

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
110TH LEGISLATURE  
FIRST REGULAR SESSION

L.D. 1207

(Filing No. H-426)

COMMITTEE AMENDMENT "A" to H.P. 1011, L.D. 1207,  
Bill, "AN ACT to Make Drinking in an Unlicensed Public Place  
a Class E Crime."

Amend the Bill by striking out all of the title and  
inserting in its place the following: 'AN ACT to Address  
Problems Caused by Drinking in Public.'

Further amend the Bill by striking out everything after  
the title and inserting in its place 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 problems of public disturbance caused by  
drinking in public are a serious concern; and

Whereas, various problems of public disturbance  
attributable to public drinking occurred in the State last  
summer; and

Whereas, a new law enforcement tool should be available  
as soon as possible to deal with the appearance of any of  
these problems; 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-A MRSA §502, sub-§1-A is enacted to read:

1-A. When 2 or more persons assembled together are issued a citation alleging commission of a civil violation of Title 17, section 2003, a law enforcement officer may order those cited and others in the immediate vicinity to disperse.

Sec. 2. 17-A MRSA §502, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

2. A person is guilty of failure to disperse if he knowingly fails to comply with an order made pursuant to subsection 1 or subsection 1-A.

Sec. 3. 17-A MRSA §502, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. Failure to disperse is a Class D crime if the person is a participant in the course of disorderly conduct or has been issued a citation alleging commission of a civil violation of Title 17, section 2003; otherwise it is 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

This amendment replaces the original bill. It attempts to deal with the problem of those people who are drinking in public in situations which are likely to create

a disturbance. When 2 or more persons who are assembled together in a group have been issued a citation for drinking in public and fail to disperse after having been ordered to do so by a law enforcement officer, they are guilty of a Class D crime. Other participants who have not been cited for drinking in public but fail to disperse in those situations are guilty of a Class E crime.

Reported by the Committee on Judiciary.  
Reproduced and distributed under the direction of the Clerk of the House.

5/18/81

(Filing No. H-426)