

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1643

H.P. 1152

House of Representatives, March 22, 2007

An Act To Clarify Alcohol Enforcement

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.

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

2 **Sec. 1. 28-A MRSA §163, sub-§4**, as enacted by PL 1993, c. 266, §5, is amended
3 to read:

4 **4. Minors prohibited at B.Y.O.B. function.** The B.Y.O.B. sponsor may not allow
5 any minor not employed by the B.Y.O.B. sponsor or not accompanied by a parent, legal
6 guardian or custodian, as defined in Title 22, section 4002, to remain at the premises of a
7 B.Y.O.B. function.

8 A B.Y.O.B. sponsor may employ a minor only if the sponsor is present in a supervisory
9 capacity. A noncompensated student who is a minor engaged in an activity for the
10 educational institution where the student attends school or for an officially sanctioned
11 organization of that educational institution may perform that activity at a B.Y.O.B.
12 function if the student is clearly identified as performing an activity allowed under this
13 subsection and only while the student is performing the activity.

14 **Sec. 2. 28-A MRSA §163, sub-§4-A** is enacted to read:

15 **4-A. Educational institutions.** A permittee that is an educational institution is
16 exempt from subsection 4, if an adult accompanying the minor has express permission by
17 the permittee under this section and the adult signs a written statement identifying the
18 minor and the minor's parent, legal guardian or custodian, accepting responsibility for the
19 minor and acknowledging the adult has read the provisions of chapter 81 and Title 17-A,
20 section 554. A written statement required by this subsection must contain the provisions
21 of chapter 81 and Title 17-A, section 554 in clear and legible print. An adult who
22 accompanies a minor to a B.Y.O.B. function under this subsection is guilty of
23 endangering the welfare of a child under Title 17-A, section 554 if the minor consumes
24 drugs or alcohol while under the adult's responsibility at the B.Y.O.B. function.

25 **SUMMARY**

26 This bill allows a minor into a B.Y.O.B. function at an educational institution if
27 accompanied by an adult who is not the minor's parent, legal guardian or custodian if the
28 adult receives permission from the B.Y.O.B. permittee and in writing identifies the minor
29 and the minor's parent, legal guardian or custodian, accepts responsibility for the minor
30 and acknowledges reading the laws concerning prohibitions of minors using alcohol and
31 concerning endangering the welfare of a child, which must be printed on the written
32 statement. This bill also allows a student performing an official function for the student's
33 school or for an organization officially sanctioned by the school to be present at a
34 B.Y.O.B. function if the student is clearly identified as performing an official function
35 and only while the student is performing the function. Finally, this bill makes an adult
36 who accompanies a minor to a B.Y.O.B. event liable for the crime of endangering the
37 welfare of a child if the minor consumes drugs or alcohol at the event.