## MAINE STATE LEGISLATURE

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## 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

Legislative Document

No. 1542

H.P. 1109

House of Representatives, May 8, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

## STATE OF MAINE

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

An Act Concerning Offenses Against Public Order.

ారు. అందాలో, కార్లు ఉంది. మాత్రం, దాతాలు, కారాలు, కార్యాలు ఇక్కువాడు. ప్రామాన్లు సామాన్ల కోస్ట్ ప్రామానికి ఈమాన్ ప్రామానికి ఈమాన్ ఈమ్ క్రామ్స్ట్ మీట్రాన్స్ కార్లు ప్రామాన్లు, కార్స్ట్ మారార్గా ఉంది. ప్రామాన్ల ఈమ్ స్ట్రిస్స్ కార్స్ ప్రామానికి ముఖ్యమైన స్ట్రిస్స్ స్ట్రిమ్ క్స్ట్రిక్స్ మార్క్ మార్డ్ స్ట్రిస్స్ కార్డ్ స్ట్రిస్స్ కార్డ్ స్ట్రిస్స్ కార్డ్

्रीतरमञ्जूष्टिक्षाच्या कर्नुकार

(1994年1913年) 南西南部 (1994年1914年1914年) (1994年1914年)



Т	be it enacted by the reopie of the State of Maine as follows:
3	Sec. 1. 17-A MRSA §501, sub-\$1, as amended by PL 1981, c. 37, §\$1 and 2, is further amended to read:
7	1. In a public place, he <u>the individual</u> intentionally or recklessly causes annoyance to others by intentionally:
9	A. Making loud and unreasonable noises;
11	B. Activating a device, or exposing a substance, which releases noxious and offensive odors; or
13 15	C. Engaging in fighting,-after-having-been-ordered by a -law enforcement-officer-to-cease-fighting;
17	Sec. 2. 17-A MRSA §504-A is enacted to read:
19	§504-A. Loitering
21	1. A person is guilty of loitering if that person intentionally or knowingly remains:
23	A. In a public place for the purpose of promoting, engaging
25	or soliciting another person to engage in sexual intercourse or a sexual act in return for a pecuniary benefit;
27	B. In a public place for the purpose of unlawful
29	trafficking in or furnishing of what the individual knows or believes to be a scheduled or counterfeit drug or any
31	hypodermic apparatus; or
33	C. In or about the area of a school, not being a student in that school, and does not have custody of or responsibility
35	for a pupil or student in that school, or any other specific, legitimate reason for being in that area.
37	2. As used in this section, unless the context otherwise
39	indicates, the following terms have the following meanings.
41	A. "Loiters" means remaining idle in essentially one place, seated or standing, loafing or walking about aimlessly.
43 45	B. "Public place" shall have the same meaning as defined in section 501.
47	C. "Sexual intercourse or sexual act" shall have the same meaning as defined in chapter 11, section 251.
49	

51

Т	Sec. 3. 1/-A MIKSA 9505, SUD-91, as enacted by PL 1975, c. 499,
	§1, is amended to read:
3	
	1. A person is guilty of obstructing public ways if he the
5	<u>individual</u> unreasonably obstructs the free passage of foot or
	vehicular traffic on any public wayand-refusesto-ceaseer
7	remove-the-obstruction-upon-a-lawful-order-to-do-so-given-him-by
	a-law-enforcement-officer knowingly not licensed or privileged to
9	<u>do so</u> .
11	
13	STATEMENT OF FACT
15	Sections 1 and 3 of this bill remove the requirement that a

Sections 1 and 3 of this bill remove the requirement that a law enforcement officer must warn a person to cease a particular activity prior to arresting the individual for a violation of the Maine Revised Statutes, Title 17-A, section 501 or 505. This would allow officers to exercise discretion beneficial to a particular situation and would eliminate the necessity of proving at trial which officer issued a warning prior to arrest.

Section 2 of the bill creates the new crime of loitering. Loitering is prohibited only if done for a specific illegal purpose such as prostitution or the sale of drugs, or in a specific, legitimately restricted area. This change should contribute significantly to the elimination of prostitution and drug activity on public streets. Areas around schools can be patrolled to reduce the likelihood of prostitutes, drug traffickers or child molesters coming into contact with students attending the school.