

1 2	SECOND REGULAR SESSION
3 4	ONE HUNDRED AND ELEVENTH LEGISLATURE
5 6	Legislative Document No. 2318
7 8	S.P. 853 In Senate, March 19, 1984 Approved for introduction by the Legislative Council pursuant to Joint
9	Rule 26. Referred to the Committee on Judiciary. Sent down for concurrence and
10	ordered printed. JOY J. O'BRIEN, Secretary of the Senate Presented by Senator Bustin of Kennebec. Cosponsor: Senator Hayes of Penobscot.
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12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FOUR
17 18 19 20	AN ACT Concerning Disorderly Conduct and Failure to Disperse and to Promulgate a Law Enforcement Manual.
21 22	Be it enacted by the People of the State of Maine as follows:
23	Sec. 1. 17 MRSA c. 134 is enacted to read:
24	CHAPTER 134
25	DISORDERLY PERSONS AND FAILURE TO DISPERSE
26	§5051. Disorderly person
27	1. Disorderly person. A person is disorderly if:
28 29 30	A. In a public place, he intentionally or recklessly causes annoyance to others by inten-

1	(1) Making loud and unreasonable noises;
2	(2) Activating a device, or exposing a sub-
3	stance, which releases noxious and offensive
	stance, which releases norrous and orrensive
4	odors; or
5	(3) Engaging in fighting, after having been
6	ordered by a law enforcement officer to
7	cease fighting;
,	cease righting,
8	B. In a public or private place, he knowingly
9	accosts, insults, taunts or challenges any person
10	with offensive or derisive words, or by gestures
11	or other physical conduct, which would have a di-
	of other physical conduct, which would have a di-
12	rect tendency to cause a violent response by an
13	ordinary person in the situation of the person so
14	accosted, insulted, taunted or challenged; or
15	C. In a private place, he makes loud and unrea-
16	sonable noise which can be heard as unreasonable
17	noise in a public place or in another private
18	place, after having been ordered by a law en-
19	forcement officer to cease that noise.
12	iorcement orricer to cease that norse.
20	2. Definitions. As used in this section, unless
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	the context otherwise indicates the following terms
22	the context otherwise indicates, the following terms
22	the context otherwise indicates, the following terms have the following meanings.
23	have the following meanings.
23	have the following meanings.
23 24	have the following meanings. <u>A. "Public place" means a place to which the</u> public-at-large or a substantial group has ac-
23	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to:
23 24	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to:
23 24 25 26	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A,
23 24 25	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to:
23 24 25 26	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A, section 505;
23 24 25 26 27 28	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A, section 505; (2) Schools, government-owned custodial fa-
23 24 25 26 27	have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A, section 505;
23 24 25 26 27 28	<pre>have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A, section 505; (2) Schools, government-owned custodial fa- cilities; and (3) The lobbies, hallways, lavatories, toi-</pre>
23 24 25 26 27 28 29 30	<pre>have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A, section 505; (2) Schools, government-owned custodial fa- cilities; and (3) The lobbies, hallways, lavatories, toi-</pre>
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23 24 25 26 27 28 29 30 31 32	<pre>have the following meanings. A. "Public place" means a place to which the public-at-large or a substantial group has ac- cess, including, but not limited to: (1) Public ways, as defined in Title 17-A, section 505; (2) Schools, government-owned custodial fa- cilities; and (3) The lobbies, hallways, lavatories, toi- lets and basement portions of apartment houses, hotels, public buildings and trans-</pre>
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3. Civil violation. A person who is disorderly, 1 2 as defined in this section, commits a civil violation 3 for which a forfeiture not to exceed \$250 may be ad-4 judged. 5 §5052. Failure to disperse 6 1. Order to disperse. When 6 or more persons are 7 being disorderly and that conduct is likely to cause substantial harm or serious inconvenience or alarm, a 8 law enforcement officer may order the participants 9 10 and others in the immediate vicinity to disperse. 11 Civil violation. Any person who knowingly fails to comply with an order to disperse made pursu-12 13 ant to subsection 1 commits a civil violation for which a forfeiture not to exceed \$250 may be ad-14 15 judged. 3. Exception. This section does not apply to 16 17 persons who are invited guests in a private residence 18 or on the premises of that residence. 19 Sec. 2. 17-A MRSA §501, as amended by PL 1981, 20 c. 37, §§1 and 2, is repealed. 21 Sec. 3. 17-A MRSA §502, as enacted by PL 1975, 22 c. 499, §1, is repealed. 23 Sec. 4. 17-A MRSA c. 57 is enacted to read: 24 CHAPTER 57 25 LAW ENFORCEMENT OFFICERS' MANUAL 26 §1371. Promulgation of manual 27 The Attorney General shall promulgate and main-28 tain a law enforcement officers' manual which shall include, but shall not be limited to, an explanation 29 30 and interpretation of state law, federal law and applicable court decisions relating to the conduct of 31 32 law enforcement officers in the performance of their 33 duties. This manual shall be a guide for the conduct 34 of law enforcement officers in enforcing the law. 35 §1372. Distribution of manual

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<u>1. Law enforcement officers. A copy of the manu-</u>
 <u>al shall be furnished to each law enforcement officer</u>
 <u>in the State.</u>

2. Public record. The manual shall be a public record pursuant to Title 1, chapter 13, and shall be available to the public at the office of the Commissioner of Public Safety, the headquarters of each sheriff's department and each municipal law enforcement office.

10 3. Public notice. A notice shall be posted in a 11 conspicuous place wherever the manual is available to 12 the public. This notice shall state: "NOTICE. A law 13 enforcement officers' manual is available for your 14 inspection. This manual includes an explanation of 15 the laws relating to the conduct of law enforcement 16 officers in the performance of their duties."

STATEMENT OF FACT

18 Sections 1, 2 and 3 of this bill decriminalize 19 the current crimes of "disorderly conduct" and "failure to disperse" and make them civil violations. Cer-20 21 tain vague references to annoying other people have been removed from the elements of the civil viola-22 tions. Language has been included to prohibit a 23 law 24 enforcement officer from ordering persons to disperse 25 when they are invited guests at a person's home.

26 Section 4 creates a manual containing guidelines 27 for the conduct of law enforcement officers and makes it available to the public. The Department of Attor-28 29 ney General has recently promulgated a law enforcement officers' manual which contains guidelines 30 for 31 the conduct of law enforcement officers in the per-32 formance of their duties. The manual was originally 33 published 10 years ago with funding from the now non-34 existent Law Enforcement Assistance Agency. The most 35 recent distribution was an updated version of the 36 original manual.

This bill ensures that the guidelines are kept up
to date and are distributed to each law enforcement
officer. In addition, a copy of the guidelines will
be available for public inspection and duplication at

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1 local law enforcement agencies and at State Police 2 headquarters.

3 The current manual provides invaluable assistance 4 to local law enforcement officers by keeping them in-5 formed of the latest laws and court decisions regard-6 ing police conduct. It can be a valuable teaching aid 7 at the police academy and a useful field guide for 8 law enforcement officers on duty. It will be espe-9 cially helpful for small law enforcement offices 10 which do not have the funds or resources to promulgate their own standards. 11

12 Statewide uniform guidelines will aid in effec-13 tive law enforcement and promote respect for the law 14 and the statutory and constitutional rights of sus-15 pects.

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