

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1944

H. P. 1887

Office of the Clerk of the House

The Committee on Liquor Control suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24. And ordered printed 2,500 copies.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco

Cosponsors: Mrs. Beaulieu of Portland

Mr. Marshall of Millinocket

Mr. Davies of Orono

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Permit Sale of Alcoholic Beverages for On-premise Consumption at 18 Years of Age.

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

Sec. 1. 28 MRSA § 2, sub-§ 11, as last amended by PL 1977, c. 23, § 1, is repealed and the following enacted in its place: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 20th 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 20th birthday in order to own in part or in full or to operate a licensed establishment as defined in subsection 8.

Sec. 2. 28 MRSA § 303, 2nd ¶, 3rd sentence, as amended by PL 1977, c. 23, § 5, is further amended to read:

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 minor under the age of ~~20~~ 18 years.

Sec. 3. 28 MRSA § 303, 3rd ¶, 1st sentence, as last amended by PL 1977, c. 23, § 6, is repealed and the following enacted in its place:

Any person under the age of 20 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 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, fraudulent 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 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-A, shall be punished by a fine of not more than \$200 for the first offense, not less than \$100 nor more than \$300 for the 2nd offense and \$400 for the 3rd and subsequent offenses.

Sec. 4. 28 MRSA § 1058, as last amended by PL 1977, c. 292, § 6, 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~~ his 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, 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, notwithstanding Title 17-A, section 4-A, be punished by a fine of not more than ~~\$200~~ \$400 or by imprisonment for not more than 11 months, or by both.

Sec. 5. 28 MRSA § 1060, 1st sentence, as amended by PL 1977, c. 23, § 9, is repealed and the following enacted in its place:

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

Sec. 6. 28 MRSA § 1060, as last amended by PL 1977, c. 564, § 104, is further amended by adding after the first sentence a new sentence to read:

Any resident of the State or nonresident in the State 20 years of age or over may make application to the State Liquor Commission for an adult identification card for off-premise consumption upon a form provided by the commission.

Sec. 7. 28 MRSA § 1060, 2nd sentence, as enacted by PL 1977, c. 153, is amended to read:

The application form for any adult identification card shall include, directly above the signature line, the following notice to the applicant: "I understand that false statements made on this form are punishable by law."

STATEMENT OF FACT

This legislation provides for on-premise consumption on and after the age of 18 while retaining the provision for off-premise consumption on and after the age of 20. It also increases the penalty for a minor illegally purchasing alcoholic beverages and increases the fine for furnishing alcoholic beverages to a minor from \$200 to not more than \$400.