

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 903

S.P. 311

In Senate, February 22, 2005

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

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Reference to the Committee on Criminal Justice and Public Safety 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 NUTTING of Androscoggin.  
Cosponsored by Representative BLANCHETTE of Bangor and  
Senators: HOBBS of York, PLOWMAN of Penobscot, Representatives: BARSTOW of  
Gorham, DAVIS of Augusta, GERZOFKY of Brunswick, HOTHAM of Dixfield, MARLEY  
of Portland.

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

4 **Sec. 1. 28-A MRSA §2053, sub-§1**, as amended by PL 1995, c. 65,  
5 Pt. A, §80 and affected by §153 and Pt. C, §15, is further  
6 amended to read:

7 **1. Court shall suspend license.** The court shall suspend  
8 the operator's license or right to operate, or right to obtain a  
9 license, of a minor found in violation of section 2051,  
10 subsection 1 or section 2052 as follows:

11 A. Thirty days for the first offense;

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

13 C. One year for any subsequent offense.

14 A court may grant an operator whose license is suspended under  
15 this subsection a restricted license to enable the operator to  
16 drive to work, school or a court-ordered counseling program for  
17 certain hours of the day and days of the week. The court shall  
18 immediately forward the license to the Secretary of State  
19 together with the record of adjudication on the form furnished  
20 for reporting convictions and adjudications for violations of  
21 Title 29-A.

22 **Sec. 2. 28-A MRSA §2081, sub-§1, ¶A**, as amended by PL 2003, c.  
23 452, Pt. P, §9 and affected by Pt. X, §2, is further amended to  
24 read:

25 A. Procure, or in any way aid or assist in procuring,  
26 furnish, give, sell or deliver liquor for or to a minor.  
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 fine may not be less than  
33 \$500 and may not be suspended if the violation involves  
34 a minor who is less than 14 years of age.

35 (3) A person who violates this paragraph after having  
36 been previously convicted of violating this paragraph  
37 or paragraph B within a 6-year period commits a Class D  
38 crime for which the fine may not be less than \$500 and  
39 may not be suspended.

2 (4) A person who violates this paragraph after having  
been previously convicted of violating this paragraph  
4 or paragraph B 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.

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

14 (6) The court shall suspend the operator's license of  
16 a person found in violation of this paragraph for 30  
18 days for the first offense, 90 days for the 2nd offense  
20 and one year for the 3rd or a subsequent offense. A  
22 court may grant an operator whose license is suspended  
24 under this subparagraph a restricted license to enable  
the operator to drive to work, school or a  
court-ordered counseling program for certain hours of  
the day and days of the week;

## 26 SUMMARY

28 This bill requires that a minor who purchases alcohol and an  
adult who furnishes a minor with the alcohol each receive  
30 suspensions of their operator's licenses and allows a court to  
grant an operator suspended by these provisions a restricted  
32 license in order to go to work, school or a court-ordered  
counseling program.