

# Title 28-A: LIQUORS

## Chapter 83: PROHIBITED ACTS IN GENERAL

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**Maine Revised Statutes**  
**Title 28-A: LIQUORS**  
**Chapter 83: PROHIBITED ACTS IN GENERAL**

**§2071. FAILURE TO APPEAR BEFORE THE BUREAU**

**1. Failure to appear when summoned.** It is illegal for a person who is summoned as a witness by the bureau to appear before the bureau, to fail to appear without reasonable cause at the time and place designated in the subpoena or summons.

[ 1997, c. 373, §152 (AMD) .]

**2. Penalties.** A person who violates this section commits a Class E crime.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §§151,152 (AMD).

**§2072. ILLEGAL DEPOSIT OR POSSESSION WITH INTENT TO SELL**

**1. Illegal deposit or possession.** No person may deposit or have in that person's possession any liquor:

A. With intent to sell the liquor in the State in violation of law; [1987, c. 45, Pt. A, §4 (NEW) .]

B. With intent that the liquor be sold in the State in violation of law by any person; or [1997, c. 373, §153 (AMD) .]

C. With intent to aid or assist any person in an illegal sale. [1987, c. 45, Pt. A, §4 (NEW) .]

[ 1997, c. 373, §153 (AMD) .]

**2. Penalties.** A person who violates this section commits a Class E crime.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §153 (AMD).

**§2073. IMPORTATION AND TRANSPORTATION OF LIQUOR WITHIN THE STATE**

**1. Illegal transportation of liquor within the State.** No person may knowingly transport within the State any liquor:

A. With intent to sell the liquor in the State in violation of law; [1987, c. 45, Pt. A, §4 (NEW) .]

B. With intent that the liquor be illegally sold by any person; or [1987, c. 45, Pt. A, §4 (NEW) .]

C. With intent to aid any person in illegal sale of liquor. [1987, c. 45, Pt. A, §4 (NEW).]

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**2. Penalties.** A person who knowingly violates this section commits a Class E crime.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**3. Legal importation into and transportation of liquor within the State.** Liquor may be legally imported into and transported within the State in the following situations.

A. Upon application, the bureau may grant to an individual a permit to transport liquor purchased for that person's own personal use. [2013, c. 476, Pt. A, §33 (AMD).]

B. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport liquor to liquor warehouses, to licensees, from manufacturers to liquor warehouses and to the state line for transportation outside the State. [2013, c. 476, Pt. A, §33 (AMD).]

C. [2013, c. 368, Pt. V, §49 (RP).]

C-1. Reselling agents may transport spirits to licensees who are licensed for the sale of spirits for on-premises consumption. [2013, c. 476, Pt. A, §33 (NEW).]

D. Manufacturers may transport liquor within the State to liquor warehouses, to persons authorized under paragraph E and to the state line for transportation outside the State. [2013, c. 476, Pt. A, §33 (AMD).]

E. The bureau may permit in writing the importation of liquor into the State and the transportation of liquor from place to place within the State to the following destinations for the specified purposes:

(1) To hospitals and state institutions, for medicinal purposes only, liquor made available to them from stocks of liquor seized by the Federal Government;

(2) To industrial establishments in the State for industrial uses;

(3) To schools, colleges and state institutions for laboratory use only;

(4) To any licensed pharmacist in the State for use in the compounding of prescriptions and other medicinal use, but not for sale by pharmacists unless compounded with or mixed with other substances; or

(5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only. [2013, c. 476, Pt. A, §33 (AMD).]

F. The bureau may authorize hospitals and state institutions to purchase spirits, for medicinal purposes only, from agency liquor stores. This authorization must be in writing. [2013, c. 476, Pt. A, §33 (AMD).]

[ 2013, c. 476, Pt. A, §33 (AMD) .]

#### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §154 (AMD). 2013, c. 368, Pt. V, §49 (AMD). 2013, c. 476, Pt. A, §33 (AMD).

## §2074. ILLEGAL TRANSPORTATION OF LIQUOR ON OR OFF LICENSED PREMISES

**1. Transportation on-premises or off-premises.** Except as provided in section 1051, any person who transports liquor onto or off of the premises of an on-premise retail licensee is guilty of a Class E crime.

[ 1997, c. 306, §2 (AMD) .]

**2. Defense.** It is a defense to a prosecution under this section that the transportation was authorized or permitted by the licensee, the licensee's agent or the licensee's employee.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 306, §2 (AMD).

## **§2074-A. ILLEGAL STORAGE, PURCHASE OR SALE OF SPIRITS BY AN ON-PREMISES LICENSEE; PENALTY**

A person licensed for the sale of spirits for consumption on the licensed premises who violates section 606, subsection 1-A or violates state rules or federal regulations governing the storage, purchase and sale of spirits, including but not limited to the prohibition against reusing or refilling liquor bottles, and the disposition of empty liquor bottles, is subject to suspension or revocation of the license under chapter 33 as follows. [2011, c. 693, §4 (NEW).]

**1. Suspension of privilege to sell spirits.** A person who commits a violation described by this section is subject to a 90-day suspension for a first offense, a 180-day suspension for a 2nd offense and a one-year suspension for a 3rd or subsequent offense.

[ 2011, c. 693, §4 (NEW) .]

**2. Revocation.** The bureau may recommend revocation of a license to sell spirits for consumption on the premises if a licensee commits more than 3 violations as described by this section.

[ 2011, c. 693, §4 (NEW) .]

SECTION HISTORY

2011, c. 693, §4 (NEW).

## **§2075. IMPORTATION AND TRANSPORTATION OF SPIRITS**

### **1. Only the commission may import spirits; exception.**

[ 2003, c. 452, Pt. P, §6 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Only bureau may import spirits.** Except as provided in subsection 1-B, a person other than the bureau may not import spirits into the State.

A. A person who illegally imports or causes to be shipped into the State spirits in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged. [2003, c. 452, Pt. P, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who illegally imports or causes to be shipped into the State spirits in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. P, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. P, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF); 2013, c. 368, Pt. V, §61 (REV) .]

**1-B. Permitted importation.** An individual may transport into the State and may transport from place to place within the State spirits for the individual's personal use in a quantity not greater than 4 quarts.

[ 2003, c. 452, Pt. P, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Transportation of spirits within State.** A person may not transport or cause to be transported any spirits within the State in a quantity greater than 4 quarts unless the spirits were purchased from an agency liquor store.

[ 2013, c. 368, Pt. V, §50 (AMD) .]

**2-A. Evidence.** The possession of more than 8 quarts of spirits in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.

[ 2015, c. 166, §7 (AMD) .]

**3. Importation and transportation of spirits for special purposes.** The bureau may, in writing, permit and authorize the importation of spirits into the State and the transportation of spirits from place to place within the State to the following destinations for the specified purposes:

A. To industrial establishments for use as an ingredient in the manufacture of food products, or for use as an ingredient in the manufacture of commodities that by reason of their nature can not be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes; [1993, c. 730, §47 (AMD).]

B. To licensed distillers and manufacturers of spirits in the State for use as an ingredient in distilling or manufacturing spirits and other spirituous products that are authorized by 27 Code of Federal Regulations; and [1993, c. 730, §47 (AMD).]

C. To churches or to the pastor of any church for sacramental purposes or similar religious rites. [1987, c. 45, Pt. A, §4 (NEW).]

[ 1993, c. 730, §47 (AMD) .]

#### **4. Penalties.**

[ 2003, c. 452, Pt. P, §6 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Forfeiture of spirits.** Notwithstanding section 2221-A, if a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section, either in person or by counsel, the court shall order the spirits imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. As part of every adjudication and forfeiture imposed under this section the court shall order the spirits imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. Spirits forfeited under this subsection must be disposed of as prescribed in section 2229.

[ 2003, c. 452, Pt. P, §6 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1989, c. 817, §1 (AMD). 1993, c. 266, §§25,26 (AMD). 1993, c. 730, §§47,48 (AMD). 1997, c. 373, §155 (AMD). 2003, c. 452, §P6 (AMD). 2003, c. 452, §X2 (AFF). 2013, c. 368, Pt. V, §50 (AMD). 2013, c. 368, Pt. V, §61 (REV). 2015, c. 166, §7 (AMD).

## **§2076. ILLEGAL DELIVERY OF LIQUOR**

**1. Delivery of liquor.** Except with the bureau's written permission or except as provided in section 2073, subsection 3, paragraph C-1 for reselling agents, a person may not knowingly transport to or cause to be delivered to any person other than the bureau any spirits not purchased from an agency liquor store.

[ 2013, c. 476, Pt. A, §34 (AMD) .]

**2. Penalties.** Any person who violates this section commits a Class E crime.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

#### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §156 (AMD). 2013, c. 368, Pt. V, §51 (AMD). 2013, c. 476, Pt. A, §34 (AMD).

## §2077. IMPORTATION AND TRANSPORTATION OF MALT LIQUOR AND WINE

### 1. Importation of malt liquor or wine into the State.

[ 2003, c. 452, Pt. P, §7 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Importation of malt liquor or wine into State.** Except as provided in section 1403-A, a person other than a wholesale licensee, small brewery licensee or small winery licensee may not transport or cause to be transported malt liquor or wine into the State in a quantity greater than 3 gallons for malt liquor or 4 quarts for wine, unless it was legally purchased in the State. The following penalties apply to violations of this subsection.

A. A person who illegally transports into the State wine or malt liquor in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged. [2003, c. 452, Pt. P, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who illegally transports into the State wine or malt liquor in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. P, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2011, c. 629, §37 (AMD) .]

**1-B. Invoice required.** Each shipment of malt liquor or wine transported or caused to be transported by a wholesale licensee, small brewery licensee or small winery licensee into the State must be accompanied by an invoice that includes the wholesale licensee's, small brewery licensee's or small winery licensee's name and purchase number.

[ 2011, c. 629, §38 (AMD) .]

**2. Transportation of malt liquor and wine within State.** Except as provided in section 1403-A, a person other than a licensee may not transport malt liquor, in a quantity greater than 3 gallons, or wine, in a quantity greater than 4 quarts, within the State unless it was purchased from an off-premise retail licensee.

A. A person who illegally transports within the State wine or malt liquor in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged. [2003, c. 452, Pt. P, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who illegally transports within the State wine or malt liquor in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. P, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2009, c. 373, §3 (AMD) .]

**2-A. Evidence.** The possession of more than 6 gallons of malt liquor or 8 quarts of wine in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.

[ 2015, c. 166, §8 (AMD) .]

**3. For-hire carriers and contract carriers may import and transport within State.** For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport malt liquor or wine into and within the State to licensees, to purchasers of malt liquor or wine from licensees and to the state line for transportation outside the State.

[ 2013, c. 476, Pt. A, §35 (AMD) .]

#### 4. Penalties.

[ 2003, c. 452, Pt. P, §7 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Forfeiture of malt liquor or wine.** Notwithstanding section 2221-A, if a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section, either in person or by counsel, the court shall order the malt liquor or wine imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. As part of every adjudication and fine imposed under this section, the court shall order the malt liquor or wine imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. Malt liquor or wine forfeited under this subsection must be disposed of as prescribed in section 2229.

[ 2003, c. 452, Pt. P, §7 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §121 (AMD). 1989, c. 817, §§2,4 (AMD). 1993, c. 266, §§27,28 (AMD). 1993, c. 730, §§49,50 (AMD). 2003, c. 452, §P7 (AMD). 2003, c. 452, §X2 (AFF). 2009, c. 373, §§2, 3 (AMD). 2011, c. 629, §§37, 38 (AMD). 2013, c. 368, Pt. V, §52 (AMD). 2013, c. 476, Pt. A, §35 (AMD). 2015, c. 166, §8 (AMD).

## §2077-A. INTERSTATE RECIPROCAL SHIPPING OF MALT LIQUOR AND WINE

*(REPEALED)*

#### SECTION HISTORY

1993, c. 60, §2 (NEW). 1993, c. 60, §3 (AMD). 1997, c. 373, §§157,158 (AMD). 1997, c. 501, §5 (RP). 2005, c. 683, §B22 (RP).

## §2077-B. INTERSTATE SHIPPING OF LIQUOR PROHIBITED

**1. Prohibition.** Except as provided in section 1403-A, a person may not sell, furnish, deliver or purchase liquor from an out-of-state company by mail order.

[ 2009, c. 373, §4 (AMD) .]

**2. Penalty.** A person who violates this section is subject to penalties listed in section 2075, subsection 1-A.

[ 2003, c. 452, Pt. P, §8 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1997, c. 501, §6 (NEW). 2003, c. 452, §P8 (AMD). 2003, c. 452, §X2 (AFF). 2009, c. 373, §4 (AMD).

## §2078. ILLEGAL SALE OF LIQUOR

**1. Sale of liquor without a valid license.** Any person who, or any person whose employee or agent, sells liquor within the State without a valid license commits a Class E crime and, notwithstanding Title 17-A, section 4-A, shall be punished:

A. For the first offense, by a fine of not less than \$300 plus costs nor more than \$500 plus costs, which fine and costs may not be suspended, and an additional penalty of not more than 30 days imprisonment at the discretion of the court; [1987, c. 45, Pt. A, §4 (NEW).]

B. For a 2nd offense, by a fine of not less than \$500 plus costs nor more than \$1,000 plus costs, which fine and costs may not be suspended, and an additional penalty of not more than 60 days imprisonment at the discretion of the court; and [1987, c. 45, Pt. A, §4 (NEW).]

C. For all subsequent offenses, by a fine of not less than \$1,000 plus costs and 60 days imprisonment, which fine and costs and sentence may not be suspended, and an additional penalty of 4 months imprisonment at the discretion of the court. [1987, c. 45, Pt. A, §4 (NEW).]

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**2. Employee or agent equally guilty.** Any agent or other person in the employment of or on the premises of another, who violates or in any manner assists in violating any law relating to liquor, is equally guilty with the principal and is subject to the same penalties.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

### SECTION HISTORY

1987, c. 45, §A4 (NEW).

## §2079. AIDING CHILDREN IN ILLEGAL POSSESSION OR SALE

Any person who personally or by that person's employee or agent, directly or indirectly, employs or permits any child under the age of 16 years to assist that person in the illegal possession or the illegal sale of liquor commits a Class E crime, and must be punished accordingly in addition to the penalties otherwise provided against the illegal possession for sale or illegal sale of liquor. [1997, c. 373, §159 (AMD).]

### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §122 (AMD). 1997, c. 373, §159 (AMD).

## §2080. COMMON SELLERS

*(REPEALED)*

### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §123 (RP).

## §2081. FURNISHING OR ALLOWING CONSUMPTION OF LIQUOR BY CERTAIN PERSONS PROHIBITED

**1. Offense.** Except as provided in subsection 2, a person may not knowingly:

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

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

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

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

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

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23; [ 2005, c. 292, §1 (AMD) . ]

B. Allow a minor under that person's control or in a place under that person's control to possess or consume liquor. The following penalties apply to violations of this paragraph.

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

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which a fine of not less than \$2,000 may be imposed, none of which may be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23; [ 2005, c. 292, §1 (AMD) . ]

C. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor to a visibly intoxicated person. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, section 1301, the fine may not be more than \$500; or [ 2003, c. 452, Pt. P, §9 (AMD); 2003, c. 452, Pt. X, §2 (AFF) . ]

D. Procure, or in any way assist in procuring, furnish, give, sell or deliver imitation liquor for or to a minor, or allow a minor under that person's control or in a place under that person's control to possess or consume imitation liquor. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, section 1301, the fine may not be more than \$500. [ 2003, c. 452, Pt. P, §9 (AMD); 2003, c. 452, Pt. X, §2 (AFF) . ]

[ 2005, c. 292, §1 (AMD) . ]

**2. Exceptions.** This section does not apply to a person who serves liquor or imitation liquor to a minor in a home in the presence of the minor's parent, guardian or custodian, as defined in Title 22, section 4002.

[ 2003, c. 452, Pt. P, §9 (AMD); 2003, c. 452, Pt. X, §2 (AFF) . ]

### 3. Penalties.

[ 2003, c. 452, Pt. P, §9 (RP); 2003, c. 452, Pt. X, §2 (AFF) . ]

**4. Application.** This section does not apply to licensees or agents of licensees in the scope of their employment.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**5. Aggravated offense.**

[ 2003, c. 452, Pt. P, §9 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §124 (AMD). 1987, c. 576, (AMD). 1989, c. 293, §§1-4 (AMD). 1991, c. 797, §13 (AMD). 1993, c. 266, §§29-31 (AMD). 2001, c. 395, §§1,2 (AMD). 2003, c. 452, §P9 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 292, §1 (AMD).

## §2082. SALE OF IMITATION LIQUOR

**1. Sale of imitation liquor to minor prohibited.** No person may sell or offer for sale or exchange to any minor any imitation liquor.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**2. Applicability.** This section does not apply to the following products:

A. Products commonly known as "root beer," "ginger ale," "cider" and all soft drinks; and [1987, c. 45, Pt. A, §4 (NEW) .]

B. Beverages containing more than 1/2 of 1% alcohol by volume. [1987, c. 45, Pt. A, §4 (NEW) .]

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**3. Violation.** Any person who violates this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

[ 1993, c. 266, §32 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1993, c. 266, §32 (AMD).

## §2083. SALE OR DELIVERY OF LIQUOR TO PRISONERS

*(REPEALED)*

SECTION HISTORY

1987, c. 45, §A4 (NEW). 2005, c. 329, §6 (RP).

## §2084. SALES BY AGENT OF LICENSEE TO MINORS

*(REPEALED)*

SECTION HISTORY

1987, c. 254, (NEW). 1987, c. 623, §18 (AMD). 1993, c. 266, §33 (RP).

## §2085. FALSE STATEMENT BY RETAIL EMPLOYEE

Notwithstanding Title 17-A, section 453, a person who makes a false statement in the affidavit required under section 703-A commits a Class E crime. [1989, c. 526, §§25, 28 (NEW).]

### SECTION HISTORY

1989, c. 526, §§25,28 (NEW). RR 1991, c. 1, §37 (COR).

## §2086. SALE OR FURNISHING OF BREWING OR WINE-MAKING EQUIPMENT PROHIBITED

**1. Violation.** A person who knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a minor equipment that is specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine is guilty of a civil violation.

[ 1999, c. 103, §4 (NEW) .]

**2. Exception.** This section does not apply to a minor's parent, legal guardian or custodian, as defined in Title 22, section 4002, who furnishes the equipment to the minor for use in a supervised manner.

[ 1999, c. 103, §4 (NEW) .]

### SECTION HISTORY

1999, c. 103, §4 (NEW).

## §2087. REFUSAL TO PROVIDE PROPER IDENTIFICATION

**1. Refusal to provide proper identification prohibited.** A person may not intentionally refuse to provide a law enforcement officer proper identification if:

A. The person is present on licensed premises at a time when minors are not permitted to be on the premises; [1999, c. 413, §2 (NEW).]

B. The officer has a reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises; [1999, c. 413, §2 (NEW).]

C. The officer has a reasonable and articulable suspicion that the person is a minor; and [1999, c. 413, §2 (NEW).]

D. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor. [1999, c. 413, §2 (NEW).]

For purposes of this section, "proper identification" means a person's correct name, address and date of birth except that, if a person has in the person's possession an identification card issued under Title 29-A, section 1410, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title 29-A, chapter 11, proper identification means that identification card or motor vehicle operator's license.

[ 1999, c. 413, §2 (NEW) .]

**2. Penalties.** A violation of this section is a civil violation for which a forfeiture of not more than \$500 may be adjudged.

[ 1999, c. 413, §2 (NEW) .]

**3. Defense.** It is a defense to 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 [2015, c. 154, §2 (NEW).]

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. [2015, c. 154, §2 (NEW).]

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

[ 2015, c. 154, §2 (NEW) . ]

#### SECTION HISTORY

1999, c. 413, §2 (NEW). 2015, c. 154, §2 (AMD).

## §2088. VAPORIZED ALCOHOL

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alcohol vaporizing device" means any device, machine or process that mixes an alcoholic product with pure oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation. [2005, c. 259, §1 (NEW).]

B. "Vaporized alcohol" means an alcoholic product created by mixing alcohol with pure oxygen or another gas to produce a vaporized product for the purpose of consumption through inhalation. [2005, c. 259, §1 (NEW).]

[ 2005, c. 259, §1 (NEW) . ]

**2. Use prohibited.** A person may not use vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged. [2005, c. 259, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$3,000 must be adjudged. [2005, c. 259, §1 (NEW).]

In addition to a fine imposed under this subsection, a court may make additional orders as described in Title 22, section 2383-C, subsection 6.

[ 2005, c. 259, §1 (NEW) . ]

**3. Selling or furnishing prohibited.** A person may not sell, furnish or give away or offer for sale or offer to furnish or give away vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged. [2005, c. 259, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than \$1,000 and, notwithstanding Title 17-A, section 1301, not more than \$5,000 must be imposed. In addition to a fine imposed under this

subsection, if the person is a licensee under chapter 19, 43 or 45, the court may suspend that person's license for up to one year. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2005, c. 259, §1 (NEW).]

[ 2005, c. 259, §1 (NEW) .]

**4. Exceptions.** This section does not apply to vaporized alcohol or alcohol vaporizing devices used for medical or scientific research.

[ 2005, c. 259, §1 (NEW) .]

#### SECTION HISTORY

2005, c. 259, §1 (NEW).

## §2089. POWDERED ALCOHOL

**1. Possession and use prohibited.** A person may not possess or use alcohol in a powdered or crystalline form.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged. [2015, c. 205, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$3,000 must be adjudged. [2015, c. 205, §1 (NEW).]

[ 2015, c. 205, §1 (NEW) .]

**2. Selling or furnishing prohibited.** A person may not sell, furnish or give away or offer for sale or offer to furnish or give away alcohol in a powdered or crystalline form.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged. [2015, c. 205, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than \$1,000 and, notwithstanding Title 17-A, section 1301, not more than \$5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43, 45, 51 or 55, the court may suspend that person's license for up to one year in accordance with chapter 33. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2015, c. 205, §1 (NEW).]

[ 2015, c. 205, §1 (NEW) .]

#### SECTION HISTORY

2015, c. 205, §1 (NEW).

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