



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 263

H.P. 181

House of Representatives, February 5, 2015

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MAKER of Calais.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: DAUGHTRY of Brunswick, DION of Portland, EDGECOMB of Fort
Fairfield, POULIOT of Augusta, TIPPING-SPITZ of Orono, WHITE of Washburn, Senators:
BAKER of Sagadahoc, MASON of Androscoggin.

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

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

3 **6. Defense.** It is a defense to prosecution under subsection 1 that a minor in a
4 situation that involved risk to the minor or to another person of overdose from the
5 consumption of alcohol, including but not limited to extreme physical illness, decreased
6 level of consciousness, respiratory depression, coma, mania or death from the
7 consumption of alcohol, in good faith sought medical or emergency treatment or
8 assistance for the minor or the other person or that the minor was the person for whom
9 medical or emergency treatment or assistance was sought and the evidence of the
10 violation of this section is obtained as a result of the minor contacting emergency medical
11 services or law enforcement. This subsection does not provide a defense to a charge of
12 operating a motor vehicle while under the influence of alcohol.

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

14 **3. Defense.** It is a defense to prosecution under subsection 1 that a minor in a
15 situation that involved risk to the minor or to another person of overdose from the
16 consumption of alcohol, including but not limited to extreme physical illness, decreased
17 level of consciousness, respiratory depression, coma, mania or death from the
18 consumption of alcohol, in good faith sought medical or emergency treatment or
19 assistance for the minor or the other person or that the minor was the person for whom
20 medical or emergency treatment or assistance was sought and the evidence of the
21 violation of this section is obtained as a result of the minor contacting emergency medical
22 services or law enforcement. This subsection does not provide a defense to a charge of
23 operating a motor vehicle while under the influence of alcohol.

24 **SUMMARY**

25 This bill provides a defense to prosecution for a crime related to the consumption of
26 alcohol by a person under 21 years of age or refusal to provide proper identification for a
27 minor who, in a situation that involved risk to the minor or another person of overdose
28 from the consumption of alcohol, in good faith sought medical or emergency treatment or
29 assistance for the minor or the other person or that the minor was the person for whom
30 treatment or assistance was sought and the evidence of the crime is obtained as a result of
31 the minor contacting emergency medical services or law enforcement. This bill does not
32 provide a defense to a charge of operating a motor vehicle while under the influence of
33 alcohol.