

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 549

H. P. 497

House of Representatives, February 2, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Prohibit Drinking in Public under the Criminal Code.

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

Sec. 1. 17 MRSA § 2003 is repealed.

Sec. 2. 17-A MRSA §§ 517 and 518 are enacted to read:

§ 517. **Drinking in an unlicensed place**

1. 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 is guilty of the crime of drinking in an unlicensed place.

2. For the purpose of this section "public place" means any common carrier, dance, entertainment, amusement or sport or grounds adjacent thereto and used in conjunction therewith, or any building or area open to the public in general or any ground adjacent thereto and used in conjunction therewith, or any highway, street or lane to which the public is invited or has access.

3. Drinking in an unlicensed place is a Class F crime.

§ 518. **Confidentiality of records**

Any person convicted of drinking in an unlicensed place under section 517 may

apply to the clerk of the court in which he was convicted to have his record of conviction treated as confidential nonconviction data under Title 16, section 613 after the passage of one year from the date of the conviction. The record shall be made confidential if there have been no criminal convictions of the person from the date of conviction under section 517 to the date of application for confidentiality and if there is no record of any criminal proceedings pending against the person at the time of application. The person requesting confidentiality shall provide the clerk with the information necessary to ensure the confidentiality. If any person is convicted a 2nd time of an offense under section 517, the conviction and any subsequent convictions under section 517 are not eligible to be considered confidential nonconviction data.

STATEMENT OF FACT

The purpose of this bill is to make drinking in a public place a Class E crime under the Criminal Code. At the same time, a means is provided to protect the one-time offender from having a permanent lifelong criminal record.