

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 623

H.P. 458

House of Representatives, March 6, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CURRAN of Westbrook.

Cosponsored by Representative TUPPER of Orrington, Representative COTE of Auburn and Senator DILLENBACK of Cumberland.

STATE OF MAINE

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

An Act to Amend the Public Drinking Law to Remove the Warning Requirement.



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

3 17 MRSA §2003-A, sub-§2, ¶¶A and B, as enacted by PL 1985, c.
474, are amended to read:

5 A. ~~After being forbidden to do so personally by a law~~
7 ~~enforcement officer, he~~ That person drinks liquor in any
9 public place knowing that he that person is not licensed or
11 privileged to do so, unless he that person has been given
13 permission to do so by the owner or authorized person; or

15 B. Within a municipality, he that person drinks liquor in
17 any public place other than on state property within 150
feet of a notice posted conspicuously in the public place by
the owner or authorized person which forbids drinking liquor
in the public place, unless he that person has been given
permission to do so by the owner or authorized person.

19

21 STATEMENT OF FACT

23 This bill removes the requirement that a law enforcement
25 officer must personally forbid a person from drinking in public
27 prior to an arrest for a violation. This does not eliminate the
29 requirement of proof that the person knew that there was no
license or privilege to drink in a public place. It does
31 eliminate the need for an officer to individually warn all
members of a large group engaged in public drinking and to warn
people that may have been warned many times previously. The
State would no longer have to prove which officer issued a
warning prior to the arrest of a particular individual.