

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 818

6
7 H.P. 650

House of Representatives, February 18, 1983

8 On Motion of Representative Cox of Brewer referred to the Committee
9 on Legal Affairs. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Rolde of York.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Increase Penalties on Minors
18 who Present False Identification Cards to
19 Purchase Liquor.
20

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

23 28 MRSA §303, as amended by PL 1977, c. 23, §§5
24 and 6, is further amended to read:

25 §303. Credit sales; sales to certain persons re-
26 stricted

27 No licensee by himself, clerk, servant or agent
28 shall may sell or offer to sell any liquor except for
29 cash, excepting credits extended by a hotel or club
30 to bona fide registered guests or members; and
31 excepting credits extended by a hotel or class A res-
32 taurant to the holder of a credit card which author-
33 izes such holder to charge goods or credits. No right

1 of action ~~shall~~ may exist to collect claims for cred-
2 its extended contrary to this section. Nothing herein
3 contained ~~shall~~ may prohibit a licensee from giving
4 credit to a purchaser for the actual price charged
5 for packages or original containers as a credit on
6 any sale, or from paying the amount actually charged
7 for packages or original containers.

8 No licensee by himself, clerk, servant or agent
9 ~~shall~~ may sell, offer to sell or furnish any liquor
10 to any person on a passbook or store order, or
11 receive from any person any goods, wares, merchandise
12 or other articles in exchange for liquor, except only
13 ~~such~~ those packages or original containers as were
14 originally purchased from ~~such~~ that licensee by the
15 person returning the same. No licensee, by himself,
16 clerk, servant or agent entitled to sell malt liquor
17 or table wine not to be consumed on the premises,
18 ~~shall~~ may sell, furnish, give or deliver ~~such~~ that
19 malt liquor or table wine to any person visibly
20 intoxicated, to any mentally ill person, to a known
21 habitual drunkard, to any pauper, to persons of known
22 intemperate habits or to any minor under the age of
23 20 years. No licensee by himself, clerk, servant or
24 agent ~~shall~~ may sell, furnish, give, serve or permit
25 to be served any liquor to be consumed on the prem-
26 ises to any person visibly intoxicated, to any men-
27 tally ill person, to a known habitual drunkard, to
28 any pauper, to persons of known intemperate habits or
29 to any minor under the age of 20 years. Any licensee
30 who accepts an order or receives payment for liquor
31 from a minor shall be considered as in violation of
32 this paragraph.

33 Any person under the age of 20 years who pur-
34 chases any intoxicating liquor or any person under
35 the age of 20 years who consumes any intoxicating
36 liquor or has on his ~~er~~ ~~her~~ person any intoxicating
37 liquor in any on-sale premises, or who presents or
38 offers to any licensee, his agent or employee any
39 written or oral evidence of age which is false,
40 fraudulent or not actually his own, for the purpose
41 of ordering, purchasing, attempting to purchase or
42 otherwise procuring or attempting to procure, the
43 serving of any intoxicating liquor, or who has any
44 intoxicating liquor in his possession except in the
45 scope of his ~~er~~ ~~her~~ employment on any street or high-

1 way, or in any public place or in any automobile,
2 shall be guilty of a misdemeanor and shall be pun-
3 ished by a fine of not more than ~~\$100~~ \$200 for the
4 first offense, not less than ~~\$50~~ \$100 nor more than
5 ~~\$100~~ \$200 for the 2nd offense and ~~\$100~~ not less than
6 \$200 for the 3rd and subsequent offenses. If a minor
7 is charged with illegal possession under this section
8 he may not be charged with illegal transportation.
9 No minor ~~shall~~ may be charged with more than one
10 offense under this section in any given instance
11 wherein the same set of facts is involved.

12

STATEMENT OF FACT

13 The purpose of this bill is to raise the fine on
14 minors convicted of purchasing alcoholic beverages
15 with false forms of identification. Current law, with
16 its low fines, provides insufficient deterrent. The
17 new level of fines adopted by this bill is on par
18 with the average fine a licensee receives for selling
19 alcoholic beverages to a minor. In this regard, this
20 bill corrects an inequality in existing law by now
21 ensuring that both parties will be punished rela-
22 tively equally.

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