

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-481)
110TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "D" 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 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:

(1) A place owned or operated by a governmental entity to which the public at large or a substantial group has access, including but not limited to:

(a) Public ways as defined in section 505;

(b) Schools, government-owned custodial facilities;
and

(c) The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals; and

(2) Private ways and parking areas, physically adjacent to public ways and designed primarily for vehicular traffic.'

Further amend the Bill in section 2, by striking out all of subsection 2 and inserting in its place the following:

'2. Crime. A person is guilty of public drinking, after being forbidden to do so by the owner or authorized person, either personally or by notice posted conspicuously on the premises, if he drinks liquor in any public place knowing that he is not licensed or privileged to do so, unless he has been given permission to do so by the owner or authorized person. Violation of this section is a Class E crime.'

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 will 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, redefines "public place" and provides for a warning or notice.

Filed by Mr. Cox of Brewer.
Reproduced and distributed under the direction of the Clerk
of the House.

5/26/81

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