

MAINE STATE LEGISLATURE

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L.D. 382

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DATE: May 21, 1999

(Filing No. S- 333)

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT " A " to H.P. 274, L.D. 382, Bill, "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer"

Amend the bill by striking out the title and substituting the following:

'An Act to Require a Person Who is Suspected of Being the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 15 MRSA §3103, sub-§1, ¶C, as amended by PL 1987, c. 45, Pt. B, §3, is further amended to read:

C. Offenses involving intoxicating liquor, as provided in Title 28-A, section 2051 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087;

Sec. 2. 28-A MRSA §2087 is enacted to read:

§2087. Refusal to provide proper identification

1. Refusal to provide proper identification prohibited. A person may not intentionally refuse to provide a law enforcement officer proper identification if:

A. The person is present on licensed premises at a time when minors are not permitted to be on the premises;

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2 B. The officer has a reasonable and articulable suspicion
3 that a violation of law has taken place or is taking place
4 because a minor is present on licensed premises;

6 C. The officer has a reasonable and articulable suspicion
7 that the person is a minor; and

8 D. The officer has informed the person that the officer is
9 investigating a possible liquor violation involving the
10 presence of minors on the licensed premises and that the
11 officer believes that the person is a minor.

12 For purposes of this section, "proper identification" means a
13 person's correct name, address and date of birth except that, if
14 a person has in the person's possession an identification card
15 issued under Title 29-A, section 1410, or a motor vehicle
16 operator's license bearing the photograph of the operator and
17 issued under Title 29-A, chapter 11, proper identification means
18 that identification card or motor vehicle operator's license.

20 2. Penalties. A violation of this section is a civil
21 violation for which a forfeiture of not more than \$500 may be
22 adjudged.'

24
26 **FISCAL NOTE**

28 This amendment replaces the bill. As amended, this bill may
29 increase the number of civil violations filed in the courts. The
30 additional workload and administrative costs associated with the
31 minimal number of new cases filed can be absorbed within the
32 budgeted resources of the Judicial Department. The collection of
33 additional fines may increase General Fund revenue by minor
34 amounts.

36 **SUMMARY**

38 This amendment replaces the bill. This amendment provides
39 that a person who fails to provide proper identification to a law
40 enforcement officer is subject to a civil forfeiture if:

42 1. The person is present on licensed premises at a time
43 when minors are not permitted to be on the premises;

44 2. The officer has a reasonable and articulable suspicion
45 that a violation of law has taken place or is taking place
46 because a minor is present on licensed premises;

48 3. The officer has a reasonable and articulable suspicion
49 that the person is a minor; and
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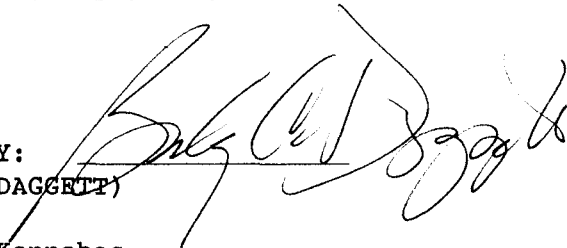
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4. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor.

SPONSORED BY:
(Senator DAGGETT)

COUNTY: Kennebec



SENATE AMENDMENT