

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 794

S.P. 229

In Senate, February 13, 2001

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**An Act to Establish a Presumption of Commission of a Civil Violation  
for Minors Suspected of Consuming Alcohol.**

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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.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representatives: CHIZMAR of Lisbon, HEIDRICH of Oxford.

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

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

6            **2. Violation.** If a law enforcement officer has probable  
8 cause to believe that a minor has consumed liquor or imitation  
10 liquor outside of the exceptions outlined in subsection 1,  
12 paragraph B, that minor is presumed to have consumed liquor or  
14 imitation liquor in violation of this section. Any minor who  
16 violates this section commits a civil violation for which a  
forfeiture shall must be adjudged of not less than \$100 nor more  
than \$300 for the first offense; 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.

18            A. When a person is adjudged to have committed a first  
20 offense under this section, the judge shall inform that  
22 person that the forfeitures for the 2nd and subsequent  
24 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.

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

34                                   **SUMMARY**

36            This bill establishes a presumption that a minor has  
38 committed the civil violation of consuming liquor or imitation  
liquor if a law enforcement officer has probable cause to believe  
that the minor has consumed liquor or imitation liquor.