

# MAINE STATE LEGISLATURE

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L.D. 903

DATE: 5-23-05

(Filing No. S-237

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reported by:

MAJORITY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT 'A' to S.P. 311, L.D. 903, Bill, 'An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages'

Amend the bill by striking out the title and substituting the following:

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

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 28-A MRSA §2081, sub-§1, ¶¶A and B, as amended by PL 2003, c. 452, Pt. P, §9 and affected by Pt. X, §2, are further amended to read:

A. 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.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which the a fine may of not be less than \$500 and may be imposed, none of which may net be suspended, if the violation involves a minor who is less than 14 18 years of age.

COMMITTEE AMENDMENT

2 (3) A person who violates this paragraph after having  
3 been previously convicted of violating this paragraph  
4 or paragraph B within a 6-year period commits a Class D  
5 crime for which the a fine may of not be less than \$500  
6 and \$1,000 may be imposed, none of which may net be  
7 suspended.

8 (4) A person who violates this paragraph after having  
9 been previously convicted of violating this paragraph  
10 or paragraph B 2 or more times within a 6-year period  
11 commits a Class D crime for which the a fine may of not  
12 be less than \$1,000-and \$1,500 may be imposed, none of  
13 which may net be suspended.

14 (5) A person who violates this paragraph commits a  
15 Class C crime if the consumption of liquor by the minor  
16 in fact causes serious bodily injury to or death of the  
17 minor or any other individual. For purposes of this  
18 subsection, "serious bodily injury" has the same  
19 meaning as set out in Title 17-A, section 2, subsection  
20 23;  
21 23;

22 B. Allow a minor under that person's control or in a place  
23 under that person's control to possess or consume liquor.  
24 The following penalties apply to violations of this  
25 paragraph.

26 (1) A person who violates this paragraph commits a  
27 Class D crime.

28 (2) A person who violates this paragraph commits a  
29 Class D crime for which the a fine may of not be less  
30 than \$500-and \$1,000 may net be imposed, none of which  
31 may be suspended, if the violation involves a minor who  
32 is less than 14 18 years of age.

33 (3) A person who violates this paragraph after having  
34 been previously convicted of violating this paragraph  
35 or paragraph A within a 6-year period commits a Class D  
36 crime for which the a fine may of not be less than \$500  
37 and \$2,000 may net be imposed, none of which may be  
38 suspended.

39 ~~(4) A person who violates this paragraph after having~~  
40 ~~been previously convicted of violating this paragraph~~  
41 ~~or paragraph A 2 or more times within a 6-year period~~  
42 ~~commits a Class D crime for which the fine may not be~~  
43 ~~less than \$1,000 and may net be suspended.~~

2 (5) A person who violates this paragraph commits a  
3 Class C crime if the consumption of liquor by the minor  
4 in fact causes serious bodily injury to or death of the  
5 minor or any other individual. For purposes of this  
6 subsection, "serious bodily injury" has the same  
7 meaning as set out in Title 17-A, section 2, subsection  
8 23;'

10 **SUMMARY**

12 This amendment is the majority report of the Joint Standing  
14 Committee on Criminal Justice and Public Safety. This amendment  
15 replaces the bill and does the following.

16 1. It changes the title of the bill.

18 2. It increases from less than 14 years of age to less than  
20 18 years of age the age of a minor for purposes of penalizing the  
21 first offense of furnishing liquor to a minor. The penalty is a  
22 mandatory fine of \$500, none of which may be suspended.

24 3. It increases from \$500 to \$1,000 the fine for a 2nd  
25 offense of furnishing alcohol to a minor within a 6-year period,  
26 none of which may be suspended.

28 4. It increases from \$1,000 to \$1,500 the fine for a 3rd or  
29 subsequent offense of furnishing alcohol to a minor within a  
30 6-year period, none of which may be suspended.

32 5. It increases from less than 14 years of age to less than  
33 18 years of age the age of a minor for purposes of penalizing the  
34 first offense of allowing a minor to consume liquor. It also  
35 increases the fine for this offense from \$500 to \$1,000, none of  
36 which may be suspended.

38 6. It increases from \$500 to \$2,000 the fine for a 2nd or  
39 subsequent offense of allowing consumption of alcohol by a minor,  
40 none of which may be suspended.

42  
44 **FISCAL NOTE REQUIRED**  
46 **(See attached)**



Approved: 04/26/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 903

2111(02)

**An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

**Majority Report**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements:

Increases fines for violations of furnishing alcohol to a minor.

Increases the age of a minor from less than 14 to less than 18 years of age.

The collection of additional fines will increase General Fund revenue by minor amounts.