

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 525

H.P. 408

House of Representatives, February 15, 2011

**An Act To Establish a Minimum Mandatory Sentence for
Convictions of Illegally Providing Liquor to a Minor**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FREDETTE of Newport.
Cosponsored by Representatives: BLACK of Wilton, CRAFTS of Lisbon, GRAHAM of North Yarmouth, HARMON of Palermo, LUCHINI of Ellsworth, MALONEY of Augusta, TIMBERLAKE of Turner, WINTLE of Garland.

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

2 **Sec. 1. 28-A MRSA §2081, sub-§1, ¶A**, as amended by PL 2005, c. 292, §1, is
3 further amended to read:

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

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

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

11 (3) A person who violates this paragraph after having been previously convicted
12 of violating this paragraph or paragraph B within a 6-year period commits a Class
13 D crime for which a fine of not less than \$1,000 may be imposed, none of which
14 may be suspended.

15 (4) A person who violates this paragraph after having been previously convicted
16 of violating this paragraph or paragraph B 2 or more times within a 6-year period
17 commits a Class D crime for which a fine of not less than \$1,500 ~~may~~ and a
18 period of imprisonment of not less than 48 hours must be imposed, none of which
19 may be suspended.

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

25 **SUMMARY**

26 This bill requires a person who has been convicted 3 times or more within a 6-year
27 period of procuring, or in any way aiding or assisting in procuring, furnishing, giving,
28 selling or delivering liquor for or to a minor to serve a mandatory minimum sentence of
29 imprisonment of at least 48 hours in addition to paying a fine of not less than \$1,500.