

## 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.

[PL 1997, c. 373, §152 (AMD).]

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

[PL 1987, c. 45, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 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; [PL 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 [PL 1997, c. 373, §153 (AMD).]

C. With intent to aid or assist any person in an illegal sale. [PL 1987, c. 45, Pt. A, §4 (NEW).]  
[PL 1997, c. 373, §153 (AMD).]

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

[PL 1987, c. 45, Pt. A, §4 (NEW).]

#### SECTION HISTORY

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

#### §2073. In-state transportation of liquor for illegal sale

**1. In-state transportation of liquor for illegal sale prohibited.** A person may not knowingly transport within the State any liquor:

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

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

C. With intent to aid any person in illegal sale of liquor. [PL 1987, c. 45, Pt. A, §4 (NEW).]  
[PL 2021, c. 658, §266 (AMD).]

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

[PL 2021, c. 658, §266 (AMD).]

**3. Legal importation into and transportation of liquor within the State.**

[PL 2021, c. 658, §266 (RP).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §154 (AMD). PL 2013, c. 368, Pt. V, §49 (AMD). PL 2013, c. 476, Pt. A, §33 (AMD). PL 2021, c. 658, §266 (AMD).

### §2073-A. Importation of spirits

**1. Prohibition.** Except as provided in subsection 2 and section 2073-E, a person other than the bureau may not transport spirits into the State or cause spirits to be transported into the State. [PL 2021, c. 658, §267 (NEW).]

**2. Exceptions.** Notwithstanding subsection 1, a person may transport spirits into the State or cause spirits to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 4 liters of spirits for the individual's personal use. [PL 2021, c. 658, §267 (NEW).]

B. Upon application, the bureau may grant a permit to an individual authorizing the individual to transport into and within the State more than 4 liters of spirits for the individual's personal use. [PL 2021, c. 658, §267 (NEW).]

C. An out-of-state spirits supplier may transport spirits into the State or may cause spirits to be transported into the State by a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of spirits transported into the State in accordance with this paragraph must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the spirits, who must be authorized to receive spirits imports under section 2073-B, subsection 2, paragraph B. [PL 2021, c. 658, §267 (NEW).]  
[PL 2021, c. 658, §267 (NEW).]

**3. Penalties.** The following penalties apply to violations of this section.

A. A person that transports into the State or that causes to be transported into the State a quantity of less than 40 liters of spirits in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2021, c. 658, §267 (NEW).]

B. A person that transports into the State or that causes to be transported into the State a quantity of 40 or more liters of spirits in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §267 (NEW).]

[PL 2021, c. 658, §267 (NEW).]

**4. Evidence.** The possession of more than 8 liters 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. [PL 2021, c. 658, §267 (NEW).]

**5. Forfeiture.** Notwithstanding section 2221-A, a court shall order spirits transported or caused to be transported into the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §267 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §267 (NEW).]

[PL 2021, c. 658, §267 (NEW).]

### SECTION HISTORY

PL 2021, c. 658, §267 (NEW).

### §2073-B. In-state transportation of spirits

**1. Prohibition.** Except as provided in subsection 2, section 1201-A or section 2073-E, a person may not transport more than 4 liters of spirits within the State unless the spirits were legally purchased from:

A. An agency liquor store; or [PL 2021, c. 658, §268 (NEW).]

B. An in-state manufacturer authorized under section 1355-A to sell spirits for off-premises consumption. [PL 2021, c. 658, §268 (NEW).]

[PL 2021, c. 658, §268 (NEW).]

**2. Exceptions.** Notwithstanding subsection 1, a person may transport spirits within the State in the following circumstances.

A. An individual may transport spirits within the State in accordance with a permit issued under section 2073-A, subsection 2, paragraph B. [RR 2021, c. 2, Pt. A, §102 (COR).]

B. A person may transport spirits the person transported into the State pursuant to section 2073-A, subsection 2, paragraph C to:

(1) A warehouse designated by the commission under section 81;

(2) A bottler or rectifier licensed under section 1355-A;

(3) A winery, small winery or tenant winery licensed under section 1355-A, for the production of fortified wine; or

(4) A brewery, small brewery or tenant brewery licensed under section 1355-A, for the production of low-alcohol spirits products containing malt liquor. [PL 2021, c. 658, §268 (NEW).]

C. A licensed in-state manufacturer of spirits may transport spirits produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport spirits produced by the manufacturer to:

(1) A warehouse designated by the commission under section 81;

(2) A bottler or rectifier licensed under section 1355-A;

(3) A winery, small winery or tenant winery licensed under section 1355-A, for the production of fortified wine;

(4) A brewery, small brewery or tenant brewery licensed under section 1355-A, for the production of low-alcohol spirits products containing malt liquor;

(5) Any location to which the licensed in-state manufacturer of spirits is authorized to transport its own products under section 1355-A; or

(6) The state line for transportation outside the State. [PL 2021, c. 658, §268 (NEW).]

D. The wholesale spirits provider may transport spirits between warehouses designated by the commission under section 81 or to agency liquor stores as provided in section 503. [PL 2021, c. 658, §268 (NEW).]

E. A reselling agent may transport spirits to on-premises retail licensees as provided in section 459. [PL 2021, c. 658, §268 (NEW).]

Each shipment of spirits transported within the State in accordance with paragraph B, C, D or E must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the spirits.

[RR 2021, c. 2, Pt. A, §102 (COR).]

**3. Penalties.** The following penalties apply to violations of this section.

A. A person that transports within the State a quantity of less than 40 liters of spirits in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2021, c. 658, §268 (NEW).]

B. A person that transports within the State a quantity of 40 or more liters of spirits in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §268 (NEW).]  
[PL 2021, c. 658, §268 (NEW).]

**4. Evidence.** The possession of more than 8 liters 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. [PL 2021, c. 658, §268 (NEW).]

**5. Forfeiture.** Notwithstanding section 2221-A, a court shall order spirits transported within the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §268 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §268 (NEW).]  
[PL 2021, c. 658, §268 (NEW).]

#### SECTION HISTORY

PL 2021, c. 658, §268 (NEW). RR 2021, c. 2, Pt. A, §102 (COR).

#### §2073-C. Importation of malt liquor, wine or low-alcohol spirits products

**1. Prohibition.** Except as provided in subsection 2, section 1403-A or section 2073-E, a person may not transport malt liquor, wine or low-alcohol spirits products into the State or cause malt liquor, wine or low-alcohol spirits products to be transported into the State. [PL 2021, c. 658, §269 (NEW).]

**2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor, wine or low-alcohol spirits products into the State or cause malt liquor, wine or low-alcohol spirits products to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 400 fluid ounces of malt liquor, up to 4 liters of wine and up to 4 liters of low-alcohol spirits products for the individual's personal use. [PL 2021, c. 658, §269 (NEW).]

B. Upon application, the bureau may grant a permit to an individual authorizing the individual to transport into and within the State more than 400 fluid ounces of malt liquor, more than 4 liters of wine or more than 4 liters of low-alcohol spirits products for the individual's personal use. [PL 2021, c. 658, §269 (NEW).]

C. A licensed in-state small brewery, a licensed in-state small winery and a wholesale licensee may transport malt liquor or wine into the State or may cause malt liquor or wine to be transported into the State by an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval, an out-of-state wholesaler that has been issued a certificate of approval or a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of malt liquor or wine transported into the State in accordance with this paragraph must be accompanied by an invoice that includes the purchase number and the names of the sender and the licensed in-state small brewery, licensed in-state small winery or wholesale licensee that is the intended recipient of the malt liquor or wine. [PL 2021, c. 658, §269 (NEW).]  
[PL 2021, c. 658, §269 (NEW).]

**3. Penalties.** The following penalties apply to violations of this section.

A. A person that transports into the State or that causes to be transported into the State a quantity of less than 1,300 fluid ounces of malt liquor, less than 40 liters of wine or less than 40 liters of low-alcohol spirits products in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2021, c. 658, §269 (NEW).]

B. A person that transports into the State or that causes to be transported into the State a quantity of 1,300 or more fluid ounces of malt liquor, 40 or more liters of wine or 40 or more liters of low-alcohol spirits products in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

**4. Evidence.** The possession of more than 800 fluid ounces of malt liquor, more than 8 liters of wine or more than 8 liters of low-alcohol spirits products 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.

[PL 2021, c. 658, §269 (NEW).]

**5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor, wine or low-alcohol spirits products transported or caused to be transported into the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §269 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §269 (NEW).]

[PL 2021, c. 658, §269 (NEW).]

## SECTION HISTORY

PL 2021, c. 658, §269 (NEW).

### §2073-D. In-state transportation of malt liquor, wine or low-alcohol spirits products

**1. Prohibition.** Except as provided in subsection 2 and section 2073-E, a person may not transport within the State more than 400 fluid ounces of malt liquor, more than 4 liters of wine and more than 4 liters of low-alcohol spirits products unless the malt liquor, wine or low-alcohol spirits products were legally purchased from:

A. An off-premises retail licensee; [PL 2021, c. 658, §270 (NEW).]

B. An in-state manufacturer authorized under section 1355-A to sell malt liquor, wine or low-alcohol spirits products for off-premises consumption; or [PL 2021, c. 658, §270 (NEW).]

C. A direct shipper licensed under section 1403-A. [PL 2021, c. 658, §270 (NEW).]

[PL 2021, c. 658, §270 (NEW).]

**2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor, wine or low-alcohol spirits products within the State in the following circumstances.

A. An individual may transport within the State malt liquor, wine or low-alcohol spirits products in accordance with a permit issued under section 2073-C, subsection 2, paragraph B. [PL 2021, c. 658, §270 (NEW).]

B. A person may transport malt liquor or wine the person transported into the State pursuant to section 2073-C, subsection 2, paragraph C. [PL 2021, c. 658, §270 (NEW).]

C. A licensed in-state manufacturer of malt liquor, wine or low-alcohol spirits products may transport malt liquor, wine or low-alcohol spirits products produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport malt liquor, wine or low-alcohol spirits products produced by the manufacturer to:

- (1) A bottler or rectifier licensed under section 1355-A;
- (2) A wholesale licensee;
- (3) Any location to which the licensed in-state manufacturer is authorized to transport its own products under section 1355-A;
- (4) A warehouse operated by the licensed in-state manufacturer; or
- (5) The state line for transportation outside the State. [PL 2021, c. 658, §270 (NEW).]

D. A wholesale licensee may transport malt liquor, wine or low-alcohol spirits products to an on-premises or off-premises retailer of malt liquor or wine in accordance with sections 713 and 1401. [PL 2021, c. 658, §270 (NEW).]

Each shipment of malt liquor, wine or low-alcohol spirits products transported within the State in accordance with paragraph B, C or D must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the malt liquor, wine or low-alcohol spirits products.

[PL 2021, c. 658, §270 (NEW).]

**3. Penalties.** The following penalties apply to violations of this section.

A. A person that transports within the State less than 1,300 fluid ounces of malt liquor, less than 40 liters of wine or less than 40 liters of low-alcohol spirits products in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged. [PL 2021, c. 658, §270 (NEW).]

B. A person that transports within the State 1,300 or more fluid ounces of malt liquor, 40 or more liters of wine or 40 or more liters of low-alcohol spirits products in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2021, c. 658, §270 (NEW).]

[PL 2021, c. 658, §270 (NEW).]

**4. Evidence.** The possession of more than 800 fluid ounces of malt liquor, more than 8 liters of wine or more than 8 liters of low-alcohol spirits products 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.

[PL 2021, c. 658, §270 (NEW).]

**5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor, wine or low-alcohol spirits products transported within the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or [PL 2021, c. 658, §270 (NEW).]

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B. [PL 2021, c. 658, §270 (NEW).]

[PL 2021, c. 658, §270 (NEW).]

## SECTION HISTORY

PL 2021, c. 658, §270 (NEW).

### §2073-E. Importation and in-state transportation of liquor for special purposes

**1. Bureau may authorize importation and in-state transportation of liquor for special purposes.** Notwithstanding any provision of law to the contrary, the bureau may grant a permit authorizing the transportation of liquor into and within the State to the following persons for the following specified purposes:

A. To a hospital or state institution located in the State, for medicinal purposes only; [PL 2021, c. 658, §271 (NEW).]

B. To a licensed physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian located in the State, for medicinal purposes only; [PL 2021, c. 658, §271 (NEW).]

C. To a licensed pharmacist located in the State, for use in the compounding of prescriptions and other medicinal use but not for sale by the pharmacist unless compounded with or mixed with other substances; [PL 2021, c. 658, §271 (NEW).]

D. To an industrial establishment located in the State, only for an industrial use, for use as an ingredient in the manufacture of food products, for use as an ingredient in the manufacture of commodities that by reason of their nature cannot be used for beverage purposes or for use in the manufacture of commodities unfit for beverage purposes; [PL 2021, c. 658, §271 (NEW).]

E. To a school, college or state institution located in the State, for laboratory use only; [PL 2021, c. 658, §271 (NEW).]

F. To a licensed in-state spirits manufacturer, for use as an ingredient in distilling or manufacturing spirits and other spirituous liquor products that are authorized by 27 Code of Federal Regulations. A permit issued under this paragraph authorizes only the transportation of spirits into and within the State and may not authorize the transportation of malt liquor or wine into and within the State; and [PL 2021, c. 658, §271 (NEW).]

G. To a church or the pastor of a church located in the State, for sacramental purposes or similar religious rites only. [PL 2021, c. 658, §271 (NEW).]

[PL 2021, c. 658, §271 (NEW).]

**2. Invoice required.** Each shipment of liquor transported into the State in accordance with this section must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the liquor.

[PL 2021, c. 658, §271 (NEW).]

#### SECTION HISTORY

PL 2021, c. 658, §271 (NEW).

#### §2074. Illegal transportation of liquor on or off licensed premises

**1. Transportation on-premises or off-premises.** Except as provided in section 1051, section 1075-A, subsection 3 or section 1080, a person that transports liquor onto or off of the premises of an on-premises retail licensee commits a Class E crime.

[PL 2021, c. 658, §272 (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.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 306, §2 (AMD). PL 2019, c. 281, §11 (AMD). PL 2021, c. 658, §272 (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 on-premises consumption that 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 spirits bottles and the disposition of empty spirits bottles, is subject to suspension or revocation of the license under chapter 33 as follows. [PL 2021, c. 658, §273 (AMD).]

**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. [PL 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. [PL 2011, c. 693, §4 (NEW).]

#### SECTION HISTORY

PL 2011, c. 693, §4 (NEW). PL 2021, c. 658, §273 (AMD).

#### §2075. Importation and transportation of spirits

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 817, §1 (AMD). PL 1993, c. 266, §§25,26 (AMD). PL 1993, c. 730, §§47,48 (AMD). PL 1997, c. 373, §155 (AMD). PL 2003, c. 452, §P6 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2013, c. 368, Pt. V, §50 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2015, c. 166, §7 (AMD). PL 2021, c. 658, §274 (RP).

#### §2076. Illegal delivery of spirits

**1. Illegal delivery of spirits prohibited.** Except with the bureau's written permission or except as provided in section 503, subsection 1 for the wholesale spirits provider or in section 459 for reselling agents, a person may not knowingly transport or cause to be delivered to any person other than the bureau any spirits not purchased from an agency liquor store. [PL 2021, c. 658, §275 (AMD).]

**2. Penalties.** A person that violates this section commits a Class E crime. [PL 2021, c. 658, §275 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §156 (AMD). PL 2013, c. 368, Pt. V, §51 (AMD). PL 2013, c. 476, Pt. A, §34 (AMD). PL 2021, c. 658, §275 (AMD).

#### §2077. Importation and transportation of malt liquor and wine

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §121 (AMD). PL 1989, c. 817, §§2,4 (AMD). PL 1993, c. 266, §§27,28 (AMD). PL 1993, c. 730, §§49,50 (AMD). PL 2003, c. 452, §P7 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 373, §§2, 3 (AMD). PL 2011, c. 629, §§37, 38 (AMD). PL 2013, c. 368, Pt. V, §52 (AMD). PL 2013, c. 476, Pt. A, §35 (AMD). PL 2015, c. 166, §8 (AMD). PL 2021, c. 658, §276 (RP).

#### §2077-A. Interstate reciprocal shipping of malt liquor and wine

**(REPEALED)**

#### SECTION HISTORY



PL 1993, c. 60, §2 (NEW). PL 1993, c. 60, §3 (AMD). PL 1997, c. 373, §§157,158 (AMD). PL 1997, c. 501, §5 (RP). PL 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.  
[PL 2009, c. 373, §4 (AMD).]

**2. Penalty.** A person that violates this section is subject to penalties listed in section 2073-A, subsection 3 and section 2073-C, subsection 3.  
[PL 2021, c. 658, §277 (AMD).]

SECTION HISTORY

PL 1997, c. 501, §6 (NEW). PL 2003, c. 452, §P8 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 373, §4 (AMD). PL 2021, c. 658, §277 (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; [PL 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 [PL 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. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 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.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 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. [PL 1997, c. 373, §159 (AMD).]

SECTION HISTORY

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

**§2080. Common sellers**

**(REPEALED)**

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 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; [PL 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; [PL 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, sections 1704 and 1705, the fine may not be more than \$500; or [PL 2019, c. 113, Pt. C, §70 (AMD).]

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, sections 1704 and 1705, the fine may not be more than \$500. [PL 2019, c. 113, Pt. C, §70 (AMD).]

[PL 2019, c. 113, Pt. C, §70 (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.

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

**3. Penalties.**

[PL 2003, c. 452, Pt. P, §9 (RP); PL 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.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**5. Aggravated offense.**

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

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §124 (AMD). PL 1987, c. 576 (AMD). PL 1989, c. 293, §§1-4 (AMD). PL 1991, c. 797, §13 (AMD). PL 1993, c. 266, §§29-31 (AMD). PL 2001, c. 395, §§1,2 (AMD). PL 2003, c. 452, §P9 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 292, §1 (AMD). PL 2019, c. 113, Pt. C, §70 (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.

[PL 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 [PL 1987, c. 45, Pt. A, §4 (NEW).]

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

[PL 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.

[PL 1993, c. 266, §32 (AMD).]

SECTION HISTORY

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

**§2083. Sale or delivery of liquor to prisoners**

**(REPEALED)**

SECTION HISTORY

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

**§2084. Sales by agent of licensee to minors**

**(REPEALED)**

SECTION HISTORY

PL 1987, c. 254 (NEW). PL 1987, c. 623, §18 (AMD). PL 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. [PL 1989, c. 526, §§25, 28 (NEW).]

#### SECTION HISTORY

PL 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. [PL 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.

[PL 1999, c. 103, §4 (NEW).]

#### SECTION HISTORY

PL 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; [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).

#### §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. [PL 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. [PL 2005, c. 259, §1 (NEW).]

[PL 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. [PL 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. [PL 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.

[PL 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. [PL 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 1704, subsection 5 and section 1705, subsection 5, 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. [PL 2019, c. 113, Pt. C, §71 (AMD).]

[PL 2019, c. 113, Pt. C, §71 (AMD).]

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

[PL 2005, c. 259, §1 (NEW).]

#### SECTION HISTORY

PL 2005, c. 259, §1 (NEW). PL 2019, c. 113, Pt. C, §71 (AMD).

**§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. [PL 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. [PL 2015, c. 205, §1 (NEW).]

[PL 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. [PL 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 1704, subsection 5 and section 1705, subsection 5, 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. [PL 2019, c. 113, Pt. C, §72 (AMD).]

[PL 2019, c. 113, Pt. C, §72 (AMD).]

**SECTION HISTORY**

PL 2015, c. 205, §1 (NEW). PL 2019, c. 113, Pt. C, §72 (AMD).

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