

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 257

H.P. 222

House of Representatives, January 23, 2001

An Act to Discourage Underage Consumption of Alcohol by a Minor.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LABRECQUE of Gorham.

Cosponsored by Senator SAVAGE of Knox and

Representatives: BERRY of Belmont, CRABTREE of Hope, DAVIS of Falmouth,

McKENNEY of Cumberland, McNEIL of Rockland, SCHNEIDER of Durham, Senators:

DAGGETT of Kennebec, McALEVEY of York.

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

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

2. Violation. Any A minor who violates this section commits a civil violation for which a forfeiture ~~shall~~ must be adjudged of not less than ~~\$100~~ \$200 nor more than ~~\$300~~ \$400 for the first offense; not less than ~~\$200~~ \$300 nor more than ~~\$500~~ \$600 for the 2nd offense, none of which may be suspended, except as provided in paragraph B; and ~~\$500~~ \$600 for the 3rd and subsequent offenses, none of which may be suspended, except as provided in paragraph B.

A. When a person is adjudged to have committed a first offense under this section, the judge shall inform that person that the forfeitures for the 2nd and subsequent 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.

B. The judge, as an alternative to or in addition to the civil forfeitures required by this subsection, may assign the minor to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution.

Sec. 2. 28-A MRSA §2053, as amended by PL 1995, c. 65, Pt. A, §§80 and 81 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§2053. Suspension of minor's operator's license for violations

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

- A. Thirty days for the first offense;
- B. Ninety days for the 2nd offense; and
- C. One year for any subsequent offense.

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

2 1-A. Suspend license. The court may suspend the operator's
3 license, or right to operate a motor vehicle or right to obtain a
4 license, of a minor found in violation of section 2051,
5 subsection 1, paragraph D as follows:

6 A. Thirty days for the first offense;

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

10 C. One year for any subsequent offense.

12 The court shall immediately forward the operator's license to the
13 Secretary of State together with the record of adjudication on
14 the form furnished for reporting convictions and adjudications
15 for violations of Title 29-A.

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17 **3. Secretary of State shall suspend license.** Immediately
18 upon receipt of the record, the Secretary of State shall suspend
19 the license, or right to operate, or right to obtain a license,
20 of the minor for the required period, without further hearing.
21 The Secretary of State shall also assign demerit points according
22 to Title 29-A, section 2458, subsection 3.

24 **4. Penalty.** The penalties provided in this section and
25 section 2052 are not in conflict with Title 15, Part 6.

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28 **SUMMARY**

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30 This bill amends the laws pertaining to consumption of
31 alcohol by a minor by increasing the forfeiture for violation of
32 the Maine Revised Statutes, Title 28-A, section 2051 from not less
33 than \$100 nor more than \$300 to not less than \$200 nor more than
34 \$400 for the first offense; not less than \$200 nor more than \$500
35 to not less than \$300 nor more than \$600 for the 2nd offense; and
36 from \$500 to \$600 for a 3rd or subsequent offense. The bill also
37 gives the court the authority to suspend a license if a minor
38 violates Title 28-A, section 2051, subsection 1, paragraph D, use
39 of any evidence of age that is false, fraudulent or not the
40 minor's own.