

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 588

H.P. 405

House of Representatives, February 13, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KERR of Old Orchard Beach.

Cosponsored by Representative WATERMAN of Buxton, Representative HEINO of Boothbay and Senator DUTREMBLE of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

An Act to Amend the Public Drinking Laws.

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

2  
4 Sec. 1. 17 MRSA §2003-A, sub-§2, as repealed and replaced by  
PL 1985, c. 474, is amended to read:

6 2. **Crime.** A person is guilty of public drinking if the  
8 person:

10 A. ~~After being forbidden to do so personally by a law~~  
12 ~~enforcement officer, he drinks~~ Drinks liquor in any public  
14 place knowing that he the person is not licensed or  
privileged to do so, unless he the person has been given  
permission to do so by the owner or authorized person; ~~or.~~

16 B. ~~Within a municipality, he drinks liquor in any public~~  
18 ~~place other than on state property within 150 feet of a~~  
20 ~~notice posted conspicuously in the public place by the owner~~  
~~or authorized person which forbids drinking liquor in the~~  
~~public place, unless he has been given permission to do so~~  
~~by the owner or authorized person.~~

22 Sec. 2. 17-A §854, sub-§1, ¶A, as amended by PL 1989, c. 401,  
24 Pt. B, §6, is further amended to read:

26 A. In a public place:

28 (1) The actor engages in a sexual act, as defined in  
section 251; ~~or~~

30 (2) The actor knowingly exposes the actor's genitals  
32 under circumstances that, in fact, are likely to cause  
affront or alarm; or

34 (3) The actor urinates; or

36  
38 **STATEMENT OF FACT**

40 The purpose of this bill is to facilitate enforcement of the  
public drinking laws and to expand the public indecency laws.

42 Under current law, a person is guilty of public drinking if,  
44 after being forbidden to do so by a law enforcement officer, that  
46 person drinks liquor in a public place without authorized  
48 permission, or if that person drinks liquor in a public place  
50 within a municipality within 150 feet of a notice prohibiting  
such drinking. This bill amends the law to provide that a person  
is guilty of public drinking if that person, without authorized  
52 permission, drinks liquor in a public place knowing that such  
drinking is forbidden. The bill also expands the public  
indecency laws to prohibit urination in public.