

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 758

S. P. 249

In Senate, March 9, 1977

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

MAY M. ROSS, Secretary

Presented by Senator Pray of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning the Penalty for Sale of Alcoholic Beverages to Minors.

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

28 MRSA § 1058, as last amended by PL 1969, c. 180, is repealed and the following enacted in its place:

§ 1058. Unlawful trafficking in alcoholic beverages

1. Unlawful trafficking. A person is guilty of unlawful trafficking in alcoholic beverages if he knowingly procures or in any way aids or assists in procuring, furnishing, giving or delivering any alcoholic beverage:

- A. A minor who may not legally purchase liquor for himself;
- B. An intoxicated person;
- C. A mentally ill person; or
- D. A person of known intemperate habits.

2. Defense. It is a defense to a prosecution under subsection 1, paragraph A, that the defendant served the alcoholic beverage to a minor in a private residence in the presence of the minor's parent or guardian.

3. Penalties. Notwithstanding Title 17-A, section 4-A, violation of this section shall be punishable by a fine of not more than \$500 and by imprisonment as follows:

- A. For a first conviction for violation of this section, imprisonment for 5 consecutive days;

- B. For a 2nd conviction for violation of this section, imprisonment for 10 consecutive days;
- C. For a 3rd or subsequent conviction for violation of this section, imprisonment for 11 months.
- 4. Suspended sentence prohibited. A sentence of imprisonment imposed pursuant to this section shall not be suspended.

STATEMENT OF FACT

The purpose of this bill is to increase the maximum fine and provide mandatory sentences for persons convicted of trafficking in alcoholic beverages. It also provides that the time of imprisonment may not be suspended.