

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

[PL 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.

[PL 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 [PL 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. [PL 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.

[PL 2015, c. 154, §2 (NEW).]

SECTION HISTORY

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

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