

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE  
3, SECTION 164, SUBSECTION 6.**

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1981.

Effective July 1, 1981

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**CHAPTER 417**  
**H. P. 1251 — L. D. 1475**

**AN ACT to Establish the Procedure for Payment for Attorneys' Fees Awards Against the State.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, one effect of the recent decision of the United States Supreme Court in *Maine vs. Thiboutot* may be to increase the numbers and amounts of attorneys' fees awarded by the courts to successful litigants against the State; and

Whereas, there are various court cases pending against the State which may result in awards of attorney fees at any time; and

Whereas, there is a need to establish a procedure for paying court awarded attorney fees; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA § 1512 is enacted to read:

**§ 1512. Payment of attorneys' fees awards**

Notwithstanding section 1543 or any other statute, attorneys' fees awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court award in these cases, may be paid from any funds available to the State. The Governor may identify by financial order the account, fund or other source from which payment of the attorneys' fees award or settlement shall be made.

All property, assets and interests of the State are exempt from any attachment or execution sought for the enforcement of an award of attorneys' fees.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 4, 1981

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## CHAPTER 418

### S. P. 66 — L. D. 93

#### AN ACT to Revise the Public Drinking Law.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the problem of public drinking threatens the well-being of citizens and visitors of the State primarily during the summer months; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 17 MRSA § 2003 is repealed.

**Sec. 2.** 17 MRSA § 2003-A is enacted to read:

#### § 2003-A. Definitions

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

**A. “Authorized person”** means a person having a relationship to the premises, which is unique and not shared by the general public. With respect to property owned by another, it includes a tenant, custodian or night watchman. With respect to publicly-owned property, it includes police officers and other public employees charged with the responsibility of maintaining or protecting public property.

**B. “Liquor”** means and includes any alcoholic, spirituous vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption, which contains more than  $\frac{1}{2}$  of 1% of alcohol by volume.