CHAPTER 81

PROHIBITED ACTS BY MINORS

§2051. Prohibited acts by minors

1. Prohibited acts. A minor may not:

A. Purchase liquor or imitation liquor. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Consume liquor or imitation liquor, except in a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Have on the minor's person liquor or imitation liquor in any premises licensed for the sale of liquor to be consumed on the premises. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Present or offer to a licensee, the licensee's agent or employee any written or oral evidence of age that is false, fraudulent or not actually the minor's own, for the purpose of:

(1) Ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving of any liquor or imitation liquor. The following penalties apply to violations of this subparagraph.

(a) A minor who violates this subparagraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(b) A minor who violates this subparagraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which must be suspended except as provided in subsection 2, paragraph B.

(c) A minor who violates this subparagraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or

(2) Gaining access to a licensed premise when minors are not allowed. The following penalties apply to violations of this subparagraph.

(a) A minor who violates this subparagraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(b) A minor who violates this subparagraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which must be suspended except as provided in subsection 2, paragraph B.

(c) A minor who violates this subparagraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

D-1. Have in the minor's possession a false identification card. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

D-2. Sell, furnish or give a false identification card to a minor. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may

be suspended except as provided in subsection 2, paragraph B; [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. [PL 2003, c. 452, Pt. P, §4 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

E-1. Except as provided in subsection 5, have any liquor or imitation liquor in the minor's possession. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. [PL 2003, c. 452, Pt. P, §4 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

F-1. Except as provided in subsection 5, have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than $200 and not more than $400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than $300 and not more than $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of $600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B. [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalties. The following apply to the penalties imposed for violations of this section.

A. When a person is adjudged to have committed a first offense under this section, the judge shall inform that person that the fines for the 2nd and subsequent offenses are mandatory and cannot be suspended except as provided in paragraph B. Failure to inform the first offender that subsequent fines are mandatory is not a ground for suspension of any subsequent fine. [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. The judge, as an alternative to or in addition to the civil fines required by this subsection, may assign the minor to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution. [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Minor can not be charged with more than one offense. A minor may not be charged with more than one offense under this section in any given instance in which the same set of facts is involved. [PL 2003, c. 452, Pt. P, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Illegal possession and illegal transportation. If a minor is charged with illegal possession under this section, the minor may not be charged with illegal transportation under section 2052. [PL 1997, c. 373, §147 (AMD).]

5. Exceptions. A minor is not in violation of subsection 1, paragraph E-1 or F-1 if the minor possesses:

A. Liquor or imitation liquor or equipment described in subsection 1, paragraph F-1 in the scope of the minor's employment; [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Liquor or imitation liquor in a home in the presence of the minor's parent, guardian or custodian, as defined in Title 22, section 4002; or [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Equipment described in subsection 1, paragraph F-1 in the minor's own home under the supervision of the minor's parent, guardian or custodian, as defined in Title 22, section 4002. [PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. 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, §1 (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, §1 (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, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§118,119 (AMD). PL 1987, c. 426 (AMD). PL 1993, c. 266, §24 (AMD). PL 1997, c. 373, §§146,147 (AMD). PL 1999, c. 103, §§1-3 (AMD). PL 2001, c. 9, §§1,2 (AMD). PL 2001, c. 160, §1 (AMD). PL 2003, c. 452, §P4 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 154, §1 (AMD).

§2052. Illegal transportation by minors

1. Minor may not transport liquor; exception.

[PL 2003, c. 452, Pt. P, §5 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Minor may not transport liquor. Except as provided in subsection 1-B, a minor may not knowingly transport or knowingly permit to be transported liquor in a motor vehicle under the minor's control. The following penalties apply to violations of this subsection.

A. A minor who violates this subsection commits a civil violation for which a fine of not more than $500 may be adjudged. [PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A minor who violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than $200 and not more than $500 must be adjudged, none of which may be suspended. [PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A minor who violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of not less than $400 and not more than $500 must

be adjudged, none of which may be suspended. [PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-B. Permitted transportation. A minor may transport liquor or permit liquor to be transported in a motor vehicle if in the scope of the minor's employment or at the request of the minor's parent, guardian or custodian, as defined in Title 22, section 4002.

[PL 2003, c. 452, Pt. P, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. No conviction if liquor not within minor's section. A minor may not be found in violation of any offense under this section if liquor is found outside the passenger's or driver's section of a motor vehicle under the minor's control, unless the minor has actual knowledge of the presence of the liquor. The trunk or locked glove compartment of any vehicle may not be construed under this section to be within the passenger's or driver's section of the motor vehicle.

[PL 2003, c. 452, Pt. P, §5 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Violation.

[PL 2003, c. 452, Pt. P, §5 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Minor can not be charged with both illegal transportation and illegal possession. A minor charged with illegal transportation under this section may not be charged with illegal possession under section 2051. A minor who possesses or consumes liquor in a motor vehicle under the terms of this section must be charged under this section, rather than under section 2051. This subsection does not preclude charges under Title 15, section 3103, subsection 1, paragraph F, when appropriate.

[PL 2003, c. 452, Pt. P, §5 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 337, §1 (AMD). PL 1991, c. 549, §8 (AMD). PL 1991, c. 549, §17 (AFF). PL 1993, c. 93, §3 (AMD). PL 1997, c. 373, §§148,149 (AMD). PL 2003, c. 452, §P5 (AMD). PL 2003, c. 452, §X2 (AFF).

§2053. Suspension of minor's operator's license for violations

1. Court shall suspend license. The court shall suspend the operator's license or right to operate, or right to obtain a license, of a minor found in violation of section 2052 as follows:

A. Thirty days for the first offense; [PL 1993, c. 93, §4 (NEW).]

B. Ninety days for the 2nd offense; and [PL 1993, c. 93, §4 (NEW).]

C. One year for any subsequent offense. [PL 1993, c. 93, §4 (NEW).]

The court shall immediately forward the license to the Secretary of State together with the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.

[PL 1995, c. 65, Pt. A, §80 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

1-A. Suspend license. The court may suspend the operator's license, or right to operate a motor vehicle or right to obtain a license, of a minor found in violation of section 2051, subsection 1, paragraph D for 30 days for the first offense. The court shall suspend the operator's license, or right to operate a motor vehicle or right to obtain a license, of a minor found in violation of section 2051, subsection 1, paragraph D as follows:

A. Ninety days for the 2nd offense; and [PL 2001, c. 160, §2 (NEW).]

B. One year for any subsequent offense. [PL 2001, c. 160, §2 (NEW).]

The court shall immediately forward the operator's license to the Secretary of State together with the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.
[PL 2001, c. 160, §2 (NEW).]

2. Additional suspension by court.

[PL 1993, c. 93, §5 (RP).]

3. Secretary of State shall suspend license. Immediately upon receipt of the record, the Secretary of State shall suspend the license, or right to operate, or right to obtain a license, of the minor for the required period, without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.
[PL 1995, c. 65, Pt. A, §81 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Penalty. The penalties provided in this section and section 2052 are not in conflict with Title 15, Part 6.
[PL 1991, c. 337, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §120 (AMD). PL 1991, c. 337, §2 (AMD). PL 1993, c. 93, §§4-6 (AMD). PL 1995, c. 65, §§A80,81 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2001, c. 160, §2 (AMD).

§2054. Execution of suspension stayed during appeal

If any person adjudicated to be in violation of section 2052 appeals from the judgment of the trial court, the execution of any suspension imposed on that person's license, right to obtain a license, and right to operate a motor vehicle in the State is stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn. [PL 1997, c. 373, §150 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §150 (AMD).

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