

MAINE STATE LEGISLATURE

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

(Filing No. H-718)

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

Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT Relating to
Care of Persons Incapacitated by Alcohol in Public Places.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'22 MRSA §1372, sub-§2, first, 2nd and 3rd sentences,
as enacted by PL 1973, c. 582, §1, are repealed and the
following enacted in their place:

A person who appears to be incapacitated by alcohol in a public
place may be taken into protective custody by the police or
the emergency service patrol and brought for emergency
treatment to an approved public treatment facility, other
emergency medical service customarily used for incapacitated
persons, or other appropriate treatment facility. If no
treatment facility is readily available, such a person may
be transported to his usual place of abode or to the residence
of any known family, next of kin, or other person if it
appears that the incapacitated person would be suitably cared
for at such a place. If, after the best efforts of the police
or the emergency service patrol, these alternatives do not
appear to be available, such a person may be detained in a
county jail or a local lockup until he is no longer incapacitated

by alcohol or for a period of 12 hours from the time he was first taken into protective custody, whichever time is less. The police or the emergency service patrol, acting in accordance with this subsection, is taking the person into protective custody and shall make every reasonable effort to protect his health and safety.'

Statement of Fact

This amendment allows a person incapacitated by alcohol in a public place to be taken into protective custody and, if no alternatives are available, to be detained in a jail until no longer incapacitated or for 12 hours in total, whichever is less.

Reported by the Minority of the Committee on Judiciary.

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