

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 72

H. P. 64

House of Representatives, January 10, 1979

Referred to the Committee on Judiciary. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Reinstating Public Intoxication as a Crime.

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

Sec. 1. 17-A MRSA § 517 is enacted to read:

§ 517. Public intoxication

1. Public intoxication. Whoever is found intoxicated or under the influence of a proscribed drug in any public place, or is found intoxicated or under the influence of a proscribed drug in a motor vehicle while the motor vehicle is in a public place, is guilty of the crime of public intoxication.

2. Intoxication defined. A person is intoxicated when he has had his mental or physical functioning substantially impaired as a result of the use of an intoxicating beverage. A person is under the influence of a proscribed drug when his mental or physical functioning is substantially impaired as a result of the use of a drug proscribed by chapter 45.

3. Class E crime. Public intoxication is a Class E crime.

Sec. 2. 22 MRSA § 1361, as enacted by PL 1973, c. 582, § 1, is repealed and the following enacted in its place:

§ 1361. Declaration of policy

It is the policy of this State that alcoholics and intoxicated persons should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. This Act is not intended to abrogate the authority of any law enforcement agencies or any of the criminal courts of this State to subject an intoxicated person to criminal prosecution in an appropriate circumstance.

Sec. 3. 22 MRSA, § 1364, sub-§ 4, as enacted by PL 1973, c. 582, § 1, is amended to read:

4. Administer or supervise the administration of the provisions relating to alcoholics and intoxicated persons of any state plan submitted, **pursuant to this Act**, for federal funding pursuant to federal health, welfare or treatment legislation;

Sec. 4. 22 MRSA § 1365, sub-§ 11, as enacted by PL 1973, c. 582, § 1, is amended to read:

11. Review all state health, welfare and treatment plans to be submitted, **pursuant to this Act**, for federal funding under federal legislation, and advise the Governor on provisions to be included relating to alcoholism and intoxicated persons;

Sec. 5. 22 MRSA § 1366, sub-§ 1, 3rd sentence, as enacted by PL 1973, c. 582, § 1, is amended to read:

The committee shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism, **which are established pursuant to this Act**, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics and intoxicated persons.

Sec. 6. 22 MRSA § 1372, sub-§ 2, first 2 sentences, as enacted by PL 1973, c. 582, § 1, is amended to read:

2. A person who appears to be incapacitated by alcohol ~~shall~~ **may** be taken into protective custody by the police or the emergency service patrol and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available, he ~~shall~~ **may** be taken to an emergency medical service customarily used for incapacitated persons.

Sec. 7. 22 MRSA § 1372, sub-§ 2, as enacted by PL 1973, c. 582, § 1, is amended by adding at the end the following new sentence.

This subsection shall not be construed so as to relieve law enforcement agencies of the right to arrest and detain a person pursuant to the violation of any criminal statute.

Sec. 8. 22 MRSA § 1379, as enacted by PL 1973, c. 582, § 1, is repealed.

STATEMENT OF FACT

The purpose of this bill is to reinstitute public intoxication as a crime.