

MAINE STATE LEGISLATURE

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Date 5/31/23

(Filing No S-145)

MINORITY

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to SP 415, L D 1046, "An Act to Decriminalize Public Drinking"

Amend the bill by striking out the title and substituting the following

'An Act to Remove Penalties for Public Drinking'

Amend the bill by striking out all of section 2 and inserting the following

'Sec. 2. 17 MRSA §2005, sub-§1, ¶C, as enacted by PL 1997, c 756, §1, is amended to read

C "Public place" ~~has the same meaning as provided in section 2003-A, subsection 1, paragraph D~~ means

(1) A place owned or operated by a governmental entity to which the public at large or a substantial group has access, including but not limited to

(a) Public ways as defined in Title 17-A, section 505, subsection 2,

(b) Schools and government-owned custodial facilities,

(c) The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals, and

(d) Public beaches, and

(2) Private ways and parking areas physically adjacent to public ways and designed primarily for vehicular traffic'

Amend the bill in section 4 in subsection 3 in the 7th and 8th lines (page 1, lines 25 and 26 in L D) by striking out the following "~~Title 17, section 2003-A 2090, subsection 1, paragraph D~~" and inserting the following '~~Title 17, section 2003-A~~ Title 17, section 2005, subsection 1, paragraph C'

Amend the bill by striking out all of section 5 and inserting the following

'Sec. 5. 28-A MRSA §11, sub-§2, as amended by PL 2021, c 658, §48, is repealed'

ROS

COMMITTEE AMENDMENT "A" to S P 415, L D 1046 (S-145)

- 1 Amend the bill by striking out all of section 6
- 2 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
- 3 number to read consecutively

SUMMARY

- 4
- 5 This amendment is the minority report of the committee. The amendment removes the
- 6 provision that makes public drinking a civil violation. The amendment includes additional
- 7 related technical changes to a number of sections of law and changes the title

FISCAL NOTE REQUIRED

- 8
- 9 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1046

LR 831(02)

An Act to Decriminalize Public Drinking

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-145)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Minor revenue decrease - General Fund

Minor revenue decrease - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Repeals the Class E crime of public drinking. There may be a minor reduction of workload associated with the minimal number of cases that will no longer be filed in the court system.

Reductions in the collection of fines may decrease General Fund or other dedicated revenue by minor amounts.