

MAINE STATE LEGISLATURE

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(New Draft of H.P. 131, L.D. 156)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1104

H.P. 789

House of Representatives, March 26, 1985

Reported by Representative Paul from the Committee on Legal Affairs
and printed under Joint Rule 2. Original bill sponsored by Representative
Salsbury of Bar Harbor.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Concerning Certain Fines for Persons
Under the Legal Drinking Age Under the
Liquor Laws.

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

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

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

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

1 right of action ~~shall~~ may exist to collect claims for
2 credits extended contrary to this section. Nothing
3 herein contained ~~shall~~ may prohibit a licensee from
4 giving credit to a purchaser for the actual price
5 charged for packages or original containers as a
6 credit on any sale, or from paying the amount actual-
7 ly charged 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 re-
11 ceive from any person any goods, wares, merchandise
12 or other articles in exchange for liquor, except only
13 such packages or original containers as were origi-
14 nally purchased from such licensee by the person re-
15 turning the same. No licensee, by himself, clerk,
16 servant or agent entitled to sell malt liquor or ta-
17 ble wine not to be consumed on the premises, ~~shall~~
18 may sell, furnish, give or deliver such malt liquor
19 or table wine to any person visibly intoxicated, to
20 any mentally ill person, to a known habitual drunk-
21 ard, to any pauper, to persons of known intemperate
22 habits or to any minor under the age of 20 years as
23 defined in section 2, subsection 11. No licensee by
24 himself, clerk, servant or agent ~~shall~~ may sell, fur-
25 nish, give, serve or permit to be served any liquor
26 to be consumed on the premises to any person visibly
27 intoxicated, to any mentally ill person, to a known
28 habitual drunkard, to any pauper, to persons of known
29 intemperate habits or to any minor under the age of
30 20 years. Any licensee who accepts an order or re-
31 ceives payment for liquor from a minor shall be con-
32 sidered as in violation of this paragraph.

33 Any person under the age of 20 years minor who
34 purchases any intoxicating liquor or any person under
35 the age of 20 years minor who consumes any intoxicat-
36 ing liquor or has on his or her person any intoxicat-
37 ing liquor in any on-sale premises, or who presents
38 or 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 or her employment on any street or high-

1 way, or in any public place or in any automobile,
2 commits a civil violation for which a forfeiture may
3 be adjudged of no less than \$100 nor more than \$300
4 for the first offense; not less than \$200 nor more
5 than \$500 for the 2nd offense, none of which may be
6 suspended; and \$500 for the 3rd and subsequent of-
7 fenses, none of which may be suspended. When a per-
8 son is adjudged to have committed his first offense
9 under this section, the judge shall inform that per-
10 son that the forfeitures for the 2nd and subsequent
11 offenses are mandatory and cannot be suspended.
12 Failure to inform the first offender that subsequent
13 forfeitures are mandatory is not a ground for suspen-
14 sion of any subsequent forfeiture. If a minor is
15 charged with illegal possession under this section,
16 he may not be charged with illegal transportation.
17 No minor may be charged with more than one offense
18 under this section in any given instance ~~wherein~~ in
19 which the same set of facts is involved.

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STATEMENT OF FACT

2 The purpose of this new draft is to prohibit the
3 suspension of any part of a forfeiture imposed for
4 2nd or subsequent offenses by a person under the legal
5 drinking age who purchases or consumes liquor or
6 who presents false evidence of age in order to do so.
7 Although the judge is required to warn the first of-
8 fender about the mandatory forfeitures for subsequent
9 offenses, the offender cannot have future forfeitures
10 suspended because he received no such notice from the
11 judge. This assures consistent treatment for all
12 subsequent offenders.

13 The new draft also amends the Maine Revised Stat-
14 utes, Title 28, section 303, by removing the refer-
15 ence to the age of 20 years as the legal drinking
16 age, and instead refers to the definition of "minor"
17 in the Maine Revised Statutes, Title 28, section 2,
18 subsection 11. Currently, minor is defined as a per-
19 son who has not attained his 20th birthday. If the
20 legal drinking age is ever raised, the definition of
21 minor can be amended and the Maine Revised Statutes,
22 Title 28, section 303, will not have to be amended
23 again.

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