

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1013

H. P. 850

House of Representatives, February 25, 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 On-premise Consumption of Alcoholic Beverages by Persons 18 to 20 Years of Age and to Make the Sale of Liquor to an Intoxicated Person a Class E Crime.**

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

Sec. 1. 28 MRSA § 2, sub-§ 11, as amended by PL 1977, c. 23, § 1, is repealed and the following enacted in its place: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 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" 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 § 303, 2nd ¶, as last amended by PL 1977, c. 23, § 5, is further amended by adding after the first sentence a new sentence to read:

**Any person working in a licensed establishment who sells, offers to sell or furnishes liquor to anyone who is visibly intoxicated or whom the person should reasonably know is intoxicated is guilty of a Class E crime.**

Sec. 3. 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**Sec. 4.** 28 MRSA § 303, 3rd ¶, first sentence, as last amended by PL 1977, c. 23, § 6, is repealed and the following enacted in its place: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, notwithstanding Title 17-A, section 4-A, 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. 5.** 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. 6.** 28 MRSA § 1060, first 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. 7.** 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. 8. 28 MRS § 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. It makes the sale of liquor to an intoxicated person a Class E crime.