

MAINE STATE LEGISLATURE

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(Filing No. H-842)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1201, L.D. 1430, Bill, "AN ACT Reinstating Public Intoxication as a Crime."

Amend the amendment by striking out all of the first paragraph and inserting in its place the following:

'Amend the bill by striking out all of the title and inserting in its place the following: "AN ACT Relating to Public Intoxication."'

Further amend the amendment in the 8th line from the end before the statement of fact by inserting after the underlined word and punctuation "available," the underlined words and punctuation 'and probable cause exists to believe that the incapacitation of such person poses a threat to the health, safety or welfare of himself or the public,'

Further amend the amendment in the 5th line from the end before the statement of fact by inserting after the underlined words "whichever time is less" and before the period the underlined punctuation and words ', but in no event may any person who is unconscious be civilly detained in any facility under

this section until that person has been examined by a licensed
allopathic or osteopathic physician'

Further amend the amendment in the 3rd line from the end
before the statement of fact by striking out the underlined
word "is" and inserting in its place the underlined word 'in'

Statement of Fact

This amendment provides that, after the police or emergency
service patrol have attempted to place a person incapacitated by
alcohol in a treatment facility, or with a relative or other
suitable person, and have been unsuccessful, they may place that
person in a jail or lockup if probable cause exists to believe
that the person's incapacitation / ^{poses} a threat to the person's
health, safety or welfare or to that of the public. The amend-
ment retains the committee amendment provision that the person
must be released if he is not longer incapacitated.

This amendment/^{also}provides that an unconscious person may not
be civilly detained in any facility under the bill until that
person has been examined by a licensed allopathic or osteopathic
physician.

Filed by Mr. Tarbell of Bangor.

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the House.
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