

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 51

H.P. 42

House of Representatives, January 9, 2001

**An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury
or Death Results.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representatives: ETNIER of Harpswell, KANE of Saco, LEMOINE of Old Orchard Beach, McDONOUGH of Portland, O'NEIL of Saco, QUINT of Portland, Senators: McALEVEY of York, RAND of Cumberland.

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

4 **Sec. 1. 28-A MRSA §2081, sub-§3**, as amended by PL 1993, c.
266, §31, is further amended to read:

6 **3. Penalties.** Any Except as provided in subsection 5, any
7 person who violates subsection 1, paragraph A or B commits a
8 Class D crime. Any person who violates subsection 1, paragraph C
9 or D commits a Class E crime, for which a forfeiture of not more
10 than \$500 may be adjudged. In the case of a person who has one
11 previous conviction of a violation of subsection 1, paragraph A
12 or B within a 6-year period, the fine may not be less than \$500,
13 which penalty may not be suspended. In the case of a person who
14 has 2 or more previous convictions of a violation of subsection
15 1, paragraph A or B within a 6-year period, the fine may not be
16 less than \$1,000. In the case of a person who has no previous
17 conviction of subsection 1, paragraph A or B within a 6-year
18 period, the fine may not be less than \$500, which penalty may not
19 be suspended if that person is convicted of a violation of
20 subsection 1, paragraph A or B involving a minor less than 14
21 years old.

22 **Sec. 2. 28-A MRSA §2081, sub-§5** is enacted to read:

24 **5. Aggravated offense.** A person who violates subsection 1,
25 paragraph A or B commits a Class C crime if the consumption of
26 the liquor by the minor proximately causes bodily injury to or
27 death of any individual, including the minor. For purposes of
28 this subsection, "bodily injury" has the same meaning as set out
29 in Title 17-A, section 2, subsection 5.

32 **SUMMARY**

34 Current law classifies furnishing or allowing consumption of
35 liquor by a minor as a Class D crime. This bill increases the
36 classification to a Class C crime if the consumption of the
37 furnished liquor by the minor proximately causes death of or
38 bodily injury to the minor or any other individual.
40