

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify Alcohol Enforcement

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

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

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

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

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

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

SUMMARY

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