

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

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

Effective June 4, 1981

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Sec. 1. 17 MRSA § 2003 is repealed.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.

C. "Open container" means not having a cap, stopper or other cover in place.

D. "Public place" 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;

(b) Schools, government-owned custodial facilities; and

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

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

2. **Crime.** A person is guilty of public drinking, after being forbidden to do so personally by a law enforcement officer, if he drinks liquor in any public place knowing that he is not licensed or privileged to do so, unless he has been given permission to do so by the owner or authorized person. Violation of this section is a Class E crime.

3. **Evidence.** The possession of an open container of liquor in a public place is prima facie evidence of a violation of this section.

Sec. 3. Application. Nothing in this Act is intended to abrogate, repeal or modify provisions in the Revised Statutes pertaining to liquor licensing or rules of the Bureau of Alcoholic Beverages pertaining to liquor licenses.

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

Effective June 5, 1981

CHAPTER 419

H. P. 1488 — L. D. 1615

AN ACT to Permit the Abolition of the Position of Elected County Treasurer and Allow the Appointment of a Treasurer by the County Officers.

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

30 MRSA §§ 606 and 607 are enacted to read: