

# MAINE STATE LEGISLATURE

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DATE: 5-23-05

(Filing No. S-238)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reported by:

MINORITY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT B to S.P. 311, L.D. 903, Bill, "An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages"

Amend the bill by striking out the title and substituting the following:

'An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 28-A MRSA §2081, sub-§1, ¶¶A and B, as amended by PL 2003, c. 452, Pt. P, §9 and affected by Pt. X, §2, are further amended to read:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which the a fine may of not be less than \$500 and may be imposed, none of which may net be suspended, if the violation involves a minor who is less than 14 18 years of age.

COMMITTEE AMENDMENT

2 (3) A person who violates this paragraph after having  
3 been previously convicted of violating this paragraph  
4 or paragraph B within a 6-year period commits a Class D  
5 crime for which the a fine may of not be less than \$500  
6 and \$1,000 may be imposed, none of which may net be  
7 suspended.

8 (4) A person who violates this paragraph after having  
9 been previously convicted of violating this paragraph  
10 or paragraph B 2 or more times within a 6-year period  
11 commits a Class D crime for which the a fine may of not  
12 be less than \$1,000-and \$1,500 may be imposed, none of  
13 which may net be suspended, and the court shall suspend  
14 the motor vehicle operator's license of a person found  
15 in violation of this paragraph for 30 days for a 3rd  
16 offense, 90 days for a 4th offense and one year for a  
17 5th or subsequent offense.

18 (5) A person who violates this paragraph commits a  
19 Class C crime if the consumption of liquor by the minor  
20 in fact causes serious bodily injury to or death of the  
21 minor or any other individual. For purposes of this  
22 subsection, "serious bodily injury" has the same  
23 meaning as set out in Title 17-A, section 2, subsection  
24 23;

25 B. Allow a minor under that person's control or in a place  
26 under that person's control to possess or consume liquor.  
27 The following penalties apply to violations of this  
28 paragraph.

29 (1) A person who violates this paragraph commits a  
30 Class D crime.

31 (2) A person who violates this paragraph commits a  
32 Class D crime for which the a fine may of not be less  
33 than \$500-and \$1,000 may net be imposed, none of which  
34 may be suspended, if the violation involves a minor who  
35 is less than 14 18 years of age.

36 (3) A person who violates this paragraph after having  
37 been previously convicted of violating this paragraph  
38 or paragraph A within a 6-year period commits a Class D  
39 crime for which the a fine may of not be less than \$500  
40 and \$2,000 may net be imposed, none of which may be  
41 suspended. If the person has 2 or more previous  
42 convictions for violating this paragraph or paragraph  
43 A, the court shall also suspend the motor vehicle  
44 operator's license of a person found in violation of  
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this paragraph for 30 days for a 3rd offense, 90 days for a 4th offense and one year for a 5th or subsequent offense.

~~(4)--A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A-2 or more times within a 6 year period commits a Class D crime for which the fine may not be less than \$1,000 and may not be suspended.~~

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;'

**SUMMARY**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment replaces the bill and changes the title and makes the same changes regarding penalties for furnishing alcohol to a minor or allowing consumption of alcohol by a minor as the majority report, except this amendment also adds a requirement that the court suspend the motor vehicle operator's license of a person who commits 3 or more violations. The suspensions are graduated: 30 days for a 3rd offense, 90 days for a 4th offense and one year for a 5th or subsequent offense.

**FISCAL NOTE REQUIRED  
(See attached)**



Approved: 04/26/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 903

2111(03)

**An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages**

**Fiscal Note for Bill as Amended by Committee Amendment "B"**  
**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

**Minority Report**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund  
Minor cost increase - Highway Fund  
Minor revenue increase - Highway Fund

### Correctional and Judicial Impact Statements:

Increases fines for violations of furnishing alcohol to a minor.  
Increases the age of a minor from less than 14 to less than 18 years of age.  
The collection of additional fines will increase General Fund revenue by minor amounts.