

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

D. OF R.

STATE OF MAINE (Filing No. S-84)  
SENATE  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 66, L.D. 93, Bill,  
"AN ACT to Revise the Public Drinking Law."

Amend the Bill by inserting before the enacting clause  
the following:

'Emergency preamble. Whereas, Acts of the Legislature do  
not become effective until 90 days after adjournment unless  
enacted as emergencies; and

Whereas, the problem of public drinking threatens the well-  
being of citizens and visitors of the State primarily during the  
summer months; and

Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of Maine  
and require the following legislation as immediately necessary  
for the preservation of the public peace, health and safety; now,  
therefore, '

Further amend the Bill in section 2 by inserting after  
the amending clause the following:

'§2003-A. Definitions'

Further amend the Bill in section 2 in that part designated  
"§2003-A." in subsection 1 by striking out all of paragraph C and  
inserting in its place the following:

'C. "Open container" means not having a cap, stopper or  
other cover in place.

D. "Public place" means any area that is used or held  
out for use by the public whether or not owned or operated  
by public or private interests.'

(Filing No. S-84)

F.R.

Further amend the Bill in section 2 in that part designated "§2003-A." in subsection 2 in the 4th line (3rd line in L.D.) by striking out the underlined word "agent" and inserting in its place the underlined word 'person'

Further amend the Bill in section 2 in that part designated "§2003-A." by inserting after subsection 3 the following:

'4. Criminal history record information. Any person convicted under this section may, after a period of one year from the date of that conviction, have any criminal history record information related to the offense, as defined in Title 16, section 611, expunged. The procedure for obtaining the expungement shall be the same as that prescribed for correction of errors in Title 16, section 620.'

Further amend the Bill by inserting at the end before the Statement of Fact the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment changes the legislation to an emergency measure so that, if passed, the law would be in effect during the summer months this year when the problems in this area occur. Without emergency treatment the bill will have little effect for an additional year.

The amendment also assures that transportation of unsealed but closed containers will not constitute a violation.

~~←~~ The amendment provides that the criminal record of this offense can be removed after a period of one year. The

OF R.

procedure used in this area must be initiated by the convicted person. This is both to provide that the expungement procedure is used only where the individual concerned believes it to be important and that law enforcement officials are not required to perform a constant records' review to avoid potential liability.

Finally, the amendment brings the language of Title 17, section 2003-A, subsection 2, into line with the definitions.

Reported by the Committee on Legal Affairs.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 31, 1981

(Filing No. S-84)