

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1413

H. P. 1012

House of Representatives, February 8, 1961

Referred to Committee on Liquor Control. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Waterman of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Possession or Transporting Liquor by Minor in Motor
Vehicles.

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

R. S., c. 61, §§ 51-A - 51-D, additional. Chapter 61 of the Revised Statutes is amended by adding 4 new sections to be numbered 51-A to 51-D, to read as follows:

‘Sec. 51-A. Transportation in motor vehicles by minors. No person under the age of 21 years shall possess or transport any intoxicating liquor in a motor vehicle except in the scope of his or her employment.

Sec. 51-B. Impounding of motor vehicle; procedure, show cause order, notice to owner. At any time within 15 days following the conviction of any such person for the violation of sections 51-A to 51-C, complaint may be made by the arresting officer or his superior to the court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle in which such intoxicating liquor was possessed or transported in violation of this section and praying that said motor vehicle be impounded as provided in this section. Upon the filing of said complaint the court shall issue an order to the owner of such property to show cause, if any, why said motor vehicle shall not be impounded as provided. Such order to show cause shall have a date and time fixed therein for hearing thereof, which date shall not be less than 10 days from its issuance and shall be served by delivering a true copy thereof to said owner at any time not less than 5 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of said owner.

Sec. 51-C. Order impounding vehicle; appeal; lien holder. If the court determines upon the hearing of said order to show cause, from competent and relevant evidence, that at the time of the commission of said offense said motor vehicle was being used with the express or implied consent or knowledge of said owner, and that the use of said motor vehicle is not needed by the owner in the direct pursuit of his employment or the actual operation of his business, the court shall authorize the impounding of said vehicle for a period to be determined by the court, of not less than 10 days nor more than 20 days. The court's order authorizing the impounding of said vehicle shall authorize any peace officer to take possession without other process of said motor vehicle wherever located and to store the same in a public or private garage at the expense and risk of the owner of said vehicle. Appeal may be taken from such order of the court within 10 days to any Justice of the Superior Court, in term time or vacation. Nothing herein shall prevent any bona fide lien holder from exercising any rights under such lien.

Sec. 51-D. Transfer of title to avoid impounding. Any person who shall knowingly transfer title to any motor vehicle for the purpose of avoiding sections 51-A to 51-C shall be guilty of a misdemeanor.'