

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

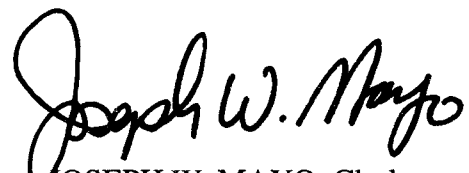
No. 382

H.P. 274

House of Representatives, January 14, 1999

**An Act to Require a Minor Who is the Underlying Cause of a Liquor
Violation to Provide Identification to a Law Enforcement Officer.**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.
Cosponsored by Senator CAREY of Kennebec and
Representative O'BRIEN of Augusta, Senator: FERGUSON of Oxford.

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

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Sec. 1. 28-A MRSA §2207 is enacted to read:

§2207. Requirement to produce identification

1. Authority to request identification. A law enforcement officer who has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place because a minor is present on premises may stop and detain the person who the officer suspects is a minor for the purpose of requiring that person to provide reasonably credible evidence of the person's name, address and date of birth.

2. Immediate release. If the person provides the officer with reasonably credible evidence of the person's name, address and date of birth, the officer immediately shall release the person unless the person has committed or is committing a violation.

3. Verification of identity. If the person provides the officer with evidence of that person's name, address and date of birth and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as possible. During the period that verification is being attempted, the officer may require the person to remain in the officer's presence for a period not to exceed 2 hours. During this period, if the officer reasonably believes that the officer's safety or the safety of others present is threatened, the officer may search for any dangerous weapons by external patting of the person's outer clothing. If in the course of the search the officer feels an object that the officer reasonably believes to be a dangerous weapon, the officer may take such action as is necessary to examine the object, but may take permanent possession of the object only if it is subject to forfeiture. The requirement that the person remain in the presence of the officer does not constitute an arrest.

4. Failure to provide reasonably credible evidence. After informing the person of the provisions of this section, the officer may arrest the person if the person intentionally refuses to provide any evidence of that person's name, address or date of birth or the officer, after attempting to verify the evidence as required, has probable cause to believe that the person intentionally failed to provide reasonably credible evidence of the person's name, address and date of birth.

5. Verification subsequent to arrest. If, at any time subsequent to an arrest made pursuant to subsection 4, it appears that the evidence of the person's name, address and date of birth was accurate, the person must be released from custody and any

2 record of that custody must show that the person was released for
3 that reason. If, upon trial for a violation under subsection 4,
4 a person is acquitted on the ground that the evidence of the
5 person's name, address and date of birth was accurate, the record
6 of acquittal must show that that was the reason for acquittal.

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SUMMARY

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This bill allows a law enforcement officer to detain a person whom the officer believes to be a minor and to require that person to provide proof of name, address and date of birth if the person, as a minor, is the underlying cause or an element of a violation on the premises of a licensed liquor establishment.