

# MAINE STATE LEGISLATURE

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SMC  
ROES

L.D. 263

Date: 5/15/15

Minority

(Filing No. H-143)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 181, L.D. 263, Bill, "An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose"

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

**'An Act To Provide a Minor with Immunity in a Situation That Involves Risk of Alcohol Overdose'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 28-A MRSA §2051, sub-§6 is enacted to read:**

**6. Immunity.** A minor is immune from prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

**A.** The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or

**B.** The minor was the person for whom medical or emergency treatment or assistance was sought and the evidence of the violation of this section is obtained as a result of a person contacting emergency medical services or law enforcement.

**This subsection does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.**

**Sec. 2. 28-A MRSA §2087, sub-§3 is enacted to read:**

**3. Immunity.** A minor is immune from prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased

**COMMITTEE AMENDMENT**

1 level of consciousness, respiratory depression, coma, mania or death from the  
2 consumption of alcohol:

3 A. The minor in good faith sought medical or emergency treatment or assistance for  
4 the minor or the other person; or

5 B. The minor was the person for whom medical or emergency treatment or  
6 assistance was sought and the evidence of the violation of this section is obtained as a  
7 result of a person contacting emergency medical services or law enforcement.

8 This subsection does not provide a defense to a charge of operating a motor vehicle while  
9 under the influence of alcohol.'

10 **SUMMARY**

11 This amendment is the minority report of the committee and replaces the bill. The  
12 amendment provides a new title for the bill. The amendment provides immunity to a  
13 minor from prosecution under the alcoholic beverages laws applicable to minors when  
14 there is a risk of alcohol overdose. The bill proposes to provide a defense to prosecution  
15 for a minor when there is a risk of alcohol overdose.

**FISCAL NOTE REQUIRED**  
(See attached)



# 127th MAINE LEGISLATURE

LD 263

LR 268(03)

**An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose**

**Fiscal Note for Bill as Amended by Committee Amendment "B" (H-143)**  
**Committee: Criminal Justice and Public Safety**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor savings - General Fund  
Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

Decreases the number of civil violations.  
A reduction in fines will decrease General Fund revenue by minor amounts.