



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 926

H.P. 650

House of Representatives, March 7, 2013

**An Act To Increase the Penalty for an Adult Who Provides Alcohol
to a Minor Involved in a Fatal Accident**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CROCKETT of Bethel.
Cosponsored by Senator HAMPER of Oxford and
Representatives: DAVIS of Sangerville, JACKSON of Oxford, WINSOR of Norway.

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

2 **Sec. 1. 28-A MRSA §2081, sub-§1, ¶¶A and B**, as amended by PL 2005, c.
3 292, §1, are 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 be
18 imposed, none of which may be suspended.

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

24 (6) A person who violates this paragraph commits a Class B crime if the
25 consumption of liquor by the minor in fact causes the death of the minor or any
26 other individual;

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

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

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

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

38 (5) A person who violates this paragraph commits a Class C crime if the
39 consumption of liquor by the minor in fact causes serious bodily injury to ~~or~~
40 ~~death~~ of the minor or any other individual. For purposes of this subsection,

1 "serious bodily injury" has the same meaning as set out in Title 17-A, section 2,
2 subsection 23~~2~~.

3 (6) A person who violates this paragraph commits a Class B crime if the
4 consumption of liquor by the minor in fact causes the death of the minor or any
5 other individual;

6 **SUMMARY**

7 This bill changes from Class C to Class B the crime of furnishing liquor to a minor if
8 the consumption of the liquor causes the death of the minor or another individual.