

# 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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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

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## 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:

**§ 606. Creation of position of appointed county treasurer**

**1. Definition of county officers.** For the purposes of this section and section 607, "county officers" has the meaning set forth in section 1502, subsection 1.

**2. County officers' decision.** Notwithstanding sections 601 and 602, the county officers may decide to abolish the position of elected county treasurer and replace it with an appointed county treasurer. This decision shall not be effective until approved by the voters of the county under the procedures set forth in subsection 6.

**3. Alternative method initiative.** On the written petition of a number of voters equal to at least 10% of the number of votes cast in the county at the last gubernatorial election, the county officers shall, by order, provide for the abolition of the position of elected county treasurer and its replacement with an appointed county treasurer in the form and manner provided in this section and section 607.

**4. Petition procedure.** The petition procedure set forth in section 1551, subsection 3, shall be used in the alternative method set out in subsection 3, except that the legend at the top of each petition form shall read as follows:

"County of.....

Each of the undersigned voters respectively requests the county officers to abolish the position of elected county treasurer and replace it with a county treasurer appointed by the county officers."

**5. Procedure after filing.** The procedure after the petition is filed shall be the same as that set forth in section 1551, subsection 4.

**6. Election procedure.** Within 30 days after a decision under subsection 2 or the receipt of a certificate or final determination of sufficiency under subsection 5, the county officers shall by order submit the question of the abolition of the position of elected county treasurer and its replacement with an appointed county treasurer to the voters of the county at the next regular or special statewide election. The question to be submitted to the voters shall be in substance as follows:

"Shall the position of elected county treasurer be abolished and replaced with a treasurer appointed by the county officers?"

Upon an affirmative vote by a majority of those voting on this question, the position of elected county treasurer shall be abolished after the term of the current elected county treasurer expires and the county officers shall appoint a treasurer under section 607.

**§ 607. Term; qualification; compensation of appointed treasurer**

Upon abolition of the position of elected county treasurer under section 606, the county officers shall appoint a treasurer to serve at their pleasure and,

notwithstanding section 604, with the compensation they set. The treasurer shall be qualified in matters of business administration and finance. The appointed treasurer shall have all authority granted to treasurers under this subchapter and be subject to all requirements of this subchapter.

Effective September 18, 1981

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## CHAPTER 420

H. P. 636 — L. D. 726

### AN ACT to Clarify the Domestic Violence Statutes.

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

Sec. 1. 15 MRSA § 301, sub-§ 1, as enacted by PL 1979, c. 677, § 1, is amended to read:

1. **Definition.** For purposes of this section, “family or household members” means spouses or former spouses, individuals presently or formerly living as spouses, **natural parents of the same child**, or ~~other~~ adult household members related by consanguinity or affinity. Holding oneself out to be a spouse shall not be necessary to constitute “living as spouses.”

Sec. 2. 15 MRSA § 301, sub-§ 6, as enacted by PL 1979, c. 677, § 1, is amended by adding at the end the 2 new sentences to read:

**Notwithstanding any statutory provision to the contrary, an arrest for violation of a protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.**

Sec. 3. 19 MRSA § 762, sub-§ 4, as repealed and replaced by PL 1979, c. 677, §§ 5 and 18, is amended to read:

4. **Family or household members.** “Family or household members” means spouses or former spouses, individuals presently or formerly living as spouses, **natural parents of the same child**, or ~~other~~ adult household members related by ~~consanguinity~~ **consanguinity** or affinity. Holding oneself out to be a spouse shall not be necessary to constitute “living as spouses.”

Sec. 4. 19 MRSA § 765, sub-§ 3, ¶ A, first sentence, as amended by PL 1979, c. 677, § 10, is further amended to read: