

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1195

H.P. 903

House of Representatives, February 28, 2001

An Act to Strengthen Penalties for Minors Displaying False Identification.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERRY of Bangor.
Cosponsored by Senator O'GARA of Cumberland and
Representatives: BUCK of Yarmouth, CHIZMAR of Lisbon, COTE of Lewiston, FISHER of
Brewer, McGOWAN of Pittsfield, MURPHY of Berwick, NORTON of Bangor, Senator:
LEMONT of York.

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

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3 **Sec. 1. 22 MRSA §1555-B, sub-§8**, as amended by PL 1997, c.
4 393, Pt. D, §1, is repealed and the following enacted in its
5 place:

6 **8. Penalties.** A person who violates this section is
7 subject to penalties according to this subsection.

10 A. A person who violates subsection 1, 2, 3 or 4 commits a
11 civil violation for which a fine of not less than \$50 nor
12 more than \$1,500, plus court costs, may be adjudged for any
13 one offense. An employer of a person who violates
14 subsection 1, 2, 3 or 4 commits a civil violation for which
15 a fine of not less than \$50 nor more than \$1,500, plus court
16 costs, may be adjudged. For a violation, the court shall
17 impose a fine that may not be suspended, except pursuant to
18 Title 15, section 3314.

20 B. A person who violates subsection 5 commits a civil
21 violation for which the following penalties may be adjudged:

22 (1) For a first offense:

24 (a) A forfeiture of not less than \$100 nor more
25 than \$300;

28 (b) A one-month to 3-month suspension of a
29 license or permit to operate a motor vehicle, the
30 right to operate a motor vehicle or the right to
31 apply for and obtain an operator's license. The
32 court shall issue an order to prevent the issuance
33 or renewal of licenses under this division. The
34 court shall give notice of suspension and take
35 physical custody of an operator's license or
36 permit as provided in Title 29-A, section 2434.
37 The court shall immediately forward the operator's
38 license and a certified abstract of suspension to
39 the Secretary of State; and

40 (c) Specified work for the benefit of the State,
41 the municipality or other public entity or a
42 charitable institution. This penalty may be
43 applied as an alternative to or in addition to the
44 forfeiture and license suspension permitted by
45 divisions (a) and (b);

48 (2) For a 2nd offense:

2 (a) A forfeiture of not less than \$200 nor more than \$500;

4 (b) A 3-month to 6-month suspension of a license or permit to operate a motor vehicle, the right to operate a motor vehicle or the right to apply for and obtain an operator's license. The court shall issue an order to prevent the issuance or renewal of licenses under this division. The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State; and

6 (c) Specified work for the benefit of the State, the municipality or other public entity or a charitable institution. This penalty may be applied as an alternative to or in addition to the forfeiture and license suspension permitted by divisions (a) and (b); or

8 (3) For all subsequent offenses:

10 (a) A forfeiture of \$500 that may not be suspended, except as provided in division (c);

12 (b) A one-year suspension of a license or permit to operate a motor vehicle, the right to operate a motor vehicle or the right to apply for and obtain an operator's license. The court shall issue an order to prevent the issuance or renewal of licenses under this division. The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State; and

14 (c) Specified work for the benefit of the State, the municipality or other public entity or a charitable institution. This penalty may be applied as an alternative to or in addition to the forfeiture and license suspension permitted by divisions (a) and (b).

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2 C. A person who violates subsection 6 commits a civil
3 violation for which a forfeiture of not less than \$50 nor
4 more than \$200 may be adjudged for any one offense.

5 **Sec. 2. 28-A MRSA §2051, sub-§2**, as amended by PL 1997, c.
6 373, §146, is repealed and the following enacted in its place:

7 **2. Violation.** A minor who violates this section commits a
8 civil violation for which the following penalties may be adjudged:

9 A. For a violation of subsection 1, paragraph A, B, C, D-2,
10 E or F:

11 (1) For a first offense:

12 (a) A forfeiture of not less than \$100 nor more
13 than \$300; and

14 (b) Specified work for the benefit of the State,
15 the municipality or other public entity or a
16 charitable institution. This penalty may be
17 applied as an alternative to or in addition to the
18 forfeiture permitted by division (a);

19 (2) For a 2nd offense:

20 (a) A forfeiture of not less than \$200 nor more
21 than \$500 that may not be suspended, except as
22 provided in division (b); and

23 (b) Specified work for the benefit of the State,
24 the municipality or other public entity or a
25 charitable institution. This penalty may be
26 applied as an alternative to or in addition to the
27 forfeiture permitted by division (a); or

28 (3) For all subsequent offenses:

29 (a) A forfeiture of \$500 that may not be
30 suspended, except as provided in division (b); and

31 (b) Specified work for the benefit of the State,
32 the municipality or other public entity or a
33 charitable institution. This penalty may be
34 applied as an alternative to or in addition to the
35 forfeiture permitted by division (a); and

36 B. For a violation of subsection 1, paragraph D or D-1:

37 (1) For a first offense:

2 (a) A forfeiture of not less than \$100 nor more
3 than \$300;

4 (b) A one-month to 3-month suspension of a
5 license or permit to operate a motor vehicle, the
6 right to operate a motor vehicle or the right to
7 apply for and obtain an operator's license. The
8 court shall issue an order to prevent the issuance
9 or renewal of licenses under this division. The
10 court shall give notice of suspension and take
11 physical custody of an operator's license or
12 permit as provided in Title 29-A, section 2434.
13 The court shall immediately forward the operator's
14 license and a certified abstract of suspension to
15 the Secretary of State; and

16 (c) Specified work for the benefit of the State,
17 the municipality or other public entity or a
18 charitable institution. This penalty may be
19 applied as an alternative to or in addition to the
20 forfeiture and license suspension permitted by
21 divisions (a) and (b);

22 (2) For a 2nd offense:

23 (a) A forfeiture of not less than \$200 nor more
24 than \$500 that may not be suspended, except as
25 provided in division (c);

26 (b) A 3-month to 6-month suspension of a license
27 or permit to operate a motor vehicle, the right to
28 operate a motor vehicle or the right to apply for
29 and obtain an operator's license. The court shall
30 issue an order to prevent the issuance or renewal
31 of licenses under this division. The court shall
32 give notice of suspension and take physical
33 custody of an operator's license or permit as
34 provided in Title 29-A, section 2434. The court
35 shall immediately forward the operator's license
36 and a certified abstract of suspension to the
37 Secretary of State; and

38 (c) Specified work for the benefit of the State,
39 the municipality or other public entity or a
40 charitable institution. This penalty may be
41 applied as an alternative to or in addition to the
42 forfeiture and license suspension permitted by
43 divisions (a) and (b); and

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(3) For all subsequent offenses:

(a) A forfeiture of \$500 that may not be suspended, except as provided in division (c):

(b) A one-year suspension of a license or permit to operate a motor vehicle, the right to operate a motor vehicle or the right to apply for and obtain an operator's license. The court shall issue an order to prevent the issuance or renewal of licenses under this division. The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State; and

(c) Specified work for the benefit of the State, the municipality or other public entity or a charitable institution. This penalty may be applied as an alternative to or in addition to the forfeiture and license suspension permitted by divisions (a) and (b).

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 can not be suspended, except as otherwise provided. Failure to inform the first offender that subsequent forfeitures are mandatory is not a ground for suspension of any subsequent forfeiture.

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SUMMARY

The bill adds motor vehicle license suspension as a penalty option for minors who use false identification to obtain tobacco or alcohol. A court may impose a one-month to 3-month suspension for a first offense, a 3-month to 6-month suspension for a 2nd offense and a one-year suspension for any subsequent offense.