

MAINE STATE LEGISLATURE

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L.D. 749

(Filing No. H- 478)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE OF CONFERENCE AMENDMENT "A" to H.P.
529, L.D. 749, Bill, "AN ACT to Prohibit Consumption
of Alcoholic Beverages within 15 Feet of a Public
Way."

Amend the bill by striking out all of the title
and inserting in its place the following:

'AN ACT to Prohibit Consumption of Alcoholic
Beverages within 150 Feet of a Public Way.'

Further amend the bill by inserting before the
enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, public drinking is a particular problem
in Maine during the summer months; and

Whereas, public drinking adversely affects tour-
ists' enjoyment of certain portions of Maine; and

Whereas, tourism during the summer months is im-
portant to Maine's economy; 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 preser-
vation of the public peace, health and safety; now,
therefore, '

Further amend the bill in subsection 2, by strik-
ing out all of paragraph E and inserting in its place
the following:

1 'E. Within a municipality, he drinks liquor in
2 any public place other than on state property
3 within 150 feet of a notice posted conspicuously
4 in the public place by the owner or authorized
5 person which forbids drinking liquor in the pub-
6 lic place, unless he has been given permission to
7 do so by the owner or authorized person.'

8 Further amend the bill by inserting before the
9 statement of fact the following:

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

13 STATEMENT OF FACT

14 The purpose of this amendment is to retain the
15 warning requirement for public drinking in any public
16 place, but to provide that the warning may be given
17 in either of 2 ways:

18 1. The warning may be supplied by a law enforce-
19 ment officer personally forbidding the person from
20 drinking in public, as the current law requires; or

21 2. As this amendment adds, within a municipality
22 the warning may be supplied by the conspicuous post-
23 ing of a notice forbidding drinking in the public
24 place. The posted notice will not be an effective
25 warning, unless the person is drinking within 150
26 feet of the notice and does not apply to state prop-
27 erty.

28 4501061885

Reported by the Committee of Conference of L.D. 749
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