

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 985

S.P. 331

In Senate, February 4, 1999

**An Act to Increase the Penalties for Providing Alcohol to a Minor,  
Possession of Alcohol by a Minor and Certain Other Offenses.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CASSIDY of Washington.  
Cosponsored by Representative PIEH of Bremen and  
Senators: BENOIT of Franklin, DAGGETT of Kennebec, GOLDTHWAIT of Hancock,  
LIBBY of York, Representatives: CIANCHETTE of South Portland, TRUE of Fryeburg.

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

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4       **Sec. 1. 28-A MRSA §2051, sub-§2**, as amended by PL 1997, c.  
373, §146, is further amended to read:

6       **2. Violation.** Any minor who violates this section commits  
8 a civil violation for which a forfeiture shall must be adjudged  
10 of not less than \$100 nor more than \$300 for the first offense;  
12 not less than \$200 nor more than \$500 for the 2nd offense, none  
of which may be suspended, ~~except as provided in paragraph B~~; and  
\$500 for the 3rd and subsequent offenses, none of which may be  
suspended, ~~except as provided in paragraph B~~.

14       A. When a person is adjudged to have committed a first  
16 offense under this section, the judge shall inform that  
18 person that the forfeitures for the 2nd and subsequent  
20 offenses are mandatory and cannot be suspended, ~~except as  
provided in paragraph B~~. Failure to inform the first  
offender that subsequent forfeitures are mandatory is not a  
ground for suspension of any subsequent forfeiture.

22       B. The judge, ~~as an alternative to or in addition to the  
24 civil forfeitures required by this subsection, may~~ shall  
26 assign the minor to perform at least 10 hours of specified  
work for the benefit of the State, the municipality or other  
public entity or charitable institution.

28       C. A minor who violates this section shall attend at least  
30 2 hours of alcohol counseling administered by the Office of  
Substance Abuse, as established in Title 5, chapter 521.

32       **Sec. 2. 28-A MRSA §2081, sub-§3**, as amended by PL 1993, c.  
266, §31, is further amended to read:

34       **3. Penalties.** Any person who violates subsection 1,  
36 paragraph A or B commits a Class D crime. In the case of a  
38 person who has no previous conviction under subsection 1,  
paragraph A or B within a 6-year period, the fine may not be less  
40 than \$1,000, which may not be suspended if that person is  
convicted of a violation under subsection 1, paragraph A or B  
42 involving a minor less than 14 years of age. Any person who  
violates subsection 1, paragraph C or D commits a Class E crime,  
44 for which a forfeiture of not more than \$500 may be adjudged. In  
the case of a person who has one previous conviction of a  
46 violation of subsection 1, paragraph A or B within a 6-year  
period, the fine may not be less than ~~\$500~~ \$2,000, which penalty  
48 may not be suspended. In the case of a person who has 2 or more  
previous convictions of a violation of subsection 1, paragraph A  
50 or B within a 6-year period, the fine may not be less than ~~\$1,000~~  
\$3,000 and may not be suspended. ~~In the case of a person who has  
no previous conviction of subsection 1, paragraph A or B within a~~

2 ~~6-year-period, the fine may not be less than \$500, which penalty~~  
4 ~~may not be suspended if that person is convicted of a violation~~  
6 ~~of subsection 1, paragraph A or B involving a minor less than 14~~  
8 ~~years-old.~~

6 A person convicted of a violation of this section must be  
8 sentenced to a term of imprisonment of not less than 30 days.  
10 The minimum term of imprisonment may not be suspended.

## 12 SUMMARY

14 This bill increases the penalties for certain offenses  
16 involving minors and alcohol. It provides that for offenses  
18 including the purchase or possession of liquor by a minor, the  
20 fine may not be suspended; the judge shall assign the minor to  
perform at least 10 hours of community service; and the minor  
shall attend at least 2 hours of alcohol counseling. It also  
provides for increased fines and a mandatory minimum term of  
imprisonment of 30 days for offenses including furnishing or  
allowing consumption of liquor by a minor.