

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 752

H.P. 524

House of Representatives, February 21, 1991

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 MARSANO of Belfast.

Cosponsored by Senator GOULD of Waldo and Representative KETTERER of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Recriminalize Intoxication.



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

4 17 MRSA §2003-B is enacted to read:

6 §2003-B. Public intoxication

8 1. Crime. A person is guilty of public intoxication if that person is intoxicated in any public place, as defined in section 2003-A, subsection 1, paragraph D.

10 2. Violation. Violation of this section is a Class E crime.

12 3. Release from prosecution. Nothing in this section prohibits law enforcement officials from dropping charges under this section and releasing the person when the person is no longer intoxicated. A law enforcement officer is not liable for damages for any lawful arrest for a violation of this section if the arrest is made in the course and scope of employment and the person arrested is not prosecuted for the violation of this section.

22 STATEMENT OF FACT

24 This bill reinstates the crime of public intoxication. The
26 definition of "public place" is found in the public drinking law,
28 and includes public ways, public beaches, and other areas owned
30 or operated by governmental entities and to which the public has
access.

32 This bill also ensures that law enforcement officials have
34 the discretion to drop charges against persons arrested for being
in public while intoxicated, and release those persons when they
are no longer intoxicated. No liability will result when a
person is released and not prosecuted after being arrested.