

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 385

H. P. 326

House of Representatives, January 21, 1981

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Davies of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Permit Consumption of 3.2% Beer by Persons 18 to 20 Years of Age.

Sec. 1. 28 MRSA § 2, sub-§ 11, as amended by PL 1977, c. 23, § 1, is repealed and the following enacted in its place:

11. Minor. "Minor" means a person who has not attained his 18th birthday in order to consume or purchase 3.2% liquor and who has not attained his 20th birthday in order to consume or purchase all other liquor. "Minor" also means 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 § 2, sub-§ 21 is enacted to read:

21. 3.2% liquor. "3.2% liquor" means beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor and fruit juice, containing 1/2 of 1% or more of alcohol by volume and not more than 3.2% of alcohol by weight.

Sec. 3. 28 MRSA § 303, as last amended by PL 1977, c. 23, §§ 5 & 6, is repealed and the following enacted in its place:

§ 303. Credit sales; sales to certain persons restricted

1. Credit sales prohibited. No licensee by himself, clerk, servant or agent may sell or offer to sell any liquor except for cash, except credits extended by a hotel or club to bona fide registered guests or members; and except credits extended by a hotel or class A restaurant to the holder of a credit card which

authorizes the holder to charge goods or credits. No right of action may exist to collect claims for credits extended contrary to this subsection. Nothing contained in this subsection prohibits a licensee from giving credit to a purchaser for the actual price charged for packages or original containers as a credit on any sale or from paying the amount actually charged for packages or original containers.

2. Taking goods in exchange for liquor prohibited. No licensee by himself, clerk, servant or agent may sell, offer to sell or furnish any liquor to any person on a passbook or store order, or receive from any person any goods, wares, merchandise or other articles in exchange for liquor, except only such packages or original containers as were originally purchased from that licensee by the person returning the containers.

3. Sale to certain persons prohibited. No licensee by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises may sell, furnish, give or deliver malt liquor or table wine to any person visibly intoxicated, any mentally-ill person, a known habitual drunkard or persons of known intemperate habits. No licensee by himself, clerk, servant or agent may sell, furnish, give, serve or permit to be served any liquor to be consumed on the premises to any person visibly intoxicated, any mentally-ill person, a known habitual drunkard to persons of known intemperate habits.

4. Sale to minors. No licensee by himself, clerk, servant or agent entitled to sell malt liquor or table wine not to be consumed on the premises may sell, furnish, give or deliver malt liquor or table wine constituting 3.2% liquor to any minor under the age of 18 years, nor any other malt liquor or table wine to any minor under the age of 20 years. No licensee by himself, clerk, servant or agent may sell, furnish, give, serve or permit to be served any 3.2% liquor to any minor under the age of 18 years nor any other liquor to any minor under the age of 20 years.

Any licensee who accepts an order or receives payment for liquor from a minor shall be considered in violation of this subsection.

5. Purchase or consumption by minors. Notwithstanding title 17-A, section 4-A, any person who commits any of the following acts shall be punished by a fine of not more than \$100 for the first offense, not less than \$50 nor more than \$100 for the 2nd offense and \$100 for the 3rd and subsequent offenses:

A. If under the age of 18 years, purchases any 3.2% liquor or consumes any 3.2% liquor; has on his person any 3.2% liquor in any on-sale premises; 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 3.2% liquor; or has any 3.2% 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; or

B. If under the age of 20 years, purchases any other liquor or consumes any other liquor; has on his person any other liquor in any on-sale premises; 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 other liquor; or has any other 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.

If a minor is charged with illegal possession under this subsection, he may not be charged with illegal transportation. No minor may be charged with more than one offense under this subsection in any given instance wherein the same set of facts is involved.

Sec. 4. 28 MRSA § 1060, 1st sentence, as last 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 the purchase or consumption of 3.2% liquor upon a form provided by the commission.

Sec. 5. 28 MRSA § 1060, first ¶, 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 upon a form provided by the commission.

#### STATEMENT OF FACT

The purpose of this bill is to permit persons 18 to 20 years of age to purchase and consume alcoholic beverages which contain 3.2% alcohol or less by weight.