

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-488)
110TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "E" to S.P. 66, L.D. 93, Bill, "AN AC" to
Revise the Public Drinking Law."

Amend the bill by striking out everything after the title
and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the 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,

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

Sec. 1. 17 MRSA §2003, sub-§1, is amended to read:

1. Drinking in public place. Any person taking a drink of
liquor or offering a drink of liquor to another or any person in
charge of a public place knowingly permitting drinking at or in a
public place, except places licensed for on-premise sale of liquor,

or any person taking a drink of liquor or offering a drink of liquor in any vehicle not licensed for sale of liquor shall be punished by a fine of not more than ~~\$50~~ \$150.

Sec. 2. 17 MRSA §2003, sub-§§ 3 and 4 are enacted to read:

3. Evidence. The possession of an open container of liquor in a public place is prima facie evidence of a violation of this section.

For the purpose of this section, "open container" means a container not having a cap, stopper or other cover in place.

4. Class E crime. A law enforcement officer is authorized to request that any person found violating subsection 1 leave the public place where the violation occurred. Any person who fails to comply with the request of a law enforcement officer in accordance with this subsection is guilty of a Class E crime.

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

Statement of Fact

The purposes of this amendment are to:

1. Increase the/^{maximum} fine for drinking in an unlicensed public place from \$50 to \$150.
2. Provide that possession of an opened container of liquor

in a public place is prima facie evidence of drinking in public;

3. Define "opened container;"and

4. Allow a law enforcement officer to arrest any person violating the public drinking laws if that person fails to comply with the officer's request to leave the premises.

Filed by Mr. Livesay of Brunswick.
Reproduced and distributed under the direction of the Clerk
of the House.

5/27/81

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