

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 435

H.P. 319

House of Representatives, February 24, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

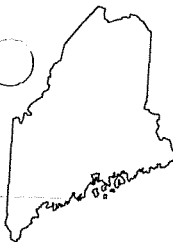
EDWIN H. PERT, Clerk

Presented by Representative MacBRIDE of Presque Isle.

STATE OF MAINE

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

An Act Requiring Positive Identification for Liquor Sales.



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

3 Sec. 1. 28-A MRSA §706, sub-§1, as enacted by PL 1987, c. 45,
Pt. A, §4, is amended to read:

5
7 1. Acceptable identification. A licensee may or any agent
of a licensee shall refuse to serve liquor to any person who
9 fails to display upon request an identification card issued under
Title 5, section 88-A, or a motor vehicle operator's license
11 bearing the photograph of the operator and issued under Title 29,
chapter 7.

13 Sec. 2. 28-A MRSA §2081, as amended by PL 1987, c. 576, is
repealed and the following enacted in its place:

15 §2081. Furnishing or allowing consumption of liquor by certain
17 persons prohibited

19 1. Offenses. Except as provided in subsection 2, no person
may knowingly:

21 A. Procure, or in any way aid or assist in procuring,
23 furnish, give, deliver or sell liquor for or to a minor;

25 B. Procure, or in any way aid or assist in procuring,
27 furnish, give or deliver liquor to a visibly intoxicated
person; or

29 C. Allow any minor under that person's control, or on
31 premises under that person's control, to consume liquor.

33 2. Exceptions. This section does not apply to a person who
serves liquor to a minor in a home in the presence of the minor's
35 parent, legal guardian or custodian, as defined in Title 22,
section 4002.

37 3. Penalty. Any person who violates this section commits a
Class E crime.

39 Sec. 3. 28-A MRSA §2084, as amended by PL 1987, c. 623, §18,
41 is repealed.

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STATEMENT OF FACT

47 This bill increases the legal consequences of selling liquor
to minors and requires merchants to refuse to sell liquor to
49 persons they suspect may be under age and who cannot produce
positive identification of their age.

51

1 Section 1 requires licensees and their agents to refuse to
3 serve liquor to persons who do not, at the request of the
5 licensee or agent, furnish positive identification showing that
 they are of legal drinking age.

7 Section 2 makes the sale of liquor to a minor, in addition
9 to furnishing liquor in any manner specified, a Class E crime
11 chargeable against the licensee as well as the licensee's agent.
 Provisions of the current version of the Maine Revised Statutes,
 Title 28-A, section 2081 are rearranged, but not substantively
 affected, for clarity's sake.

13 Section 3 repeals the provision making an agent's sale of
15 liquor to a minor a civil violation. Section 2 makes such a sale
 a Class E crime.