

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2318

6  
7 S.P. 853

In Senate, March 19, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint  
9 Rule 26.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

Cosponsor: Senator Hayes of Penobscot.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT Concerning Disorderly Conduct and  
18 Failure to Disperse and to Promulgate a Law  
19 Enforcement Manual.  
20

21 Be it enacted by the People of the State of Maine as  
22 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 A. In a public place, he intentionally or  
29 recklessly causes annoyance to others by inten-  
30 tionally:

- 1           (1) Making loud and unreasonable noises;  
2           (2) Activating a device, or exposing a sub-  
3           stance, which releases noxious and offensive  
4           odors; or  
5           (3) Engaging in fighting, after having been  
6           ordered by a law enforcement officer to  
7           cease fighting;

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-  
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.

20           2. Definitions. As used in this section, unless  
21           the context otherwise indicates, the following terms  
22           have the following meanings.

23           A. "Public place" means a place to which the  
24           public-at-large or a substantial group has ac-  
25           cess, including, but not limited to:

26           (1) Public ways, as defined in Title 17-A,  
27           section 505;

28           (2) Schools, government-owned custodial fa-  
29           cilities; and

30           (3) The lobbies, hallways, lavatories, toi-  
31           lets and basement portions of apartment  
32           houses, hotels, public buildings and trans-  
33           portation terminals;

34           B. "Private place" means any place that is not a  
35           public place.

1           3. Civil violation. A person who is disorderly,  
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  
8 substantial harm or serious inconvenience or alarm, a  
9 law enforcement officer may order the participants  
10 and others in the immediate vicinity to disperse.

11           2. Civil violation. Any person who knowingly  
12 fails to comply with an order to disperse made pursu-  
13 ant to subsection 1 commits a civil violation for  
14 which a forfeiture not to exceed \$250 may be ad-  
15 judged.

16           3. Exception. This section does not apply to  
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  
29 include, but shall not be limited to, an explanation  
30 and interpretation of state law, federal law and ap-  
31 licable court decisions relating to the conduct of  
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



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 promul-  
11 gate their own standards.

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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