

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 270

H.P. 208

House of Representatives, February 2, 1993

**An Act to Mandate Suspension of a Minor's Operator's License for Possession of Alcohol in a Motor Vehicle.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.

Cosponsored by Representatives: BENNETT of Norway, DiPIETRO of South Portland, GEAN of Alfred, JOSEPH of Waterville, MacBRIDE of Presque Isle, PENDEXTER of Scarborough, PLOURDE of Biddeford, RYDELL of Brunswick, TARDY of Palmyra, Senators: FOSTER of Hancock, TITCOMB of Cumberland.

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

2  
3 Sec. 1. 28-A MRSA §2052, sub-§4, as enacted by PL 1987, c. 45,  
4 Pt. A, §4, is amended to read:

6 4. ~~Minor cannot be charged with both illegal transportation~~  
7 ~~and illegal possession. If--a A minor is charged with illegal~~  
8 ~~transportation under this section,--he may not be charged with~~  
9 ~~illegal possession under section 2051. A minor who possesses or~~  
10 ~~consumes liquor in a motor vehicle under the terms of this~~  
11 ~~section must be charged under this section, rather than under~~  
12 ~~section 2051. This subsection does not preclude charges under~~  
13 ~~Title 15, section 3103, subsection 1, paragraph F, when~~  
14 ~~appropriate.~~

16 Sec. 2. 28-A MRSA §2053, sub-§1, as enacted by PL 1987, c. 45,  
17 Pt. A, §4, is repealed and the following enacted in its place:

18 1. Court shall suspend license. The court shall suspend  
19 the operator's license or right to operate, or right to obtain a  
20 license, of a minor found in violation of section 2052 as follows:

21 A. Thirty days for the first offense;

22 B. Ninety days for the 2nd offense; and

23 C. One year for any subsequent offense.

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26  
27 The court shall immediately forward the license to the Secretary  
28 of State together with the record of adjudication on the form  
29 furnished for reporting convictions and adjudications for  
30 violations of Title 29.

31  
32  
33 Sec. 3. 28-A MRSA §2053, sub-§2, as enacted by PL 1987, c.45,  
34 Pt. A, §4, is repealed.

35 Sec. 4. 28-A MRSA §2053, sub-§3, as enacted by PL 1987, c. 45,  
36 Pt. A, §4, is amended to read:

37 3. **Secretary of State shall suspend license.** Immediately  
38 upon receipt of the record, the Secretary of State shall suspend  
39 the license, or right to operate, or right to obtain a license,  
40 of the minor for the ~~recommended~~ required period ~~not-to-exceed-60~~  
41 ~~days,--including--the--20-day--suspension--imposed--by--the--court,~~  
42 without further hearing. The Secretary of State shall also  
43 assign demerit points according to Title 29, section 2241,  
44 subsection 2.  
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## STATEMENT OF FACT

4           Currently a minor who possesses or consumes liquor in a  
6 motor vehicle may be charged under provisions that allow only  
8 fines as punishment. This bill mandates that minors be charged  
10 under the illegal transportation section of the Maine Revised  
12 Statutes and lengthens the terms of suspension of the minor's  
operator's license provided under that section. This bill does  
not affect the ability to charge under other provisions when  
drunken or negligent driving is an issue.