

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1046

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S.P. 415

In Senate, March 7, 2023

### An Act to Decriminalize Public Drinking

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.  
Cosponsored by Representative SALISBURY of Westbrook and  
Senator: DUSON of Cumberland, Representative: GEIGER of Rockland.

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

2 **Sec. 1. 17 MRSA §2003-A**, as amended by PL 2021, c. 658, §1, is repealed.

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

5 C. "Public place" has the same meaning as ~~provided in Title 28-A~~, section ~~2003-A~~  
6 ~~2090~~, subsection 1, paragraph D.

7 **Sec. 3. 17-A MRSA §18, sub-§1, ¶B**, as enacted by PL 2021, c. 393, §1, is  
8 amended to read:

9 B. "Listed offense" means:

- 10 (1) Criminal trespass in violation of section 402, subsection 1, paragraph C or F;  
11 (2) Disorderly conduct in violation of section 501-A, subsection 1, paragraph A;  
12 (3) Indecent conduct in violation of section 854 that is based on urinating in public;  
13 or  
14 (4) Possession of a scheduled drug in violation of chapter 45 that is based on using  
15 the scheduled drug; ~~or~~  
16 ~~(5) Public drinking in violation of Title 17, section 2003-A, subsection 2.~~

17 **Sec. 4. 28-A MRSA §2, sub-§3**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended  
18 to read:

19 **3. Bottle club.** "Bottle club" means a person operating on a regular, profit or nonprofit  
20 basis a facility for social activities in which members or guests provide their own liquor,  
21 where no liquor is sold on the bottle club premises, which maintains suitable facilities for  
22 the use of members on a regular basis or charges an admission fee to members or the general  
23 public and where members, guests or others are regularly permitted to consume liquor. As  
24 used in this definition, "regularly" includes daily, weekly or monthly, but does not include  
25 once a year or less often. A bottle club is not a public place, as defined in ~~Title 17~~, section  
26 ~~2003-A 2090~~, subsection 1, paragraph D.

27 A. "Bottle club premises" includes all parts of contiguous real estate occupied by the  
28 bottle club over which the bottle club owner has direct or indirect control or interest  
29 and which the bottle club owner uses in the operation of the bottle club.

30 **Sec. 5. 28-A MRSA §11, sub-§2**, as amended by PL 2021, c. 658, §48, is further  
31 amended to read:

32 **2. Violation of public drinking law.** A person taking a drink of liquor to another  
33 person, offering a drink of liquor to another person or consuming liquor within the licensed  
34 premises of an off-premises retail licensee under the common roof is considered in  
35 violation of ~~and subject to punishment under Title 17~~, section ~~2003-A 2090~~. This  
36 subsection does not prohibit product sampling and taste testing authorized by and  
37 conducted in accordance with the requirements of this Title.

38 **Sec. 6. 28-A MRSA §2090** is enacted to read:

39 **§2090. Public drinking**

