

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION (Filing No. S-84)

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 Bill by inserting after the enacting clause the following:

'Sec. 1. 17-A, §554, as amended by PL 1975, c.740, §71, is repealed and the following enacted in its place:

§554. Endangering the welfare of a child

1. A person is guilty of endangering the welfare of a child if he knowingly permits a child under the age of 16 to enter or remain in a house of prostitution; or he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child, cigarettes, tobacco, air rifles, firearms or ammunition; or he otherwise knowingly endangers the child's health, safety or mental welfare by violating a duty of care or protection.

2. A person is guilty of endangering the welfare of a person under the age of 20 if he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such person any intoxicating liquor.

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 person under the age of 20 who furnished such person a reasonable amount of intoxicating liquor in the actor's home and presence; or

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

4. Endangering the welfare of a child or person is a Class D crime.

Sec. 2. 28 M.R.S.A. §303, 2nd ¶, 2nd and 3rd sentences,
as last amended by PL 1977, c. 23, §5, are 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~~/person under the age of 20 years. No licensee by himself, clerk, servant or agent shall sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises 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 person ~~minor~~/under the age of 20 years.'

OF R.

Further amend the Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and figure 'Sec. 3.'

Further amend the Bill by inserting after the underlined word "person" in the first line of subsection 1 of that part designated "§1058." the underlined words and punctuation ', other than a licensee or his agent within the scope of his employment,'

Statement of Fact

The purpose of this amendment is to strike out the prohibition of selling to paupers by licensees and to exempt licensees from the duplicative provision enacted by this bill. It also removes conflicts between the liquor laws and the Maine Criminal Code.

Reported by the Committee on Liquor Control.

Reproduced and distributed pursuant to Senate Rule 11-A.
April 21, 1977

(Filing No. S-84)