

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-42)

HOUSE AMENDMENT "C" to S.P. 199, L.D. 577, Bill, "AN ACT Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 28 MRSA §2, sub-§11, as repealed and replaced by PL 1975, c. 741, §1, is repealed and the following enacted in its place:

11. Minor. "Minor" shall mean a person who has not attained his 18th birthday in order to consume alcoholic beverages on the premises of licensed establishments and who has not attained his 19th birthday in order to consume alcoholic beverages off the premises of licensed establishments as defined in subsection 8. "Minor" shall also mean a person who has not attained his 19th birthday in order to sell alcoholic beverages, or to own in part or in full or to operate a licensed establishment as defined in subsection 8.

Sec. 2. 28 MRSA §201, first 4 sentences, as last amended by PL 1971, c. 598, §55, are further amended to read:

No license shall be issued to any natural person unless such person is at least ~~18~~ 19 years of age and is a citizen of the United States and of this State. A part-time or 6 months' license, as authorized by law, may be issued to any natural person who is at least ~~18~~ 19 years of age and is a citizen of the United States. No license shall be issued to a partnership or to an

association unless all persons having an interest therein are at least ~~18~~ 19 years of age and are citizens of the United States and of this State. A part-time or 6 months' license, as authorized by law, may be issued to a partnership or association if all persons having an interest therein are at least ~~18~~ 19 years of age and are citizens of the United States.

Sec. 3. 28 MRSA §201, sub-§1 is enacted to read:

1. Exemption. All licensees who are presently under 19 years of age and any other legal entity, including partnerships, corporations and associations of persons, currently holding a liquor license at the time that this Act becomes effective shall be exempted from the provisions raising the age for a liquor licensee from 18 years to 19 years of age.

Sec. 4. 28 MRSA §251, 3rd sentence, as last amended by PL 1971, c. 598, §56, is further amended to read:

All applications shall be signed by the owner, if a natural person, who shall be at least ~~18~~ 19 years of age, or in the case of a partnership by the partners thereof, or in the case of a corporation by an executive officer thereof or any person thereto specifically authorized by the corporation, except a bona fide prospective purchaser may apply.

Sec. 5. 28 MRSA §303, 2nd ¶, 2nd sentence, as last amended by PL 1971, c. 598, §57, is further amended to read:

No licensee, by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises, shall sell, furnish, give or deliver such malt liquor or table wine to any person visibly intoxicated, to any mentally ill person, to a known habitual drunkard, to any pauper, to persons of known

intemperate habits or to any minor under the age of ~~18~~ 19 years.

Sec. 6. 28 MRSA §303, 3rd ¶, first sentence, as last amended by PL 1975, c. 100, is further amended to read:

Any person under the age of ~~18~~ 19 years who purchases any intoxicating liquor for off-premise consumption or any person under the age of 18 years who consumes any intoxicating liquor or has on his or her person any intoxicating liquor in any on-sale premises, or who presents or offers to any licensee, his agent or employee any written or oral evidence of age which is false, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any intoxicating liquor, or who has any intoxicating liquor in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, shall be guilty of a misdemeanor and, notwithstanding Title 17-A, section 4, shall be punished by a fine of not more than ~~\$100~~ \$200 for the first offense, not less than \$50 \$100 nor more than ~~\$100~~ \$300 for the 2nd offense and ~~\$100~~ \$400 for the 3rd and subsequent offenses.

Sec. 7. 28 MRSA §852, first ¶, as last amended by PL 1971, c. 598, §61, is further amended to read:

No licensee for the sale of liquor to be consumed on licensed premises, except in Class A restaurants, clubs and hotel dining rooms, shall employ any person under the age of ~~18~~ 19 years in the direct handling or selling of liquor on the premises where such liquor is sold. No licensee for the sale of liquor to be consumed on the licensed premises of Class A restaurants, clubs

and hotel dining rooms shall employ any person under the age of 17 years in the direct handling or selling of liquor on the premises where such liquor is sold, provided that the licensee or an employee who is ~~18~~ 19 years of age or older is present in a supervisory capacity.

Sec. 8. 28 MRSA §1058, as last amended by PL 1969, c. 180, is further amended to read:

§1058. Furnishing liquor to certain persons prohibited

Whoever, other than a licensee or his agent within the scope of their employment, knowingly procures or in any way aids or assists in procuring liquor or whoever furnishes, gives or delivers liquor to a minor who may not legally purchase liquor for himself or for any intoxicated person, pauper, mentally ill person or person of known intemperate habits, except that this provision shall not apply to liquor served to a minor in a home in the presence of his parent or guardian, shall be ~~punished by a fine of not more than \$200 or by imprisonment for not more than 11 months, or by both~~ guilty of a class D crime under Title 17-A and shall be punished in accordance with the provisions of that title.

Sec. 9. 28 MRSA §1060, first sentence, as last amended by PL 1971, c. 622, §89-B, is further amended to read:

Any resident of the State or nonresident in the State ~~18~~ 19 years of age or over may make application to the Liquor Commission for an adult identification card upon a form provided by the commission.

Statement of Fact

This amendment raises the off-premises drinking age to 19, increases the fines for illegal purchase of liquor by a minor and establishes illegal furnishing of liquor to a minor as a class D crime.

Filed by Mr. Hobbins of Saco.

Reproduced and distributed under the direction of the Clerk of the House.

3/1/77

(Filing No. H-42)