

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 685

H.P. 512 House of Representatives, March 10, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MCSWEENEY of Old Orchard Beach.
Cosponsored by Representative CONLEY of Portland.

STATE OF MAINE

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

1 AN ACT Relating to the Purchase of Alcoholic
2 Beverages by Minors.
3

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

6 28 MRSA §303, as amended by PL 1985, c. 85 and c.
7 402, §3, is repealed and the following enacted in its
8 place:

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

11 No licensee by himself, clerk, servant or agent
12 may sell or offer to sell any liquor except for cash,
13 excepting credits extended by a hotel or club to bona
14 fide registered guests or members; and excepting
15 credits extended by a hotel or Class A restaurant to

1 the holder of a credit card which authorizes such
2 holder to charge goods or credits. A right of action
3 does not exist to collect claims for credits extended
4 contrary to this section. Nothing contained in this
5 section prohibits a licensee from giving credit to a
6 purchaser for the actual price charged for packages
7 or original containers as a credit on any sale or
8 from paying the amount actually charged for packages
9 or original containers.

10 No licensee by himself, clerk, servant or agent
11 may sell, offer to sell or furnish any liquor to any
12 person on a passbook or store order, or receive from
13 any person any goods, wares, merchandise or other ar-
14 ticles in exchange for liquor, except only such pack-
15 ages or original containers as were originally pur-
16 chased from the licensee by the person returning the
17 packages or containers. No licensee, by himself,
18 clerk, servant or agent entitled to sell malt liquor
19 or table wine not to be consumed on the premises, may
20 sell, furnish, give or deliver the malt liquor or ta-
21 ble wine to any person visibly intoxicated, any men-
22 tally ill person, a known habitual drunkard, any pau-
23 per, persons of known intemperate habits or any minor
24 as defined in section 2, subsection 11. No licensee
25 by himself, clerk, servant or agent may sell, fur-
26 nish, give, serve or permit to be served any liquor
27 to be consumed on the premises to any person visibly
28 intoxicated, any mentally ill person, a known habitu-
29 al drunkard, any pauper, persons of known intemperate
30 habits or any minor. Any licensee who accepts an or-
31 der or receives payment for liquor from a minor shall
32 be considered as in violation of this paragraph.

33 Any minor who purchases any intoxicating liquor
34 or any minor who consumes any intoxicating liquor or
35 has on his person any intoxicating liquor in any
36 on-sale premises, or who presents or offers to any
37 licensee, his agent or employee any written or oral
38 evidence of age which is false, fraudulent or not ac-
39 tually his own, or who has a false identification
40 card in his possession, or sells, furnishes or gives
41 a false identification card to a minor or who uses a
42 false identification card, for the purpose of order-
43 ing, purchasing, attempting to purchase or otherwise
44 procuring or attempting to procure, the serving of
45 any intoxicating liquor, or to gain access to a li-

1 censed premise where minors are not allowed or who
2 has any intoxicating liquor in his possession, except
3 in the scope of his employment or in his own home in
4 the presence of a parent or guardian, commits a civil
5 violation for which a forfeiture may be adjudged of
6 no less than \$100 nor more than \$300 for the first
7 offense; not less than \$200 nor more than \$500 for
8 the 2nd offense, none of which may be suspended; and
9 \$500 for the 3rd and subsequent offenses, none of
10 which may be suspended; provided that the judge, may
11 at his discretion, assign the minor to perform speci-
12 fied work for the benefit of the State, the municipi-
13 ality or other public entity or charitable
14 instiution. When a person is adjudged to have com-
15 mitted his first offense under this section, the
16 judge shall inform that person that the forfeitures
17 for the 2nd and subsequent offenses are mandatory and
18 cannot be suspended. Failure to inform the first of-
19 fender that subsequent forfeitures are mandatory is
20 not a ground for suspension of any subsequent forfei-
21 ture. If a minor is charged with illegal possession
22 under this section, he may not be charged with ille-
23 gal transportation. No minor may be charged with
24 more than one offense under this section in any given
25 instance in which the same set of facts is involved.

26 STATEMENT OF FACT

27 This bill allows a minor who illegally possessed
28 alcohol to work in community service instead of hav-
29 ing to pay a fine. This bill also repeals and re-
30 places the Maine Revised Statutes, Title 28, section
31 303, incorporating changes made in Public Laws 1985,
32 chapter 85 and chapter 402.

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