

# MAINE STATE LEGISLATURE

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L.D. 820  
(Filing No. S-118 )

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STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 332, L.D. 820,  
Bill, "AN ACT to Establish Age 21 Years as the Legal  
Age to Purchase or Consume Alcoholic Beverages and to  
Deter Drinking and Driving by Minors."

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Amend the bill by striking out all of section 3  
and inserting in its place the following:

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'Sec. 3. 28 MRSA §303, as amended by PL 1983, c.  
81, is further amended to read:

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

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No licensee by himself, clerk, servant or agent  
~~shall~~ may sell or offer to sell any liquor except for  
cash, excepting credits extended by a hotel or club  
to bona fide registered guests or members; and ex-  
cepting credits extended by a hotel or class A res-  
taurant to the holder of a credit card which autho-  
rizes such holder to charge goods or credits. ~~No~~ A  
right of action ~~shall~~ does not exist to collect  
claims for credits extended contrary to this section.  
Nothing herein contained ~~shall prohibit~~ prohibits a  
licensee from giving credit to a purchaser for the  
actual price charged for packages or original con-  
tainers as a credit on any sale, or from paying the  
amount actually charged for packages or original con-  
tainers.

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No licensee by himself, clerk, servant or agent  
~~shall~~ may sell, offer to sell or furnish any liquor  
to any person on a passbook or store order, or re-  
ceive from any person any goods, wares, merchandise  
or other articles in exchange for liquor, except only  
such packages or original containers as were origi-  
nally purchased from such licensee by the person re-

## COMMITTEE AMENDMENT "A " to S.P. 332, L.D. 820

1 turning the same. No licensee, by himself, clerk,  
 2 servant or agent entitled to sell malt liquor or ta-  
 3 ble wine not to be consumed on the premises, ~~shall~~  
 4 may sell, furnish, give or deliver such malt liquor  
 5 or table wine to any person visibly intoxicated, to  
 6 any mentally ill person, to a known habitual drunk-  
 7 ard, to any pauper, to persons of known intemperate  
 8 habits or to any minor ~~under the age of 20 years as~~  
 9 defined in section 2, subsection 11. No licensee by  
 10 himself, clerk, servant or agent ~~shall~~ may sell, fur-  
 11 nish, give, serve or permit to be served any liquor  
 12 to be consumed on the premises to any person visibly  
 13 intoxicated, to any mentally ill person, to a known  
 14 habitual drunkard, to any pauper, to persons of known  
 15 intemperate habits or to any minor ~~under the age of~~  
 16 20 years. Any licensee who accepts an order or re-  
 17 ceives payment for liquor from a minor shall be con-  
 18 sidered as in violation of this paragraph.

19 Any person ~~under the age of 20 years~~ minor who  
 20 purchases any intoxicating liquor or any person ~~under~~  
 21 the age of 20 years minor who consumes any intoxicat-  
 22 ing liquor or has on his or her person any intoxicat-  
 23 ing liquor in any on-sale premises, or who presents  
 24 or offers to any licensee, his agent or employee any  
 25 written or oral evidence of age which is false,  
 26 fraudulent or not actually his own, or who has a  
 27 false identification card in his possession, or  
 28 sells, furnishes or gives a false identification card  
 29 to a minor or who uses a false identification card,  
 30 for the purpose of ordering, purchasing, attempting  
 31 to purchase or otherwise procuring or attempting to  
 32 procure, the serving of any intoxicating liquor, or  
 33 to gain access to a licensed premise when minors are  
 34 not allowed or who has any intoxicating liquor in his  
 35 possession, except in the scope of his ~~or her~~ employ-  
 36 ment ~~on any street or highway, or in any public place~~  
 37 ~~or in any automobile, or in his own home in the pres-  
 38 ence of a parent or guardian,~~ commits a civil viola-  
 39 tion for which a forfeiture may be adjudged of no  
 40 less than \$100 nor more than \$300 for the first of-  
 41 fense; not less than \$200 nor more than \$500 for the



COMMITTEE AMENDMENT " A " to S.P. 332, L.D. 820

1 lion, may be withheld. The potential loss in the  
2 1986 and 1987 biennium is \$8.7 million.'

3 STATEMENT OF FACT

4 Section 3 of the original bill is changed. The  
5 first 2 paragraphs of Maine Revised Statutes, Title  
6 28, section 303, were amended by Public Law 1985,  
7 chapter 85, to be consistent with any change of the  
8 legal drinking age. This amendment is consistent  
9 with those changes. The 3rd paragraph is amended in  
10 this amendment to close loopholes concerning posses-  
11 sion, sale and use of false identification. This  
12 amendment makes possession, sale or use of false  
13 identification subject to the same civil forfeitures  
14 as other civil violations in this section.

15 This amendment deletes as an exception the pos-  
16 session of liquor by a minor in public or in an auto-  
17 mobile. The effect is to make it illegal for a minor  
18 to have liquor in his possession except in the scope  
19 of his employment or in his own home in the presence  
20 of his parent or guardian.

21 Section 8 of the original bill is amended to pro-  
22 vide that persons who reach the age of 20 by June 1,  
23 1985, the effective date of the bill, will retain the  
24 right to purchase and consume liquor and may be li-  
25 censed for the sale of liquor. Massachusetts and New  
26 Hampshire have similar "grandfather" clauses.

27 The emergency clause is amended to make the bill  
28 effective on June 1, 1985. The original bill set the  
29 effective date as the date of approval of the bill.  
30 The June 1, 1985, date makes the change in the drink-  
31 ing age consistent with the changes in Massachusetts  
32 and New Hampshire.

33 The bill will have some effect on the State reve-  
34 nues received from the State excise tax and the

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1 State's profit on liquor sold in Maine. This figure  
2 cannot be accurately estimated based on existing  
3 records. However, based on a national survey of  
4 states that raised the drinking age before 1985, a  
5 loss of between 1/2% and 3% was realized. Estimating  
6 that Maine will experience close to an average reduc-  
7 tion in revenues, about 2%, and taking into account  
8 the fact that the "grandfather" clause will allow  
9 those already 20 to purchase liquor, the estimate is  
10 that a decrease of \$392,000 will occur in the first  
11 fiscal year, and a decrease of \$784,000 the next  
12 year.  
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Reported by the Majority for the Committee on Legal Affairs.  
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