Bill as Introduced

SB 302- AS INTRODUCED

2000 SESSION

00-2715
03/09

SENATE BILL ***302***

AN ACT relative to certain employment requirements for liquor licensees.

SPONSORS: Sen. Below, Dist 5

COMMITTEE: Ways and Means

ANALYSIS

This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 302- AS INTRODUCED

00-2715
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to certain employment requirements for liquor licensees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Employment, Employment of Minors, Felon Exception; Commission Approval. Amend RSA 179:23, V to read as follows:

V. Notwithstanding paragraph IV, the commission may in its discretion approve the [~~employment~~] ***designation*** of any person who has been convicted of a felony ***as a person to be in charge of the premises***, provided that not less than 6 months shall have passed since such person was placed on parole or probation and that during this interim period [~~he~~] ***such person*** shall have led an exemplary life and not have been convicted of any further crime excluding minor traffic violations. [~~Such approval shall allow for the employment of the person in the sale and distribution of liquor and beverages, and~~] The commission shall periodically review the status of such person in respect to the continuance of his ***or her*** good behavior and may revoke, in its discretion, the approval for [~~employment~~] ***designation as a person to be in charge of the premises*** granted under this section.

2 Alcoholic Beverages; Enforcement, Requirements, and Penalties; Enforcement Proceedings and Penalties; Suspension or Revocation, Administrative Fines; Person in Charge. Amend RSA 179:57, I to read as follows:

I. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful purposes or knowingly [~~employs in the sale or distribution of liquor or beverages~~] ***designates to be in charge of the premises*** any person who has been convicted of a felony, unless the person has been approved by the commission pursuant to RSA 179:23, V, or otherwise fails to carry out in good faith the purposes of this title the license of such licensee may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the commission after the appropriate hearing may impose a fine of a specific sum, which shall not be less than $100 nor more than $5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

3 Effective Date. This act shall take effect January 1, 2001.

Amendments

Sen. Below, Dist. 5
April 18, 2000
2000-4163s
03/09

Amendment to SB 302

Amend RSA 179:23 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Notwithstanding paragraph V, a licensee may employ a person convicted of a felony to sell, serve or otherwise handle alcoholic beverages in a non-managerial capacity for a period of 60 days without meeting the provisions of paragraph V. A convicted felon employed under this section shall not be allowed to work longer than 60 days without the licensee complying with the provisions of paragraph V. Any licensee employing a person convicted of a felony to serve alcoholic beverages longer than 60 days without obtaining a waiver under paragraph V shall be fined not more than $50 per day for each day of employment beyond 60 days.

Criminal Justice and Public Safety
April 27, 2000
2000-4268h
03/09

Amendment to SB 302

Amend RSA 179:23 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Notwithstanding paragraph V, a licensee may employ a person convicted of a felony to sell, serve or otherwise handle alcoholic beverages in a non-managerial capacity for a period of 60 days without meeting the provisions of paragraph V. A convicted felon employed under this section shall not be allowed to work longer than 60 days without the licensee complying with the provisions of paragraph V. Any licensee knowingly employing a person convicted of a felony to serve alcoholic beverages longer than 60 days without obtaining a waiver under paragraph V shall be fined not more than $50 per day for each day of employment beyond 60 days.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 30 days after passage.

2000-4268h

AMENDED ANALYSIS

This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises. The bill limits the amount of time that a licensee can employ a convicted felon prior to obtaining the necessary waiver. It also establishes a fine for noncompliance.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 302 Date APRIL 19, 2000

Committee CJ + PS

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Michael Philbrook	24 Ferry Rd.	889-2275	Hum. Soc. for Gr. Nash.	✓	

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 302

BILL TITLE: relative to certain employment requirements for liquor licensees.

DATE: April 19, 2000

LOB ROOM: 204 **Time Public Hearing Called to Order:** 10:07 AM

Time Adjourned: 10:55 AM

(please circle if present)

Committee Members: Reps. Welch, Christie, Hansen, Dunham, Sargent, Pepino, Flora, Mikowlski, Fesh, Weare, Andrews, J. Johnson, Tholl, Knowles, Doucette, Berube, Schanda, O'Keefe, McCarthy, Robertson, Callaghan and Rodd.

Bill Sponsors: Sen. Below. Dist 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

See Attached

New Hampshire House of Representatives
Criminal Justice and Public Safety Committee
Committee Minutes

Bill Number - SB 302 **Date of meeting** - April 19, 2000
Presiding - Rep. John Tholl, Acting - Chairman

Testifying:

*1. Sen. C. Below, Dist. #5, sponsor, in support. ***(See written materials.)*** Bill was written for a specific person. In 1935, the owner/manager couldn't be a convicted felon. Talked about RSA 179:23, paras. IV and V. In current regulations, "person in charge" has been expanded to anyone who "sells, serves or handles", so can't be a waiter or waitress without prior approval. This person was fired; owner didn't want to go through approval process. The wording in this bill narrows it to the person in charge concept, originally meant. Liquor Commission had some concerns re: Owner designating anyone, so an amendment was written.

Rep. Andrews: How long is the waiver process? Response: 60 days should be reasonable.

In answer to question: Waiters/waitresses need waiver now. Amendment shouldn't necessarily be tied to paragraph V.

2. Chief Aidan Moore, 10 Commercial St., Concord, NH (271-3523), Bureau of Enforcement, NHSLC, no position. Prospective employee files an affidavit re: never convicted of felony. Granting of waivers extremely high – in 90% range. 60 day period will help employers.

Rep. Fesh: What if only one bartender, night shift? He's really the manager. Response: Tricky. Need to get waiver in advance of 60 day period.

Rep. Sargent. Is the waiver process more stringent for prospective manager than waiter? (Questioning the necessity of new paragraph VI). Response: No difference. Maybe should keep paragraph VI, striking, "complying with provision of paragraph V". Leave out 6 month period referred to in case of waiter/ waitress.

In answer to question from Rep. Andrews: In amendment, probably should have "knowingly" employing a person.

Rep. Fesh: Why can't we have effective date 30 days after passage? Response: No problem.

Enforcement of this provision is not his department's highest priority.

Rep. Berube expressed concern about investigating a felon who has served his/her time and parole. There's a stigma attached. Is this further punishment?

Rep. Maxwell D. Sargent - Clerk

Testimony

§ 179:23. Employment; Employment of Minors; Felon Exception.

I. No licensee shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverages, except that off-sale licensees may employ minors of not less than 15 years of age when beverages or wine is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller. To act as a cashier in a selling capacity a minor shall be at least 16 years of age, providing a person at least 18 years of age is in attendance and is designated in charge of the employees and business.

II. An on-sale licensee may employ any person not less than 18 years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, bartender, or hostess in a licensed premise. Minors not less than 15 years of age may be employed in dining areas and minors not less than 16 years of age may be employed in lounge areas to clean tables, remove empty containers and glasses and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

III. The provisions of this section shall in no way prohibit an on-sale or off-sale licensee from employing persons 18 years of age or older to sell, serve, or otherwise handle or be left in charge of the employees and the business.

IV. Each licensee shall designate one or more persons to be in charge of the premises. Each designated person in charge shall file an affidavit with the commission attesting to the fact such person is 18 years of age or older and has not been convicted of a felony. For the purposes of this section, any corporate officer or member of a limited liability company shall be deemed to be a person in charge of the licensed premises. For the purposes of this section, any person designated as a person in charge by a licensee shall be considered so designated for all licenses held by the licensee. The commission shall maintain records of all affidavits filed by licensees.

V. Notwithstanding paragraph IV, the commission may in its discretion approve the employment of any person who has been convicted of a felony, provided that not less than 6 months shall have passed since such person was placed on parole or probation and that during this interim period he shall have led an exemplary life and not have been convicted of any further crime excluding minor traffic violations. Such approval shall allow for the employment of the person in the sale and distribution of liquor and beverages, and the commission shall periodically review the status of such person in respect to the continuance of his good behavior and may revoke, in its discretion, the approval for employment granted under this section.

History

Source. 1990, 255:1. 1992, 227:3. 1993, 88:1, eff. April 29, 1993. 1998, 167:9, eff. July 1, 1998.

Amendments--1998. Paragraph IV: Amended generally.

--1993. Paragraph II: Substituted "15 years" for "16 years" preceding "of age may be employed in dining" and inserted "minors not less than 16 years of age may be employed in" preceding "lounge" in the second sentence.

--1992. Paragraph II: Amended generally.

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§ 179:57. Suspension or Revocation; Administrative Fines.

I. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony, unless the person has been approved by the commission pursuant to RSA 179:23, V, or otherwise fails to carry out in good faith the purposes of this title the license of such licensee may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the commission after the appropriate hearing may impose a fine of a specific sum, which shall not be less than $100 nor more than $5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

I-a. Notwithstanding any other provision of law, the commission may accept at any time, a petition from the governing body of a city or town who has voted to accept the provisions of RSA 663:5, I(b), (c) and (d), to revoke a license to sell alcoholic beverages held by a licensee who is located within that community. Any petition filed under this paragraph shall state with particularity all relevant facts and circumstances that sustain the opinion of the petitioner to revoke a license. A licensee against whom a petition is filed shall be entitled to a public hearing before any decision by the commission. All proceedings conducted in conjunction with this paragraph shall conform to the requirements of RSA 541-A.

II. Appeals from a decision of the commission shall be in accordance with RSA 541.

History

Source. 1990, 255:1. 1991, 204:6. 1994, 412:24, eff. Aug. 9, 1994. 1997, 207:18, eff. July 1, 1997. 1998, 48:1, eff. Jan. 1, 1999.

Amendments--1998. Paragraph I-a: Added.

--1997. Paragraph I: Inserted "unless the person has been approved by the commission pursuant to RSA 179:23, V" following "felony" in the second sentence.

--1994. Paragraph I: Substituted "RSA 541-A:31-36" for "RSA 541-A:16-22" following "accordance with" in the second sentence.

--1991. Designated the existing provisions of the section as par. I, deleted "disorderly or immoral" following "unlawful", substituted "or" for "by the commission without hearing, and may be" following "suspended" and added "in accordance with RSA 541-A:16-22" following "and hearing" in the second sentence and substituted "after the appropriate hearing" for "in its discretion" following "commission" in the third sentence of that paragraph and added par. II.

CROSS REFERENCES

Conditions for approval by commission for employment of convicted felons in licensed establishments, see RSA 179:23.

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Current Regulations

Liq 404.06 Felon Exception Approvals.

(a) A licensee shall petition the commission pursuant to Liq 206.10(a) if the licensee wishes to have a convicted felon approved as a person in charge of the premises.

(b) The petition shall include the full name including any aliases, address, date and place of birth of the applicant to be approved.

(c) For the purposes of Liq 404.06(a) "a person in charge" means:

(1) Any manager;

(2) A person left in charge of a licensed premise in the absence of the owner; or

(3) Any person who sells, serves or handles alcoholic beverages as a part of their employment.

(d) A licensee desiring a convicted felon to be approved by the commission pursuant to RSA 179:23, V as a person in charge as defined by Liq 404.06(c) shall submit copies of the following documents:

(1) A notarized copy of the felony complaint to substantiate the conviction for which the exception is desired;

(2) A letter from the convicted felon's parole or probation officer stating that:

a. At least six months have passed since the person was placed on parole or probation;

b. The person has not been convicted of any further crime during that six month period other than traffic violations; and

c. The individual is allowed by the conditions of their probation or parole to serve, sell, or otherwise handle alcoholic beverages; or

(3) In the case of a convicted felon who is not on parole or probation, the licensee shall submit:

a. Proof from the court of jurisdiction, corrections facility or other controlling authority that the person was not or is no longer on parole or probation; and

b. Either of the following:

1. A current copy of the person's criminal history and motor vehicle record; or

2. An affidavit of the individual attesting that they have not been convicted of any further crime, other than traffic violations.

(e) An applicant for a license who is convicted of a felony other than abduction, arson, incest, manslaughter in the first degree, mayhem, murder, rape, robbery, or as a result of trafficking in drugs may petition the commission pursuant to Liq 206.10(a) to have a exception granted pursuant to RSA 178:25.

(f) The petition shall include the full name - including any aliases, address, date and place of birth of the applicant to be approved.

(g) The following categories of persons who have been convicted of a felony, which is not specifically excluded by Liq 404.06(e) shall be approved pursuant to RSA 178:25 prior to or concurrently with any license being issued:

(1) An officer or director of a corporation;

(2) A stockholder owning 5% or more of the outstanding shares of a corporation;

(3) A partner in a partnership or a partner owning 5% or more of a partnership with over 20 partners; and

(4) A sole proprietor.

(h) Each individual desiring an exception approval pursuant to RSA 178:25 shall submit the following documents:

(1) A notarized copy of the felony complaint to substantiate the conviction for which the exception is desired;

(2) A letter from the person's parole or probation officer stating that:

a. At least 5 years passed since the person was placed on parole or probation;

b. The person has not been convicted of any further crime, other than traffic violations, during that five year period; and

c. The individual is allowed by the conditions of their probation or parole to serve, sell, or otherwise handle alcoholic beverages; or

(3) In the case of a convicted felon who was not or is no longer on parole of probation the applicant shall submit:

a. Proof from the court of jurisdiction, corrections facility or other controlling authority that the person was not or is no longer on parole or probation;

b. A copy of the person's criminal history and motor vehicle record; and

c. An affidavit of the individual attesting that they were not convicted of any further crime during that five year period - other than traffic violations.

(i) All petitions shall be filed as required by Liq 206.08.

SR#3167

Paul

NEW HAMPSHIRE SENATE RESEARCH

MEMORANDUM

TO: **Senator Clifton Below**
DATE: May 17, 1999
FROM: Carolyn Johnson
IN RE: Legislative History of "person in charge" under RSA 179:23, IV

You have asked us to determine the legislative history of the term "person in charge of the premises" under RSA 179:23. I am also including some discussion of the issue of convicted felons working as waitstaff in a business that has a liquor license.

The State of New Hampshire licenses the sale of alcoholic beverages in a number of classifications, depending on the type of sale and the establishment wishing to sell the alcohol. The privilege of selling runs from the state to the licensee. The licensee must supervise his business either in person or through a manager approved by the Liquor Commission;[1] and must at all times follow the statutes and regulations governing the type of license. The premises must be used for lawful purposes and the licensee may not knowingly employ a convicted felon in the sale or distribution of liquor or beverages unless the felon has been approved by the liquor commission. If the licenseholder violates any of these conditions, the commission may suspend or revoke his license.

The provisions of the law requiring supervision by a manager approved by the commission go back 1935, Public Laws, Chapter 170, Section 32. The wording is remarkably similar to the current statute:

> "If any licensee violates any of the provisions hereof or any of the rules and regulations of the commission... or fails to superintend in person **or through a manager approved by the commission** the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor any person who fails to carry out in good faith the purposes hereof the license may be suspended by the commission." (emphasis added)

In the 1955 Revised Statutes Annotated,[2] the licenseholder continued to have the duty of either supervising the licensed premises in person or through "a manager approved by the commission." He could not knowingly employ "a person who has been convicted of a felony" in the sale or distribution of liquor or beverages.

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[1] RSA 179:57
[2] RSA 178:11

NEW HAMPSHIRE SENATE RESEARCH

In 1969, the Legislature enacted Chapter 374,[3] which created a review process through which licenseholders could obtain permission to employ convicted felons in the sale and distribution of liquor and beverages. The legislative history of the bill shows that the intent of the bill was to "help in the employment of people who have gotten into some sort of trouble."[4] It also shows that the House committee heard testimony from a parole officer who advocated giving felons a chance because their crimes may not have been alcohol-related. The testimony does not discuss whether convicted felons can be managers or "persons in charge."

The Liquor Commission has had the authority to make rules and regulations governing the sale of liquor since at least 1935, the point at which I began to search for the interpretation of "person in charge of the premises." In 1950, the commission rules required the licensee to designate "one or more persons, approved by the Commission, one of whom shall be in charge of the premises at all times in the absence of the ...licensee." By 1964, the Commission rules had expanded to include not only approval of the person in charge but also every other person who "shall serve, sell or handle beverages or liquor in any manner."[5]

By 1972, the rules of the Liquor Commission had changed to reflect the felon approval provisions of Chapter 374 of the Laws of 1969. The requirements for "person in charge" and the employment of felons were intermingled as follows:

> "Each permittee and licensee shall designate one or more persons to be in charge of their premises during their absence. Such persons must have reached their twenty-first birthday, be citizens of the United States, not have been convicted of a felony and be approved by the Commission. Persons convicted of a felony in this State may be approved in the sale and distribution of beverages and liquor provided they meet the criteria established by RSA 178-11a and aliens may be approved to handle beverages and liquor pursuant to their employment by on-sale permittees as waiters, waitresses and bartenders. No person shall serve, sell or handle beverages or liquor in any manner without the prior approval of the Commission."[6]

By 1985, the minimum age of the person in charge was lowered to 18 and all references to aliens were dropped.[7] However, as in 1972, the person in charge must "not have been convicted of a felony and be approved by the commission. Persons convicted of a felony in this state may be approved in the sale and distribution of beverages and liquor provided they meet the requirements of RSA 178:11-a."[8] The use of separate sentences for persons in charge of premises and for convicted felons would suggest that

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[3] RSA 178:11-a
[4] Senate Journal, Wednesday, June 11, 1969 at 969
[5] General Regulations of 1964, No.2, p.47
[6] General Regulations of 1972, No.2, at 57
[7] Regulations Relative to the Sale of Liquors, Beer and Wines, Dec. 1, 1985, Liq. 404.01 (attached)
[8] Ibid.

felons may not be persons in charge but may be employed in other capacities in the sale and distribution of alcoholic beverages. However, I was unable to find any legislative history to interpret this regulation and Bob Pierce of the Enforcement Division of the Liquor Commission indicated in conversation that the practice was that as long as the person had approval to work, he could be a person in charge even with a prior felony conviction.

In 1985, the regulations also required that every person employed in the serving, sale, or handling of beverages or liquor in any manner, must have the prior approval of the commission. Bob Pierce (who started with the commission in 1983) confirmed that the enforcement division used to approve everyone in the liquor business but that the practice was very time consuming and difficult to do accurately. Often a person's employment would be brief and their next employment in the liquor business might be in another enforcement district after the passage of some time. The 'revolving door' nature of the restaurant business made prior approval of all employees too demanding to continue and the commission regulations no longer contain the pre-approval requirement.

In 1988, the Legislature set up a study committee to review all of the state's liquor laws and to recommend necessary legislation.[9] In 1989, the committee's reporting deadline was extended to December.[10] There is no record of a report from the committee but in 1990, the Legislature recodified the liquor laws, incorporating provisions of the regulations into the statutes. This recodification forms the basis for our current liquor laws.

The recodification divided the language that was in Liq. 401:01 and put 'person in charge' into the statutes as paragraph IV of RSA 179:23, and the felon employment exception as paragraph V of RSA 179:23. The "person in charge" may be one or more persons, at least 18 years old, who have not been convicted of a felony and who are approved by the Liquor Commission. The felon exception allows a felon to be employed in the sale and distribution of liquor and beverages with the approval of the Liquor Commission. RSA 179:23,V starts with the words "Notwithstanding paragraph IV" (the person in charge paragraph) which suggest that a felon may be a 'person in charge' if the Liquor Commission approves. Further into the paragraph, the statute says "Such approval shall allow for the employment of the person in the sale and distribution of liquor and beverages" and Bob Pierce of the enforcement division told me that the commission includes being a person in charge within the definition of 'employment' for convicted felons approved by the commission. The 1990 recodification also removed the words "in this state" from the previous law which said "the commission may in its discretion approve the employment of any person who has been convicted of a felony in this state."

In 1996, the Liquor Commission rewrote and recodified their rules. The felon exception became Liq. 404.06 and expanded from one paragraph to two pages in length.

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[9] Laws of 1988 Chapter 132:5
[10] Laws of 1989 Chapter 191:1

NEW HAMPSHIRE SENATE RESEARCH

The new rules clarify that a felon can be a 'person in charge' and explain the procedure for petitioning the commission for approval. As licensees are required to obtain commission approval when employing any convicted felon, the definition of 'person in charge' was expanded to include any felon who sells, serves or handles alcoholic beverages, not just those with some supervisory or decision-making authority. The revised rules also include provisions that enabled some convicted felons to become licensees and established a procedure for Liquor Commission review and approval of their license application.

In conclusion, a felon can work in an establishment serving alcohol if the licensee obtains permission from the Liquor Commission. The felon may sell, serve or handle alcoholic beverages and may also be a 'person in charge' with supervisory authority. Under RSA 179:57, a felon may also be a manager and superintend the business if the licensee has permission of the Liquor Commission. If a licensee employs a felon in the sale or distribution of liquor or beverages who has not been approved by the commission, the license of the licensee may be suspended or revoked after notice and a hearing before the Liquor Commission.[11] These requirements have been basic to the liquor laws since 1935 with the felon approval provisions appearing in 1969 to give "good" felons work opportunities in the restaurant and alcoholic beverages businesses.

A felon who wishes to work in the sale or distribution of alcoholic beverages is left with two options. The first is to have his employer apply for approval from the state liquor commission for his employment. The employer will be required to submit documentation of the person's criminal history and good conduct according to the requirements of Liq. 404.06. The other option, if the felony happened in New Hampshire, is for the felon to petition the sentencing court for an annulment under RSA 651:5. If the annulment is granted, is person can then answer in the negative when questioned about his criminal record and he "shall be treated in all respects as if he had never been arrested, convicted or sentenced."[12]

Attachments

RSA 179:57 (current)
P.L. 170 §32 (1935)
RSA 178:11 (1955)
RSA 178:11-a
Senate Journal Wednesday, June 11, 1969, 968-9
Liquor Commission Regulations of 1964, No. 2
Liquor Commission Regulations of 1972, No.2
Regulations Relative to the Sale of Liquors, Beer and Wines, Liq. 404.01 (1985)
Laws of 1988, Chapter 132:5
RSA 179:23 (current)
RSA 651:5 (current)
Liq. 404.06 (current)

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[11] RSA 179:57, I
[12] RSA 651:5,X (a),(c)

§ 179:57. Suspension or Revocation; Administrative Fines.

I. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony, unless the person has been approved by the commission pursuant to RSA 179:23, V, or otherwise fails to carry out in good faith the purposes of this title the license of such licensee may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the commission after the appropriate hearing may impose a fine of a specific sum, which shall not be less than $100 nor more than $5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

I-a. Notwithstanding any other provision of law, the commission may accept at any time, a petition from the governing body of a city or town who has voted to accept the provisions of RSA 663:5, I(b), (c) and (d), to revoke a license to sell alcoholic beverages held by a licensee who is located within that community. Any petition filed under this paragraph shall state with particularity all relevant facts and circumstances that sustain the opinion of the petitioner to revoke a license. A licensee against whom a petition is filed shall be entitled to a public hearing before any decision by the commission. All proceedings conducted in conjunction with this paragraph shall conform to the requirements of RSA 541-A.

II. Appeals from a decision of the commission shall be in accordance with RSA 541.

History

Source. 1990, 255:1. 1991, 204:6. 1994, 412:24, eff. Aug. 9, 1994. 1997, 207:18, eff. July 1, 1997. 1998, 48:1, eff. Jan. 1, 1999.

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--1991. Designated the existing provisions of the section as par. I, deleted "disorderly or immoral" following "unlawful", substituted "or" for "by the commission without hearing, and may be" following "suspended" and added "in accordance with RSA 541-A:16-22" following "and hearing" in the second sentence and substituted "after the appropriate hearing" for "in its discretion" following "commission" in the third sentence of that paragraph and added par. II.

CROSS REFERENCES

Conditions for approval by commission for employment of convicted felons in licensed establishments, see RSA 179:23.

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Annotations

1. Access to licensed premises.

Liquor commission may issue a regulation requiring a licensed club to furnish to commission's law enforcement department a key for entrance into premises at any time. Manchester Press Club v. State Liquor Comm'n, 89 N.H. 442, 200 A. 407 (1938). (Decided under prior law.)

Cited. Hickingbotham v. Burke, 140 N.H. 28, 662 A.2d 297 (1995).

Library References

ALR Revocation or suspension of liquor license because of drinking or drunkenness on part of licensee or associates. 36 ALR3d 1301.

Sale of liquor to homosexuals or permitting their congregation at licensed premises as ground for suspension or revocation of liquor license. 27 ALR3d 1254.

Sale or use of narcotics or dangerous drugs on licensed premises as ground for revocation or suspension of liquor license. 51 ALR3d 1130.

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1935

out of the state under such regulation and fees as the commission may prescribe.
1934, 3:26. 90–543.

31. Application for License. Any person applying for a license under this subdivision shall file with the commission an application therefor in such form as the commission may prescribe. Such application shall contain such information as the commission may require, and, except in the case of an application for a dining-car license, shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the commission shall satisfy itself that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant other than an applicant for a dining-car license, if an individual, or, if a partnership each of the members of the partnership, or, if a corporation each of its principal officers and directors, is of good moral character, a citizen of the United States and not less than twenty-one years of age; that the applicant intends to carry on the business authorized by the license for himself and not as the agent of another and that he intends to superintend in person the management of the business licensed, or intends to have some other person approved by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.
1934, 3:27.

RL C 170 s 32
1951 C 249 s 2

32. Revocation or Suspension. It shall be the duty of the commission to cause frequent inspections to be made of all the premises with respect to which any license shall have been issued hereunder. If any licensee violates any of the provisions hereof or any of the rules and regulations of the commission promulgated pursuant hereto or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor any person who fails to carry out in good faith the purposes hereof the license may be suspended by the commission without hearing, and may be revoked after notice and hearing. The commission may investigate prices charged for liquor by licensees. The commission may revoke or suspend the license of any licensee if it finds after notice and hearing that the profit made from the sale of liquor by such licensee is unreasonable and excessive.
1934, 3:28. 89–444.

33. Transportation. No person shall transport liquor in this state in a greater quantity than three quarts, unless said liquor was purchased from a state store. Provided, however, that the commission in its discretion may grant to an individual, upon application, a permit to transport for a specific journey liquor not purchased at a state store for his own personal use, in a

RSA's 1955

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H 442, 200 A 407, 116

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license is issued the commission shall satisfy itself that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant other than an applicant for a dining-car license, if an individual, or, if a partnership each of the members of the partnership, or, if a corporation each of its principal officers and directors, is of good moral character, a citizen of the United States and not less than twenty-one years of age; that the applicant intends to carry on the business authorized by the license for himself and not as the agent of another and that he intends to superintend in person the management of the business licensed, or intends to have some other person approved by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.

SOURCES: 1934, 3: 27. RL 170: 31.

ANNOTATION

d in North Hampton Racing & ing Asso. v. New Hampshire Racing (1946) 94 NH 156, 48 A2d 472 (in of holding that the state racing commission is properly invested with discretion to determine a proposed location of a race track).

11 Suspension or Revocation. It shall be the duty of the commis- to cause frequent inspections to be made of all the premises with to which any license or permit shall have been issued under the ions of this title. If any licensee or permittee violates any of the ions of this chapter or any of the rules and regulations of the com- promulgated pursuant thereto or fails to superintend in person or manager approved by the commission the business for which the or permit was issued or allows the premises with respect to which e or permit was issued to be used for any unlawful, disorderly purposes or knowingly employs in the sale or distribution of beverages any person who has been convicted of a felony or fails to carry out in good faith the purposes hereof, the license of such licensee or permittee may be suspended by the commis- without hearing, and may be revoked after notice and hearing. The may investigate the prices charged for liquor and beverages and permittees. The commission may revoke or suspend the any licensee or the permit of any permittee if it finds after notice that the profit made from the sale of liquor or beverages by or permittee is unreasonable and excessive.

1934, 3: 28. RL 170: 32. 1951, 249: 2, eff. Aug. 31, 1951.

ANNOTATION

hester Press Club v. State 88) 89 NH 442, 200 A 407, ntaining a regulation of the state liquor commission requiring a licensed club to furnish to the commission's law enforcement department a key

178:11 Suspension or Revocation. It shall be the duty of the commission to cause frequent inspections to be made of all the premises with respect to which any license or permit shall have been issued under the provisions of this title. If any licensee or permittee violates any of the provisions of this title or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license or permit was issued or allows the premises with respect to which the license or permit was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony or otherwise fails to carry out in good faith the purposes hereof, the license or permit of such licensee or permittee may be suspended by the commission without hearing, and may be revoked after notice and hearing.

HISTORY

Source. 1934, 3:28. RL 170:32. 1951, 249:2. RSA 178:11. 1987, 380:22, eff. July 25, 1987.

Amendments—1987. Substituted "title" for "chapter" preceding "or any of the rules", deleted "and regulations" thereafter and substituted "adopted under this title" for "promulgated pursuant thereto" preceding "or fails to superintend" in the second sentence and deleted the former third sentence.

CROSS REFERENCES

Suspension of license or permit of nonprofit organization, see RSA 178:8-e.

ANNOTATIONS

1. Keys to licensed club

Liquor commission may issue a regulation requiring a licensed club to furnish to commission's law enforcement department a key for entrance into premises at any time. Manchester Press Club v. State Liquor Comm'n (1938) 89 NH 442, 200 A 407.

Cited

Cited in Guillou v. Division of Motor Vehicles (1986) 127 NH 579, 503 A2d 838.

LIBRARY REFERENCES

ALR

Revocation or suspension of liquor license because of drinking or drunkenness on part of licensee or associates. 36 ALR3d 1301.

Right to hearing before revocation or suspension of liquor license. 35 ALR2d 1067.

Sale of liquor to homosexuals or permitting their congregation at licensed premises as ground for suspension or revocation of liquor license. 27 ALR3d 1254.

Sale or use of narcotics or dangerous drugs on licensed premises as ground for revocation or suspension of liquor license. 51 ALR3d 1130.

Validity of particular statutory provisions or other regulations as to inspection, entry, or search of places licensed for sale of intoxicating liquors. 116 ALR 1098.

178:11-a Exception. Notwithstanding the provisions of RSA 178:11, the commission may in its discretion approve the employment of any person who has been convicted of a felony, provided that not less than 6 months shall have passed since such person was placed on parole or probation and that during this interim period he shall have led an exemplary life and not have been convicted of any further crime except for minor traffic violations. Such approval shall allow for the employment of such person

in the sale and distribution of liquor and beverages, and the commission shall periodically review the status of such person in respect to the continuance of his good behavior and may in its discretion revoke the approval for employment granted under this section.

HISTORY

Source. 1969, 374:1. 1989, 320:4, eff. Aug. 1, 1989.

Amendments—1989. Made a minor stylistic change in the section catchline, deleted "in this state" preceding "provided", substituted "such" for "said" following "passed since" and made a minor change in punctuation in the first sentence, and substituted "such" for "said" preceding "approval" and following "status of" and "under this section" for "hereunder" following "employment granted" in the second sentence.

178:12 Transfers. No license shall be transferred without the consent in writing of the commission.

HISTORY

Source. 1933, 99:32. 1934, 3:30. RL 170:38.

LIBRARY REFERENCES

ALR

Right to withdraw application for, or to transfer, liquor license. 73 ALR2d 1223.

Transfer of retail liquor license or permit from one location to another. 98 ALR2d 1123.

178:13 Enforcement Policy.

I. The state liquor commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees and permittees under its jurisdiction.

II. This policy shall specify the disciplinary action which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions.

III. In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission shall not apply penalties such as license suspensions for indefinite periods of time.

HISTORY

Source. 1987, 380:23, eff. May 26, 1987.

Rollinsford	4,492
Dover	29,832
Hudson	22,338
Portsmouth	22,947

Sen. CLAVEAU moved indefinite postponement and spoke in support.

Sen. KOROMILAS spoke in support.

Sen. BUCHANAN: I rise in support of Sen. Chandler's and Sen. Koromilas's motion and would point out that constitutionally the restricted fund concept of the highway fund in this state is an ideal one. I believe it was one of the first, if not the first, such adopted in the United States. It assures the application of money received from the gasoline tax and motor fuel fees to construction and maintenance of highways and supervision thereof. However, like many other such funds, there is a constant demand upon it for additional uses thereof and the Commissioner of Public Works, Mr. Whittaker, appeared at our hearing and transmitted to us the rather shattering news, if I may put it that way, that in the next Legislature in 1971 his Department will be approaching the Legislature for an addition of at least 1c to the gas tax to enable the Public Works Department better to operate and function in its many aspects. Therefore, he appeared against this concept which I suppose if the money is returned back to the towns for the use on the highways is a constitutional use of the money. Nevertheless, it does not really meet the definition or the logical concept of restricted highway funds. I think it was Mr. Whittaker's testimony primarily which influenced the Committee's decision.

(Discussion)

On motion to indefinitely postpone, Sen. BUCHANAN requested a Division.

Ten voted yes. Eight voted no.

Motion PREVAILED.

SB 268, relative to the suspension of licenses or permits to sell liquor or beverages. Inexpedient to legislate. Sen. Gauthier for Ways & Means.

Sen. GOVE: The same subject matter is covered in SB 269.

Recommendation of Committee ADOPTED.

passed w/o discussion in the House

SB 269, allowing certain persons to handle liquor and beverages. Ought to pass. Sen. Gauthier for Ways & Means.

Sen. GOVE: SB 269 and SB 268 were companion bills. One was introduced by Sen. Leonard and the other by Sen. Spanos. They follow one another very closely and they have to do with the employment of a felon in serving or preparing drinks. The bill as presented by Sen. Leonard was a lot more restrictive and spelled out a little more what should be done in these cases. The Committee in its deliberations decided SB 269 would definitely be in the public interest and would help in the employment of people who have gotten into some sort of trouble.

Sen. LEONARD: I might add that when I had this bill drafted, I conferred with the Warden of the State Prison and the Parole Officer and people in the House of Representatives, as well as members of the Liquor Commission.

Ordered to third reading.

SB 277, relative to beverage permits for institutions of higher learning. Inexpedient to legislate. Sen. Gauthier for Ways & Means.

Sen. GOVE: This bill was introduced by the Senator from the 7th District, Sen. Jacobson. Whereas it had a great deal of merit, and conditions were where this particular type of legislation would be desirable, it was felt by the Committee that more trouble would be stirred up by the passage of this bill, more problems would arise than would be solved. Hence the report of the Committee that it be inexpedient.

Sen. JACOBSON: I move that the words "ought to pass" be substituted for inexpedient to legislate.

Sen. JACOBSON spoke in support of motion.

(Discussion)

Sen. BUCHANAN spoke in opposition to pending motion: I rise in opposition to the pending motion. You would have the anamolous situation whereas Sen. Gove pointed out, a certain segment would be allowed to imbibe these beverages and others would not.

On motion to substitute, negative prevailed. Motion LOST.

Recommendation of Committee ADOPTED.

SB 305, relative to special liquor licenses and beverage permits for nonprofit organizations. Ought to pass. Sen. Gauthier for Ways & Means.

Sen. SPANOS: First, let me say I introduced this bill, Mr. President, on my own — not for any person, group or for the State Liquor Commission.

1964

display advertising designated for use at
ıbmitted to the Liquor Commission for ap-
by distributors, manufacturers, wholesalers

:e display material shall be identified by

ɔlay advertising material shall not exceed
hes in area, in a proportion approved by

or off-sale permit shall advertise beverage
windows, nor shall they advertise the sale
ıny form unless such brands are in stock
the consumer.

or off-sale permit shall advertise beverage
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lvertising. APPROVED advertising or dis-
laced on, in or above the shelving on the
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lls. Display pieces which hold cans or bot-
ay be used provided that they are placed
ulation.

te of Approval or manufacturer's permit
aler, and no holder of a wholesale permit
cost of point-of-sale advertising material.

ges or liquor on the premises of any per-
:efer in any way directly or indirectly to
wine or beer are advertised or sold, nor
ıade to prices such as "bargain prices",
ve to be rich to enjoy", "quality beverage
or today", etc. This regulation does not
ng prices of beverages and liquor by per-
ɔvided that no mention is made of any
le.

ch retail permittee or licensee in any news-
al, radio or television station in this State
ce to prices in which liquor, wine or beer
any reference be made to prices such as
savings", "not to have to be rich to en-
ɔwn, etc." This regulation does not pro-

hibit the advertising of their products by distillers, vintners, importers, rectifiers, breweries or holders of Certificates of Approval provided, however, that no mention is made of price and no monetary figures are used for comparative purposes.

GENERAL REGULATIONS

Gen'l Reg. No.

1. A permittee is the holder of a permit which allows the sale of beer and ale. See "Beverages" as defined in Chapter 175:1, II. A licensee is the holder of a license which allows the sale of liquor and wine. See "Liquor" as defined in Chapter 175:1, I.
2. Each holder of any on-sale or off-sale permit or license shall designate one or more persons, approved by the Commission, one of whom shall be in charge of the premises at all times in the absence of the permittee or licensee. No person shall serve, sell or handle beverages or liquor in any manner without prior approval of the Commission.
3. Beverage shall be sold by on-sale permittees by the glass, bottle, can or original container; not more than a total of (16) ounces at any one time shall be served and caps must be removed before service.
4. Liquor shall be sold by on-sale licensees by the glass except wine, which may be sold by the glass or bottle if the cap or cork has been removed. Not more than one glass (regular size drink) of liquor except wine, and not more than one bottle of wine shall be served at one time to a patron.
5. No permittee or licensee shall lease or rent concession of selling liquor or beer to any person, firm, or corporation. No person shall be employed by any on-sale or off-sale permittee of licensee to serve or sell beverage or liquor whose compensation is based on a percentage of the sale price of such liquor or beverage. No permittee or licensee shall rent or lease any part of their business without prior permission of the Commission.
6. No curb service of liquor or beverage shall be permitted.
7. No permittee or licensee shall store his surplus of beverage or liquor in any other building or buildings other than that designated in his permit or license except by written permission from the State Liquor Commission.

1972

29. Distillers, vintners, importers, rectifiers and holders of Manufacturer's licenses may include in their advertising in newspapers, magazines, periodicals, radios or television stations the price of their brands available in state stores, provided, however, that such price advertising shall be confined to the listing of price only and that no monetary comparisons be made.
The pricing of merchandise appearing in such ads shall be those prices that are in effect in the state stores at the time the advertisement appears.

30. No advertising of beverages or liquor by use of film shall be allowed provided, however, that films concerning themselves with the production and usages of wines and beverages, approved by the Commission, may be shown to adult audiences. The subject matter of such films shall be primarily of educational value and all advertising contained therein shall be limited as directed by the Commission. Sports films and travelogs shall be excepted from this regulation.

GENERAL REGULATIONS

1. A permittee is the holder of a permit which allows the sale of beer and ale. See "Beverages" as defined in Chapter 175:1, II. A licensee is the holder of a license which allows the sale of liquor and wine. See "Liquor" as defined in Chapter 175:1.

2. Each permittee and licensee shall designate one or more persons to be in charge of their premises during their absence. Such persons must have reached their twenty-first birthday, be citizens of the United States, not have been convicted of a felony and be approved by the Commission. Persons convicted of a felony in this State may be approved in the sale and distribution of beverages and liquor provided they meet the criteria established by RSA 178:11a and aliens may be approved to handle beverages and liquor pursuant to their employment by on-sale permittees as waiters, waitresses and bartenders. No person shall serve, sell or handle beverages or liquor in any manner without the prior approval of the Commission.

3. Beverage shall be sold by on-sale permittees by the glass, pitcher, bottle, can or original container; not more than a total of (16) ounces shall be served to any one person at any one time and caps must be removed before service. Beverages may not be sold in pitchers with a capacity in excess of 40 ounces.

SLC 1985

upon the licensee to insure that patrons contracting for such package deals meet all requirements of law for the purchase of alcoholic beverages.

Source. #1833, eff 10-13-81; ss by #2137, eff 9-30-82; ss by #2931, eff 12-26-84

PART Liq 404 PREMISES

Liq 404.01 Persons in Charge of Premises. Each permittee and licensee shall designate one or more persons to be in charge of their premises during their absence. Such persons must have reached their eighteenth birthday, not have been convicted of a felony and be approved by the commission. Persons convicted of a felony in this state may be approved in the sale and distribution of beverages and liquor provided they meet the requirements of RSA 178:11-a. No person shall be employed to serve, sell or handle beverages or liquor in any manner without the prior approval of the commission.

(See 404.06 adopted 11/27/96 Felon Acceptin Approvals

Source. #727, eff 12-18-75; ss by #1532, eff 2-13-80; ss by #2137, eff 9-30-82; ss by #2931, eff 12-26-84

Liq 404.02 Leasing or Renting Concessions or Part of Business. No permittee or licensee shall lease or rent concession of selling liquor or beer to any person, firm, or corporation. No person shall be employed by any on-sale or off-sale permittee or licensee to serve or sell beverage or liquor whose compensation is based on a percentage of the sale price of such liquor or beverage. No permittee or licensee shall rent or lease any part of his business without prior permission of the commission.

Source. #727, eff 12-18-75; ss by #2137, eff 9-30-82; ss by #2931, eff 12-26-84

Liq 404.03 Curb Service. No curb service of liquor or beverage shall be permitted.

Source. #727, eff 12-18-75; ss by #2137, eff 9-30-82; ss by #2931, eff 12-26-84

Liq 404.04 Storage of Surplus Liquor and Beverage. No permittee or licensee shall store his surplus of beverage or liquor in any other building or buildings other than that designated in his permit or license, except by written permission from the commission.

Source. #727, eff 12-18-75; ss by #2137, eff 9-30-82; ss by #2931, eff 12-26-84

tions as the board of adjustment, a board of appeals, or the local legislative body may prescribe. If the motion for rehearing is against a decision of the local legislative body and if the selectmen, as provided in RSA 677:2, shall have called a special town meeting within 25 days from the receipt of an application for a rehearing, the town shall grant or deny the same or suspend the order or decision complained of pending further consideration; and any order of suspension may be upon such terms and conditions as the town may prescribe.

131:6 **Effective Date.** This act shall take effect 60 days after its passage.

[Approved April 20, 1988.]
[Effective Date June 19, 1988.]

CHAPTER 132 (HB 798)

AN ACT RELATIVE TO SPECIAL FUNCTION LIQUOR LICENSES FOR CLUBS, CERTAIN LIQUOR LICENSES AND PERMITS FOR NONPROFIT ORGANIZATIONS AND HOTELS, EXTENSION OF CERTAIN LIQUOR LICENSES TO OUTSIDE AREAS, AND ESTABLISHING A COMMITTEE TO STUDY STATE LIQUOR LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

132:1 **Clubs.** Amend RSA 178:7, II to read as follows:

II. The commission may issue to a club licensed under paragraph I an additional license to set up a separate bar facility to serve alcoholic beverages to private groups in a rental hall approved by the commission. This additional license shall allow the club to hold up to 18 events for a fee of $300 per year or up to 36 events for a fee of $500 per year. The club shall be responsible for compliance with the provisions of this title and any rules adopted hereunder during such events. The club shall notify the commission at least 5 days prior to the date of any scheduled private affair which will be serviced by such bar facility. The commission may suspend the use of such bar facility without affecting the status of any other license in effect on the club premises.

132:2 **Special Licenses and Permits for Nonprofit Organizations.** Amend RSA 178:8-b to read as follows:

178:8-b **Special Licenses and Permits for Nonprofit Organizations.** Notwithstanding the provisions of RSA 181:3, the commission may issue a limited permit or license or both to any responsible individual representing a voluntary nonprofit group or organization approved by the commission. Said permit or license shall authorize the permittee to sell, on premises approved by the commission, the beverages or liquor described in the permit or license.

132:3 **Licenses for Mini-Bars in Hotel Rooms.** Amend RSA 178:3, I(c) to read as follows:

(c) Include a specified quantity of complimentary beverages as part of a bona fide contract for the hosting of a convention or offer a specified quantity of complimentary beverages in soliciting such conventions. As used in this paragraph "convention" means an assembly of persons participating in a business, social, political or other type of meeting to exchange ideas, views and information of common interest to such group. Notwithstanding RSA 175:10 or any rules adopted under

that section, hotels may advertise and offer package deals to resident guests, which include complimentary drinks, provided such offers shall be limited to persons of legal drinking age;

(d) Sell liquor and wine in 50 ml., 187 ml., and 375 ml. bottles and beer in containers not exceeding a 12-ounce capacity, which shall be stored under lock and key in a cabinet or miniature refrigerated bar in hotel rooms and which shall be available only to hotel room guests who are of legal drinking age.

132:4 **Authorization for Other Areas.** Amend RSA 178:4-a to read as follows:

178:4-a **Authorization for Other Areas.**

I. The commission may from time to time at its discretion extend the provisions of RSA 178:3-c, RSA 178:4, RSA 178:5-b and RSA 178:8 to govern the sale of beverages and liquor in any room of said hotel other than the dining room or to any patio or swimming pool area not within direct view of any public way.

II. The commission may grant permission to any holder of a license issued under RSA 178:3-c or RSA 178:4 to extend the sale and service of beverages and liquor to an outside cafe style area where permitted by ordinance and with written approval of town or city officials.

132:5 **Study Committee Established; Purpose and Membership.**

I. There is established a legislative study committee to examine the state's liquor laws and to recommend necessary legislation as a result of such examination.

II. There shall be 10 members on the study committee which shall include 5 senators, appointed by the senate president, and 5 representatives, appointed by the speaker of the house of representatives. Members of the study committee shall be allowed mileage, under RSA 14:15-a, on the days the members meet as a committee.

132:6 **Report.** A report of the study committee's findings and recommendations shall be made to the senate president and the speaker of the house of representatives by December 15, 1988.

132:7 **Effective Date.** This act shall take effect upon its passage.

[Approved April 20, 1988.]
[Effective Date April 20, 1988.]

CHAPTER 133 (HB 872)

AN ACT REGULATING RISK RETENTION GROUPS AND PURCHASING GROUPS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

133:1 **Purpose.** The purpose of this act is to regulate the formation and operation of risk retention groups and purchasing groups in this state formed pursuant to the provisions of the Federal Liability Risk Retention Act of 1986, known as "RRA 1986", to the extent permitted by such law.

133:2 **New Chapter; Risk Retention.** Amend RSA by inserting after chapter 405 the following new chapter:

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 302

BILL TITLE: **relative to certain employment requirements for liquor licensees.**

DATE: April 27, 2000

LOB ROOM: 204

Amendments:

Sponsor: Rep. CJ & PS Committee — OLS Document #: 2000 4268h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Fesh

Seconded by Rep. Schanda

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maxwell D. Sargent, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: SB 302 **Title:** relative to certain employment requirements for liquor licensees

PH Date: 4/19/00 **Exec Session Date:** 4/27/00

Motion: Ought to Pass as amended **Amendment #:**

MEMBER	YEAS	NAYS
Welch, David A, Chairman	✓	
Christie, Andrew, V Chairman	✓	
Hansen, Herbert R	absent	
Dunham, Vivian L	absent	
Sargent, Maxwell D, Clerk	✓	
Pepino, Leo P	absent	
Flora, Kathleen M	✓	
Mikowlski, Walter J	✓	
Fesh, Robert M	✓	
Weare, Everett A	✓	
Andrews, Frederick B	✓	
Johnson, James M	absent	
Tholl, John E	✓	
Knowles, William V	✓	
Doucette, Richard F	absent	
Berube, Roger R	✓	
Schanda, Frank M	✓	
O'Keefe, Patricia M	absent	
McCarthy, William J	absent	
Robertson, Timothy N	✓	
Callaghan, Frank D	✓	
Rodd, Beth	✓	
TOTAL VOTE:	15	0

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Criminal Justice and Public Safety**

BILL NUMBER: **SB 302**

TITLE: relative to certain employment requirements for liquor licensees.

DATE: May 3, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises. This bill also establishes a limited time period (60 days) within which to obtain the necessary waiver for the designation as a person to be in charge of the premises if the licensee is to employ a convicted felon to sell, serve, or otherwise handle alcoholic beverages. It also establishes a fine for noncompliance. The liquor commission agreed to this bill as amended. The bill would take effect 30 days after passage.

Vote 15-0.

Rep. Robert M. Fesh
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Criminal Justice and Public Safety

SB 302, relative to certain employment requirements for liquor licensees. OUGHT TO PASS WITH AMENDMENT

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises. This bill also establishes a limited time period (60 days) within which to obtain the necessary waiver for the designation as a person to be in charge of the premises if the licensee is to employ a convicted felon to sell, serve, or otherwise handle alcoholic beverages. It also establishes a fine for noncompliance. The liquor commission agreed to this bill as amended. The bill would take effect 30 days after passage. Vote 15-0.

COMMITTEE REPORT

COMMITTEE: _____

BILL NUMBER: SB 302

TITLE: _____

_____

DATE: _____ CONSENT CALENDAR YES ___ NO ___

___ OUGHT TO PASS

✓ OUGHT TO PASS WITH AMENDMENT

___ INEXPEDIENT TO LEGISLATE

___ RE-REFER

___ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises. This bill also establishes a limited time period (60 days) within which to obtain the necessary waiver for the designation as a person to be in charge of the premises if the licensee is to employ a convicted felon to sell, serve, or otherwise handle alcoholic beverages.

Vote. _____

30 days after passage. Rep. Bob Fesh
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

It also establishes a fine for noncompliance.

USE ANOTHER REPORT FOR MINORITY REPORT

The liquor commission agreed to this bill as amended.