

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 533

S.P. 206

In Senate, February 12, 1991

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

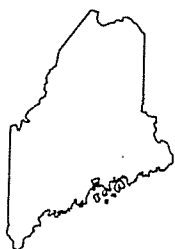
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator THERIAULT of Aroostook  
Cosponsored by Representative MARTIN of Van Buren and Representative PARADIS of Frenchville.

### STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

**An Act Concerning Liability of Persons Selling or Serving Alcohol to Minors.**



(115400991-1)

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

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28-A MRSA §2506, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. **Negligent conduct.** Service of liquor to a minor or to an intoxicated individual is negligent if the server knows or if a reasonable and prudent person in similar circumstances would know that the individual being served is a minor or is visibly intoxicated. Service of liquor to a minor is not negligent if the person being served presents identification, falsely identifying the person as 21 years of age or older, that would appear authentic to a reasonable and prudent person in similar circumstances.

**STATEMENT OF FACT**

Under current law, service of liquor to a minor is negligent if the server knows or if a reasonable and prudent person would know that the person being served is a minor. This bill clarifies that if the minor presents false identification that would appear authentic to a "reasonable and prudent" person, service of liquor to the minor is not negligent.