

127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1331

H.P. 906

House of Representatives, April 14, 2015

An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative LUCHINI of Ellsworth.

Cosponsored by Senator CYRWAY of Kennebec and

Representatives: BEAR of the Houlton Band of Maliseet Indians, HANINGTON of Lincoln, KINNEY of Limington, LONGSTAFF of Waterville, SAUCIER of Presque Isle, SCHNECK of Bangor, TURNER of Burlington.

1 Be it enacted by the People of the State of Maine as follows:

- Sec. 1. 28-A MRSA §2, sub-§15-B is enacted to read:
- 15-B. Liquor inspector. "Liquor inspector" includes a person employed by the bureau who serves under the director of the bureau to enforce the laws relating to the manufacture, importation, storage, distribution, sale and consumption of alcoholic beverages under this Title, including but not limited to the administration of licenses and the collection of required taxes under this Title. A liquor inspector may be a law enforcement officer as defined by subsection 13-A.
 - **Sec. 2. 28-A MRSA §84, sub-§4,** as enacted by PL 1997, c. 373, §28 and amended by PL 2013, c. 368, Pt. V, §61, is further amended to read:
 - **4. Confer with commissioner.** Confer regularly as necessary or desirable and not less than once a month with the Commissioner of Administrative and Financial Services on the operation and administration of the bureau and make available for inspection by the Commissioner of Administrative and Financial Services, upon request, all books, records, files and other information and documents of the bureau; and
 - **Sec. 3. 28-A MRSA §84, sub-§5,** as amended by PL 2013, c. 588, Pt. B, §1, is further amended to read:
 - **5. Certification.** Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of revenues and expenses for liquor sales for the preceding month and submit an annual report that includes a complete statement of the revenues and expenses for the bureau to the Governor and the Legislature, together with recommendations for changes in this Title-; and
 - Sec. 4. 28-A MRSA §84, sub-§6 is enacted to read:
 - **6. Employ inspectors.** Appoint, subject to the Civil Service Law, as many liquor inspectors as may be found necessary. The director may require a liquor inspector to complete relevant law enforcement training at the Maine Criminal Justice Academy or require a liquor inspector to be qualified as a law enforcement officer as defined by Title 25, section 2801-A, subsection 5.
 - A. A liquor inspector, as authorized by the director, may issue a written summons to a person who the liquor inspector has probable cause to believe has committed or is committing a crime or civil violation with regard to the enforcement of section 2051, 2078 or 2081.
 - B. A liquor inspector who is qualified as a law enforcement officer as defined by Title 25, section 2801-A, subsection 5 has the powers and duties to enforce all the provisions of this Title, Title 17, chapter 69 and Title 29-A, section 2112-A with the same powers that a sheriff has in a county.
- **Sec. 5. 28-A MRSA §2087, sub-§1,** as enacted by PL 1999, c. 413, §2, is amended to read:

- **1. Refusal to provide proper identification prohibited.** A person may not intentionally refuse to provide a law enforcement officer or liquor inspector proper identification if:
 - A. The person is present on licensed premises at a time when minors are not permitted to be on the premises;
 - B. The officer <u>or inspector</u> has a reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises;
 - C. The officer <u>or inspector</u> has a reasonable and articulable suspicion that the person is a minor; and
 - D. The officer <u>or inspector</u> has informed the person that the officer <u>or inspector</u> is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer <u>or inspector</u> believes that the person is a minor.

For purposes of this section, "proper identification" means a person's correct name, address and date of birth except that, if a person has in the person's possession an identification card issued under Title 29-A, section 1410, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11, proper identification means that identification card or motor vehicle operator's license.

Sec. 6. Director of the Bureau of Alcoholic Beverages and Lottery Operations to require liquor inspectors to complete law enforcement training at the Maine Criminal Justice Academy. No later than July 1, 2016, the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services shall ensure that no less than 1/3 of the positions for liquor inspector under the bureau include a requirement that the liquor inspector must complete training as a qualified law enforcement officer as defined by the Maine Revised Statutes, Title 25, section 2801-A, subsection 5.

27 SUMMARY

 This bill provides a definition of "liquor inspector" and provides that the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services may require liquor inspectors to receive law enforcement training as a condition of employment. The bill also requires the director to ensure that no less than 1/3 of the liquor inspector positions under the bureau include a requirement that the liquor inspector must complete law enforcement training.