

§83-B. Enforcement and licensing activities of the bureau

The bureau shall establish policies and rules and propose legislation concerning the administration and the enforcement of the laws under this Title and for the sale of liquor in this State. The bureau shall: [PL 2013, c. 476, Pt. A, §9 (NEW).]

1. Enforcement. 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 liquor required to be remitted under this Title; [PL 2013, c. 476, Pt. A, §9 (NEW).]

2. Licensing and licensing hearings. Issue and renew all licenses authorized by this Title and hold licensing hearings as required by this Title. The director of the bureau or the director's designee shall appoint a hearing officer who may conduct hearings in any licensing matter pending before the bureau. The hearing officer, after holding the hearing, shall render a final decision based upon the record of the hearing. Except as provided in section 805, the decision of the hearing officer is final.

The hearing 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; [PL 2013, c. 476, Pt. A, §9 (NEW).]

3. 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; [PL 2013, c. 476, Pt. A, §9 (NEW).]

4. Prevent sale to minors and others. Prevent the sale of liquor by licensees to minors and intoxicated persons; [PL 2013, c. 476, Pt. A, §9 (NEW).]

5. Appeals of municipal decisions. Review all appeals from the decisions of municipal officers. The director or the director's designee may appoint a hearing officer as provided in subsection 2 to conduct hearings; [PL 2013, c. 476, Pt. A, §9 (NEW).]

6. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of liquor throughout the State and the operation and administration of state activities relating to licensing and enforcement under this Title and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State; [PL 2013, c. 476, Pt. A, §9 (NEW).]

7. Rules. Adopt rules consistent with this Title or other laws of the State for the administration, licensing, 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 2-A. The rules adopted by the Department of Public Safety before July 1, 2013 are deemed adopted by the bureau; [PL 2013, c. 476, Pt. A, §9 (NEW).]

8. Rules for food service organizations. Adopt rules permitting food service organizations to purchase malt liquor and wine from a wholesale licensee, notwithstanding section 1401, subsection 9. For the purposes of this subsection, "food service organization" means a business entity that provides catering services to passengers on international flights and cruises. The rules must provide that a food

service organization is not required to have a license in order to purchase malt liquor and wine from a wholesale licensee for consumption by passengers on international flights and cruises after leaving port; [PL 2021, c. 658, §53 (AMD).]

9. Publish laws and rules. Ensure that licensees have access to the provisions of this Title, other laws governing liquor and all rules adopted pursuant to this Title in accordance with this section.

A. The bureau shall provide notification to licensees that the provisions of this Title and rules adopted pursuant to this Title are available on the bureau's publicly accessible website and that the bureau will provide a paper copy of this Title or rules to a licensee at no charge, upon request from that licensee. [PL 2013, c. 476, Pt. A, §9 (NEW).]

B. The bureau shall notify all licensees of changes to this Title and rules adopted within 90 days of adjournment of each regular session of the Legislature. [PL 2013, c. 476, Pt. A, §9 (NEW).]

C. The bureau may charge a reasonable fee for paper copies of this Title, any new laws enacted in this Title or any newly adopted or existing rules to cover the cost of producing the paper copy to persons other than licensees. Nothing in this paragraph prevents the bureau, upon its own discretion, from providing paper copies for no fee. [PL 2013, c. 476, Pt. A, §9 (NEW).]

D. The bureau shall keep that part of its publicly accessible website regarding this section updated with any new or updated laws or rules; [PL 2013, c. 476, Pt. A, §9 (NEW).]
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10. Deposit revenues. Deposit all net revenues derived from licensing and enforcement under this Title to the General Fund; and
[PL 2013, c. 476, Pt. A, §9 (NEW).]

11. Certification. Certify monthly to the commission and the commissioner a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau including a statement of the revenues collected under chapter 65.
[PL 2019, c. 13, §5 (AMD).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §9 (NEW). PL 2019, c. 13, §5 (AMD). PL 2021, c. 658, §53 (AMD).

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