

# MAINE STATE LEGISLATURE

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L.D. 1912  
(Filing No. S-400)

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STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
SECOND REGULAR SESSION

6 SENATE AMENDMENT "A" to H.P. 1929, L.D. 1912, Bill,  
7 "AN ACT to Prohibit Public Drinking on School Premises With-  
8 out Requiring Prior Warning by a Law Enforcement Officer."

9 Amend the bill by striking out everything after the  
10 enacting clause and inserting in its place the following:

11 'Sec. 1. 17 MRSA §2003-A, sub-§2-A is enacted to  
12 read:

13 2-A. Public drinking on school premises;  
14 crime. Public drinking on school premises is a Class E  
15 crime. A person is guilty of public drinking on school  
16 premises if he drinks liquor on the premises of a school  
17 knowing that he is not licensed or privileged to do so,  
18 unless he has been given written permission to do so by an  
19 authorized person. The written permission shall be promi-  
20 nently posted and shown to a police or other law enforcement  
21 officer upon request; the failure to present the written  
22 permission upon request raises an evidentiary presumption  
23 that the person does not have the required permission. For  
24 purposes of this subsection:

25 A. "Authorized person" means a person designated by  
26 the governing legislative body to give permission to  
27 drink on school premises or, if no provision is made  
28 regarding such permission, the superintendent, acting  
29 with the approval of the school board; and

30 B. "School" means an elementary or secondary school.

31 Sec. 2. Application. Nothing in this Act is intended  
32 to abrogate or preempt provisions of state or local law gov-  
33 erning the licensing of liquor distribution on school prem-  
34 ises or prohibiting or regulating the possession of alco-  
35 holic beverages on school premises.'

D. OF R.

1 SENATE AMENDMENT "A" to H.P. 1929, L.D. 1912

2 STATEMENT OF FACT

3 This amendment clarifies the bill to assure that at  
4 school functions usually involving large numbers of people  
5 where public drinking may be occurring, it will no longer  
6 be necessary for a law enforcement officer to personally  
7 warn all offenders before the offender may be arrested for  
8 public drinking. Failure of the offender to exhibit written  
9 permission to drink to the law enforcement officer would  
10 render the offender subject to arrest. This amendment does  
11 not affect the right of school premises to be used for func-  
12 tions at which drinking may occur, provided prior written  
13 permission was obtained and is exhibited in accordance with  
14 the law.

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5092030482

16 (Sen. DeJoe)

17 NAME: 

18 COUNTY: Penobscot

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March 4, 1982

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