

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-256)

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 249, L.D. 758, Bill, "AN ACT Concerning the Penalty for Sale of Alcoholic Beverages to Minors."

Amend the amendment in that part designated "§554." by striking out all of subsection 2 and inserting in its place the following:

'2. A person is guilty of endangering the welfare of a minor, as defined in Title 28, section 2, if he knowingly sells to, offers to sell to, procures for or offers to procure for such person any intoxicating liquor.'

Further amend the amendment in that part designated "§554." by striking out all of subsection 3 and inserting in its place the following:

'3. It is an affirmative defense to prosecution under this section that:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a minor as defined in Title 28, section 2, who sold to, offered to sell to, procured for, or offered to procure for that minor a reasonable amount of intoxicating liquor for the minor's personal consumption in the defendant's home; or

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 12.

Further amend the amendment by inserting at the end before the Statement of Fact the following:

'Further amend the Bill in that part designated "§1058." in subsection 1 by striking out all of paragraph A and by renumbering paragraphs B to D to be paragraphs A to C.

Further amend the Bill in that part designated "§1058." by striking out all of subsection 2 and by renumbering subsections 3 and 4 to be subsections 2 and 3.

Further amend the Bill by inserting at the end before the Statement of Fact the following:

Sec. 4. 28 MRSA §1058-A is enacted to read:

§1058-A. Furnishing alcoholic beverages to minors

No person shall knowingly furnish, give or deliver any alcoholic beverage to a minor who may not legally purchase liquor for himself, except that it shall not be a violation of this section to serve an alcoholic beverage to a minor in a private residence in the presence of the minor's parent or guardian.

A violation of this section shall be a civil violation for which a forfeiture not to exceed \$250 may be adjudged.'

Statement of Fact

This amendment would eliminate the criminal offense of furnishing or giving away intoxicating liquor. That offense will be covered by Title 28, section 1058-A.

Filed by Mr. Hughes of Auburn.

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

5/3/77

(Filing No. H-256)