a minor..... civil (18, 19, 20 years old)	
28-A	2051-E	Illegal Possession of Imitation Liquor	civil
28-A	2052 -1	Illegal Transportation of Liquor by a Minor	civil
28-A	2081-1A	Furnishing Liquor to a Minor	criminal
28-A	2081-1B	Allowing Consumption of Liquor by a Minor...criminal	
28-A	2081-1B	Allowing Possession of Liquor by a Minor	criminal
28-A	2081-1D	Furnishing Imitation Liquor to a Minor.....	criminal
28-A	2081-1D	Allowing Possession/Consumption	criminal of Imitation Liquor by a Minor
28-A	2081-1C	Furnishing Liquor to a	criminal Visibly Intoxicated Person
28-A	2078-1	Illegal Sale of Liquor.....	criminal
28-A	2082	Sale of Imitation Liquor to a Minor	civil by a Non-licensee
28-A	2072-1	Possession of Liquor.....	criminal with the Intent to sell
28-A	714-4	Possession of an Untagged keg.....	civil
28-A	714-5	Defacing or Removing a	criminal Malt Liquor Keg Tag
28-A	2075-1	Illegal Importation of Spirits in Excess of 4 Quarts (Over 1 gallon, less than 10 gallons).....	civil criminal (10 gallons or more)
28-A	2075-2	Transportation from Place to Place, Spirits Not Purchased in Maine in Excess of 4 Quarts (Over 1 gallon, less than 10 gallons).....	civil criminal (10 gallons or more)

Title	Section	Complaint Wording	Violation
28-A	2077-1	Illegal Importation of Malt Liquor in Excess of 3 Gallons (Over 3 gallons, less than 10 gallons)	civil criminal (10 gallons or more)
28-A	2077-2	Transportation From Place to Place, Malt Liquor Not Purchased in Maine in Excess of 3 Gallons. (Over 3 gallons, less than 10 gallons)	civil criminal (10 gallons or more)
28-A	2077-1	Illegal importation of Wine in Excess of 4 Quarts (Over 1 gallon, less than 10 gallons).....	civil criminal (10 gallons or more)
28-A	2077-2	Transportation from Place to Place, Wine Not Purchased in Maine in Excess of 4 Quarts (Over 1 gallon, less than 10 gallons).....	civil criminal (10 gallons or more)
17	2003-A	Drinking In Public.....	criminal
29-A	2102-1	Display or Possession of a Revoked, Suspended, Mutilated, Fictitious or Fraudulently Altered Operators License, Instructional Permit or ID Card	criminal
29-A	2102-3	Displaying a License, ID Card or Instructional Permit of Another as One's Own	criminal
29-A	2102-2	Allowing another to Use One's Operator's License, Instructional Permit or ID Card	criminal
28-A	2051-D (1)*	Presenting False Written/Oral Evidence of Age to Procure Liquor or to Gain Access to a Licensed Premise when Minors are not Allowed	civil
28-A	2051-D-1*	Possession of a False ID Card	civil
28-A	2087*	Refusal to Provide Proper Identification	civil

*A violation of sections 2051, 2052 and 2087 by a 17 year old and under constitutes a non arrestable Juvenile Crime; parents must be served notice.

Possession

Title 28-A, Section 2051

It is unlawful for any person under the age of 21 to possess liquor or imitation liquor except if it is in the scope of their employment or in a home in the presence of their parent or legal guardian.

Age 17 and younger—Juvenile Crime (Non-Arrest)
18, 19 and 20 year olds Civil Violation

Penalties:

1 st Offense	\$200-\$400 fine	
2 nd Offense	\$300-\$600 fine	
3 rd and Subsequent Offense		\$600 fine

Note:

Under Section 2051, it is also illegal for a minor to:

- Consume alcohol, except in a home in the presence of their parent or legal guardian.
- Possess false identification or furnish false identification to a minor.
- Give false oral/written evidence of age while attempting to purchase liquor or for the purpose of gaining entrance into a bar.

A violation of giving false oral or written information may also result in a driver's license suspension (30 days for 1st offense, 90 days for 2nd Offense, 1 year for 3rd Offense).

Investigative Tips:

- Note in the report why the minor was checked (i.e. youthful appearance or other violation).
- Verify DOB and age in addition to License or ID (i.e. ask them).
- Eliminate any affirmative defenses.
- For possession: define the proximity and control of the alcohol by the minor. If the minor is in a home, ask "Are your parents here?"

Transportation

Title 28A, Section 2052

No minor may knowingly transport liquor, except:

- In the scope of their employment.
- At the request of a parent or legal guardian.

Liquor must be within the passenger's or driver's section, unless minor had knowledge of presence. A locked glove box or trunk may not be construed as the passenger compartment. The minor's parent must be given notice of the violation if the minor is under 18.

Penalties:

Civil Violation for any person under the age of 21.

1 st Offense	up to \$500 fine
2 nd Offense	not less than \$200 fine
3 rd Offense	not less than \$400 fine

PLUS a mandatory driver's license suspension of:

1 st Offense	30 days
2 nd Offense	90 days
3 rd Offense	1 year

A minor cannot be charged with both illegal possession and illegal transportation; if the minor is illegally transporting liquor, the minor must be charged with transportation, not possession.

Investigative Tips:

- Note the reason for the stop, i.e. youthful appearance or other violation
- Establish knowledge by the minor of the presence of alcohol if alcohol is bagged or outside the passenger or driver's section of the car. ("Whose beer is it?" or "Why are you transporting alcohol?")

Furnishing (Page 8) Title 28A, Section 2081

No person may knowingly:

Furnish liquor to a visibly intoxicated person (Class E crime).

Penalty up to \$500 fine and up to 6 months in jail.

Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor for or to a minor. The following penalties apply to violations of this paragraph (Class D Crime or Class C Crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual).

Penalties

- | | |
|-------------------------|--|
| 1 st Offense | Minimum fine of \$500 and up to 1 year in jail* |
| 2 nd Offense | within 6 years – mandatory \$1,000 minimum fine, none suspended. |
| 3 rd Offense | within 6 years – mandatory \$1,500 minimum fine, none suspended. |

*If the violation involves a minor who is less than 18 years of age, the \$500 minimum fine may not be suspended.

Allow a minor under that person's control or in a place under that person's control to possess or consume liquor. (Class D Crime)

Penalties

- | | |
|-------------------------|---|
| 1 st Offense | up to \$2,000 fine - up to 1 year in jail* |
| 2 nd Offense | within 6 years – mandatory \$2,000 fine, none suspended |

*If the violation involves a minor who is less than 18 years of age, the \$500 minimum fine may not be suspended.

This section does not apply to licenses or their agents selling in the scope of their employment (unless it can be proven that they knew the minor and knew that they were under 21) or to a person who serves liquor to a minor in a home in the presence of the minor's parent or legal guardian.

Investigative Tips:

- Must prove a minor possessed or consumed alcohol.
- Eliminate the exceptions (i.e. "Are your parents here?").
- Must prove that the individual being charged *knew* they were furnishing or providing a place for a *minor to consume or possess*.
- Must prove the premise is under their control.
- Obtain thorough statements from the minors.
- Obtain thorough information about the minors (Name, DOB, address, phone, mother and father, school, etc).

Illegal Sale of Liquor

Title 28-A Section 2078

Any person who sells liquor or aids or assists in the sale of liquor within the State without a valid liquor license commits a Class E crime (agents and employees are equally guilty).

Penalties:

- | | |
|--------------------------------------|---|
| 1 st Offense | Fine of not less than \$300 nor more than \$500 plus costs and up to 30 days in jail |
| 2 nd Offense | Fine of not less than \$500 nor more than \$1000 plus costs and up to 60 days in jail |
| 3 rd & Subsequent Offense | Fine of not less than \$1000 plus costs and mandatory 60 days minimum in jail and up to 4 months at the discretion of the court |

Investigative Tips:

- Contact the Bureau of Liquor Licensing to establish there is no license or catering permit issued for the function.
- Establish the intent was sales for profit. You must prove the sale was for profit not just a collaborative collection to cover the cost of the alcohol.
- Establish delivery of alcohol contingent on payment.
- If possible, retain a sample of alcohol purchased as evidence.
- Identify all the participants in the sale for prosecution - agents or employees are equally culpable.

Possession with the Intent to Sell

Title 28-A Section 2072

This section can be used to seize all the alcohol at an illegal sale.

No Person May:

- a. Possess liquor with the intent to sell illegally.
- b. Possess liquor with the intent to sell illegally by another.
- c. Possess liquor to aid or assist in the illegal sale of liquor.

Penalties:

Up to a \$1000 fine and up to 6 months jail

Investigative Tips:

- Establish that the alcohol had a relationship to the illegal sale by either proximity or possession/control by the suspects.

Keg Registration

Title 28A, Section 714

All kegs (a container containing at least 7.75 gallons of liquid) sold at retail by an off-premise licensee must have an identifying tag attached. The retailer must require positive identification from the purchaser and keep records indicating the name, address, date of birth and tag number of the keg/kegs purchased.

Penalties:

- Possession of an unlabeled keg purchased in Maine is a civil violation (fine of up to \$500).
- Removal or defacing of a keg tag is a Class E crime (up to 6 months in jail and up to a \$1000 fine).

Investigative Tips:

- Establish the keg was bought in Maine through retail (not illegally imported or stolen).
- Establish the individual was in possession by either proximity or constructive control (ownership).
- When charging with removal or defacing of a tag, establish through admission, witness statement or observations who removed the tag.

To Track a Keg:

1. Call Liquor Licensing (624-8973) with the product name and tag number/color; licensing can identify the wholesaler who issued the tag.
2. Call the Maine beer and wine wholesaler to determine to which Maine retailer they issued the tag.
3. Call the retailer with the tag number and ask for the information gathered at the point of sale.

If the keg is not properly tagged or the tag has been removed, and had been purchased in your area, it may be possible (though difficult) to track down the purchaser through investigation of unreturned kegs to retailers.

Illegal Importation or Transportation of Spirituous Liquor, Malt Liquor Or Wine from Place to Place Within the State

Title 28-A Sections 2075 & 2077

No person may:

- a. Import spirits into the State (or transport from place to place spirits that have not been purchased from within the State) in quantities in excess of 4 quarts.
- b. Import malt liquor into the State (or transport from place to place malt liquor that has not been purchased from an off-premise retailer within the State) in quantities in excess of 3 gallons.
- c. Import wine into the State (or transport from place to place wine that has not been purchased from an off-premise retailer within the State) in quantities in excess of 4 quarts.

Note: Limit is 1 gallon of spirits, 1 gallon of wine and 3 gallons of beer per vehicle not per person.

Penalties:

- Civil violation if less than 10 gallons, up to a \$500 fine
- Class E crime if 10 gallons or more, up to a \$1000 fine and up to 6 months in jail

Exceptions:

- For hire carriers and others with written permission from Liquor Licensing.

Investigative Tips:

- Prove that the alcohol was not purchased within the state.
- The possession of more than 6 gallons of malt liquor or 8 quarts of wine in one or more containers that are not labeled in accordance with Title 32, section 1865 (label indicating refund amount and the word "Maine"), is prima facie evidence of a violation of this section.
- Indicate the reason for the stop in your report.
- Seize all the alcohol in excess of the legal limit.

Drinking in Public

Title 17, Section 2003-A

A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer, unless the person has been given permission to do so by the owner or authorized person.

Penalties:

- Up to 6 months in jail and up to a \$1000 fine

Investigative Tips:

- Individual must be consuming in a public place as specifically defined by this chapter.
- Check to make sure that the person has not been given permission to consume by an authorized person.
- Document when a warning was given.
- Confirm that signage forbidding public drinking is posted and is within 200 feet of violation.
- The possession of an open container of liquor in a public place is prima facie evidence of a violation of this section.

Unlawful use of license, instruction permit or identification card

Title 29-A Section 2102

A person commits a Class E crime if that person:

- Displays or possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;
- Knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province;
- Displays or represents as one's own a driver's license or identification card issued to another by this State or any other state or province;
- Knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province.

Penalties:

- Up to 6 months in jail and up to a \$1000 fine
- Possible driver's license suspension

Investigative Tips:

- Indicate in your report why you requested the identification / drivers license.
- Indicate what lead you to believe the identification / drivers license was suspicious.
- Obtain secondary source of positive identification of suspect.
- Retain the false identification card as evidence.

Liquor Licensing Policies on Identification Cards

The recommendation of Liquor Licensing is that licensees accept only Maine ID cards or Driver's Licenses as proof of age. Licensees are entitled to refuse a sale if a customer fails to produce a valid Maine-issued photo I.D. Card or Driver's License.

Tips for Checking Identification Cards

INDICATORS OF A FRAUDULENT LICENSE OR IDENTIFICATION CARD

Check the **BACK** of the identification for the following features:

1. A printed disclaimer such as "not a governmental document," "this card is a facsimile," "all information hereon assumed to be accurate per the original application."
2. Consistency of the lettering is uneven or blurred - it is likely a photocopy and fake.
3. Lettering on the information is digitized as opposed to printed - this may indicate that it was reproduced by a computer printer

Check the **FRONT** of the card for indication of forgery or alteration:

1. Bold black print over the top of the ID covering the information section.
2. Check the typeset, color and consistency of numbers of the date of birth to match the rest of the ID.
3. Check for uneven surfaces between the photo and informational section of the card indicating a replaced picture.
4. Check state seals, images or signatures that are superimposed over the picture and informational sections of the ID. If they are missing, "split" or appear to have been tampered with, it is likely the picture has been replaced.
5. Check for shape, square corners and thickness - all indicators that it may be a forgery.
6. Check the information on the card to see if the height, weight, eye color and picture are the same as that of the person displaying the ID.
7. Check for features such as an expired expiration date or "Duplicate" on the front of the card indicating that it may belong to someone else.
8. When in doubt, ask for another form of identification; most frequently the individual will not have backup ID.

Administrative Violations and Related Rules & Regulations (R&R)

The following liquor violations must be referred to the Liquor Licensing Division in the Department of Public Safety. Use the referral information outlined on page 24.

Administrative violations carry fines from \$50 to \$1,500 for both the liquor license holder and / or the employee, with a possible liquor license suspension or revocation depending on the circumstances.

T-28A (4-1)	Sale of liquor during prohibited hours
T-28A (4-2)	Allow consumption / possession of liquor during prohibited hours
T-28A (354)	Sale of liquor to a minor / visibly intoxicated person (agency store)
T-28A (704)	Sale by underage employee (on premise)
T-28A (705-2A)	Sale of liquor to a visibly intoxicated person (off premise)
T-28A (705-2E)	Sale of liquor/imitation liquor to a minor (off premise)
T-28A (705-3A)	Sale of liquor to a visibly intoxicated person (on premise)
T-28A (705-3E)	Sale of liquor to a minor (on premise)
T-28A (705-4)	Allow possession/consumption of liquor by a minor (on premise)
T-28A (1051-3)	Sale of liquor to be consumed elsewhere (on premise)
T-28A (1061-2)	Allow a minor to remain in a hotel lounge
T-28A (1063-A-2)	Allow minor to remain in an Off Track Betting Lounge
T-28A (1065-4)	Allow a minor to remain in a class A Lounge

T-28A (1202)	Sale by underage employee (off premise)
T-28A (1206)	Allowing consumption of liquor in a retail store
R&R 1.1	Licensee must keep all licenses in full force and effect
R&R 1.8	Allow employees/entertainers to consume liquor while on duty
R&R 1.8	Allowing a visibly intoxicated person to remain on the licensed premise
R&R 1.8	Allow licensee, employees or entertainers to show the effects of liquor on the licensed premise
R&R 1.10	Allow unauthorized liquor to be brought onto a licensed premise
R&R 1.13	Allowing a violation of law on the licensed premise
R&R 2.1	Allowing a visibly intoxicated person to consume liquor on the premise

Administrative Violations Involving Minors

Sale to Minors

for Retail Stores Title 28-A Section 705-2-E

A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor, imitation liquor or wine to be consumed off the premise to a minor. Any licensee who accepts an order or receives payment for liquor or imitation liquor from a minor violates this paragraph.

for On Premise Establishments, Title 28-A Section 705-3-E

No licensee or licensee's employee or agent may sell, furnish, give, serve or permit to be served any liquor or imitation liquor to a minor. Any licensee who accepts an order or receives payment for liquor or imitation liquor from a minor violates this paragraph.

for Agency Liquor Stores, Title 28-A Section 354

No state liquor store or agency liquor store may sell liquor to a minor or to a visibly intoxicated person.

Possession / Consumption by Minors:

Title 28-A Section 705-4

No licensee or agent or employee of a licensee, may permit a minor to consume or possess liquor or imitation liquor on the premises.

Investigative Tips:

- Verify Date of Birth and Age of minor and whether LD was asked for/used.
- Have minor identify employee or other person that served / purchased the liquor. If not employee, furnishing under 28-A section 2081 may apply.
- Furnishing under 28-A section 2081 may also apply if the employee knew the minor and knew that he/she was under 21.
- Get complete statements and contact information from minor(s), employees and other witnesses.

Minors Resort and Remain:

for a Class A Lounge, Title 28-A section 1065-4

Minors are not permitted to remain on the premises except when:

- A. The minor is accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002; or
- B. The licensee does not permit the consumption of liquor on the premises for a specific period of time or event; or
- C. Wagering on harness horse racing is being conducted in accordance with Title 8, chapter 11 and the minor is at least 18 years old.

for a Hotel Lounge Title 28-A section 1061-2

Except as provided in paragraph B, no hotel licensee may permit any minor in any hotel lounge that serves alcoholic beverages.

B. This subsection does not apply when:

1. The minor is accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002;
2. The minor is employed under section 704; or
3. The licensee does not permit consumption of liquor on the licensed premises.

for Off Track Betting Facilities Title 28-A section 1063-A-2

A licensee may not permit any minor in an off-track betting lounge. For purposes of this subsection, and notwithstanding section 2, subsection 20, "minor" means a person who has not reached 18 years of age.

Administrative Violations Involving Visibly Intoxicated Persons (VIP)

Sale to VIP:

For retail store, malt & wine, 28-A section 705-2-A

A licensee or licensee's employee or agent may not sell, furnish, give or deliver malt liquor or wine to be consumed off the premise to a person who is visibly intoxicated.

For agency liquor store, liquor, 28-A section 354

No state liquor store or agency liquor store may sell liquor to a minor or to a visibly intoxicated person.

For on-premise establishment, 28-A section 705-3-A

A licensee or licensee's employee or agent may not sell, furnish, give, serve or permit to be served any liquor to be consumed on the premise where sold to a person who is visibly intoxicated.

Allow VIP to Consume:

For on-premise establishment, Rule & Regulation Ch. 2, rule 1

No licensee shall permit consumption of liquor on licensed premises by minors or persons visibly intoxicated.

Allow VIP to Remain:

For on-premise establishment, Rule & Regulation Ch. 1, rule 8

No licensee shall permit or allow visibly intoxicated persons to remain on the licensed premise.

Investigative Tips:

- Document the characteristics of visible intoxication – i.e., slurred speech, staggering, passed out, etc.
- Ask employees and other witnesses their opinion of the intoxicated person's condition and note it.
- The visibly intoxicated person who is 21 or older cannot be cited for being intoxicated and causing the violation. Another charge may apply such as disorderly conduct, assault, etc. if the facts warrant. Patrons who provide a drink to another patron who has been shut off and segregated for visible intoxication can potentially be cited under 28-A 2081 for furnishing liquor to a visibly intoxicated person (the furnishing section does not apply to licensees or agents of licensees in the scope of their employment).

Liquor Licensing Policies on Visibly Intoxicated Persons

- It is an administrative violation to sell or serve liquor to a visibly intoxicated person or to allow a visibly intoxicated person to consume liquor or remain on your licensed premise.
- When a patron starts to show signs of intoxication, licensees should take their drink and ask the patron to leave. If the licensee is concerned that the person may drive in an intoxicated condition, the licensee may segregate the visibly intoxicated patron to ensure that the person does not get another drink while attempting to find transportation for the patron. This is a temporary solution only. If the visibly intoxicated patron is found within reach of a drink, the premise has not properly segregated the intoxicated person.

Administrative Violations Involving Hours of Sale

Hours of Sale:

for all licensees Title 28-A 4-1

Except as provided in paragraphs A to D, licensees may sell or deliver liquor from 6 a.m. on any day until 1 a.m. of the following day.

- A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m.
- B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.
 1. In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary (check with the town or Liquor Licensing).
- C. Repealed.
- D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

Hours of Consumption:

for on-premise licensees Title 28-A 4-2

Except as provided in paragraphs A and B, licensees may not permit the consumption or possession of liquor on their premises after 1:15 a.m.

- A. Licensees may permit the consumption of liquor on their premises until 2:15 a.m. on January 1st.
- B. This subsection does not apply to consumption or possession by bona fide hotel guests in their rooms.

Investigative Tips:

- It is common practice to allow sufficient time (i.e. 15 minutes) after 1:15 am to allow for various clock settings.
- Record the time showing on the premise clock, and ask an employee for the current time.
- Note what employees were doing during the violation. Were they bussing tables and cleaning up, or sitting at a table or the bar with a drink in front of them. It is common practice to allow employees to bus tables and clean up drinks after the legal time, however, it is illegal for anyone, including the owner, to consume after the legal hour.

Administrative Violations Involving Employees

Note: Clerks, servants or agents, in charge of the premise or found waiting on trade at the premise, whether being paid or volunteer, are considered to be employees.

Age for Sales

Employees of on-premise establishments 28-A 704

A licensee for the sale of liquor to be consumed on licensed premises may not employ any person under the age of 17 years in the serving or selling of liquor on the premises where the liquor is sold. An employee who is at least 17 years of age, but less than 21 years of age, may serve or sell liquor only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.

Employees of off-premise establishments 28-A 1202

1. No employee under 17 years of age may accept payment for the sale of malt liquor or wine at the check-out counter of an off-premise retail licensee's establishment.
2. An employee who is at least 17 years of age but less than 21 years of age may accept payment only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.

Age for Handling

all employees, R & R chapter 3, rule 4

No wholesale or retail licensee shall permit the direct handling of liquor on his licensed premise by any person under the age of 15 years.

Miscellaneous Employee Violations:

Employees Drinking/ Showing Effects

R & R chapter 1, rule 8

No licensee shall show effects of, nor allow any of his employees, agents, or entertainers to consume or to show any effect of liquor while on duty or performing on the licensed premise.

Employee Affidavit

Licensees are required to keep affidavits on file for all employees involved in sales of liquor (28-A 703-A). The employee must disclose on the affidavit that they have not been convicted of (28-A 2081) Furnishing Liquor to a Minor, or (28-A 2078) Illegal Sale of Liquor in the past 2 years, or 2 violations in the past 5 years. Employees that do not have the affidavit on file are not eligible to sell or serve liquor.

Administrative Violations (Miscellaneous)

License Compliance

R & R chapter 1, rule 1

All licenses are issued subject to the provisions of the State Laws and Federal Alcohol Administration laws, municipal ordinances and rules and regulations made pursuant thereto, and all municipal, State and Federal licenses and permits required by such laws, ordinances or rules and regulations must be kept in full force and effect by licensees during the entire effective license period of the liquor license.

Liquor not permitted on the premise

R & R chapter 1, rule 10

No licensee shall possess or permit possession, sale or consumption of any liquor on the licensed premises other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted for said premises.

Allowing an Illegality

R & R chapter 1, rule 13

No licensee, his agent or employee, shall allow in or upon his licensed premises, any improper conduct, disorder, illegality, disturbances, lewdness, immoral activities, or language, songs, entertainment, literature, pictures, raffle tickets or advertising material of indecent, profane or obscene nature, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures or advertising material of indecent, profane or obscene nature, except that premises properly licensed may permit raffle tickets.

Referral Information for Administrative Violations

Liquor licensees that violate any administrative law will be prosecuted by the Department of Public Safety, Division of Liquor Licensing.

Making a Violation Referral

To make a referral for an administrative law violation, call Liquor Licensing—**624-8973**—with the following information:

- Date & time of the violation
- Name of agency and officer filing the complaint
- Contact number for agency/officer
- Name of the licensed premise and liquor license number
- Name of the clerk or agent involved in the violation
- Description of the violation

Please follow up all phone referrals by sending a copy of the original police report to Liquor Licensing, 164 State House Station, Augusta ME 04333.

Most cases are settled by consent decree with the licensee paying a fine, precluding a court hearing. If a licensee chooses to go to court, the officer who submits the referral may be called as a witness at a district court hearing.

Contact Information

If you have questions regarding liquor laws or liquor violations please contact one of the following:

Liquor Licensing Inspection Unit 624-7230

Jeff Austin, Licensing Supervisor 624-7231

jeffrey.r.austin@maine.gov

Business Hours: Monday-Friday, 8 am - 5 pm, or leave a message and your call will be returned the next business day.

Definitions

Administrative Violation: a violation which is adjudicated in Administrative Court (violation against a licensed premise and or liquor seller/server/clerk or licensee.)

Imitation Liquor: any product containing less than ½ of 1% alcohol by volume which seeks to imitate by appearance, taste and smell liquor or which is designed to carry the impression to the purchaser that the beverage has an alcohol content. "Imitation liquor" includes, but is not limited to, products bearing the brand names "Near Beer", "Brew" or "Champaigne-0".

Juvenile: an individual who is younger than 18 years old.

Keg: a container capable of holding at least 7.75 gallons of liquid.

Keg Tag: an identification tag, approved by the Department of Public Safety, that is affixed to all kegs sold by off premise retailers. The purpose of the tag is to identify the purchaser of the keg during an investigation.

Licensee: the person to whom a license of any kind is issued by Liquor Licensing.

Licensed Establishment: premise to which a license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed premise applies, and any person or organization which is licensed to sell spirits, wine or malt liquor in the times, places and manners as specified in the license.

Liquor: spirits, wine or malt liquor, or any substance containing liquor, intended for human consumption, which contains more than ½ of 1% or alcohol by volume.

Minor: A person who has not reached the age of 21 years.

Sale or Sell: "Sale" or "Sell" means any transfer or delivery of liquor for a consideration.

Visibly Intoxicated Person: a person who shows the signs of intoxication, such as severe sway in gate, swaying or "tipsy" while standing still, severely slurred speech, strong smell of intoxicants on the breath, argumentative, combative or incoherent in their dialogue. Visibly intoxicated would be a notable level of intoxication observed without the aid of a "Standard Field Sobriety" test. *Note: a person can be legally intoxicated and charged with driving under the influence without showing the signs of visible intoxication that are required to obtain an administrative violation complaint.*

Other Resources

- Maine Criminal Justice Academy web page:
www.state.me.us/dps/mcja
- Link to MRSA Title 28-A and the related Rules and Regulations:
www.state.me.us/dps/liqr/LiqrLawLinks.htm
- Department of Public Safety, Liquor Licensing and Compliance web page:
www.state.me.us/dps/liqr/homepage.htm
- For information on substance abuse issues, treatment referrals, free handout materials, and underage drinking prevention efforts in Maine: Maine Office of Substance Abuse Information and Resource Center
1-800-499-0027
osa.ircosa@maine.gov
www.maineosa.org

For free "Maine Parent Kits" with information for parents about preventing teen drinking

- Contact the OSA IRC (see above)
- Download fact sheets at www.maineoparents.net

For information/publications on alcohol policy & enforcement of underage drinking laws:

- The Underage Drinking Enforcement Training Center of the Pacific Institute for Research and Evaluation: www.udetc.org
- The Alcohol Epidemiology Program at the University of Minnesota: www.epi.umn.edu/alcohol/policy/police.html