

CHAPTER 69

INTOXICATION

§2001. Public intoxication and disturbance

(REPEALED)

SECTION HISTORY

PL 1971, c. 460, §§1,2 (AMD). PL 1973, c. 582, §3 (RP).

§2002. Responsibility for injuries by drunken persons

(REPEALED)

SECTION HISTORY

PL 1985, c. 435, §§1,4 (AMD). PL 1985, c. 723, §1 (RP).

§2003. Drinking in unlicensed places

(REPEALED)

SECTION HISTORY

PL 1981, c. 418, §1 (RP).

§2003-A. Public drinking

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. [PL 1981, c. 418, §2 (NEW).]

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 1/2 of 1% of alcohol by volume. [PL 1981, c. 418, §2 (NEW).]

C. "Open container" means not having a cap, stopper or other cover in place. [PL 1981, c. 418, §2 (NEW).]

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;

(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. [PL 1987, c. 59 (AMD).]

[PL 1987, c. 59 (AMD).]

2. Crime. A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer, unless the person has been given permission to do so by the owner or authorized person.

[PL 2001, c. 139, §1 (RPR).]

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

[PL 1981, c. 418, §2 (NEW).]

4. Violation. Violation of this section is a Class E crime.

[PL 1985, c. 737, Pt. A, §39 (NEW).]

SECTION HISTORY

PL 1981, c. 418, §2 (NEW). PL 1985, c. 474 (AMD). PL 1985, c. 737, §A39 (AMD). PL 1987, c. 59 (AMD). PL 1991, c. 157 (AMD). PL 2001, c. 139, §1 (AMD). PL 2021, c. 658, §1 (AMD).

§2004. Forms

The forms set forth in this section, with such changes as adapt them for use in municipalities, are sufficient in law for all cases arising under the provisions to which they purport to be adapted; and the costs to be taxed and allowed for a libel shall be 50¢; for entering the same, 30¢; for trying the same, \$1; for a monition, 50¢; for posting notices and return, \$1; for order to restore or deliver, 25¢; for executing the order, 50¢.

Form of Complaint for Single Sale

STATE OF MAINE

"....., ss. -- To
Judge of District Court
Clerk
Justice of the Peace

A. B., of, in said county, on the day of, in the year of our Lord one thousand nine hundred, in behalf of said State, on oath complains, that, of, in said county, on the day of, 19..., at said, in said county of, did then and there sell a quantity of intoxicating liquors, to wit: one of intoxicating liquor to one, " (or if the individual is unknown, "to some person to said complainant unknown,") "against the peace of said State, and contrary to the form of the statute in such case made and provided.

A. B.

On the day of, 19..., said makes oath, that the above complaint, bysubscribed, is true.

Before me,.....
District Court Judge
Clerk
Justice of the Peace."

[PL 1987, c. 736, §29 (AMD).]

Form of Warrant upon Complaint for Single Sale

STATE OF MAINE

"....., ss. -- To the sheriff of our said county of, or either of his deputies, or either of the constables of the town of, or of either of the towns in said county. Greeting.

[L. S.] Whereas, A. B., of, on the day of, in the year of our Lord one thousand nine hundred, in behalf of said State, on oath complained to me, the subscriber, one of the Judges of the District Court Clerks, that Justices of the Peace of, in said county, on the day of, 19...., at said, in said county of, did sell a quantity of intoxicating liquors, to wit: one of intoxicating liquor to one, against the peace of said State and contrary to the form of the statute in such case made and provided.

Therefore, in the name of the State of Maine, you are commanded forthwith to apprehend said, if he may be found in your precinct, and bring him before said court, the subscriber, to answer to said State upon the complaint aforesaid.

Witness, my hand and seal at aforesaid, this day of, in the year of our Lord nineteen hundred

Judge
.....Clerk
Justice of the Peace."

[PL 1987, c. 736, §30 (AMD).]

Form of Complaint in Case of Seizure

STATE OF MAINE

"....., ss To A.B., esquire,
District Court Judge
Clerk
Justice of the Peace

District, Division

A. B., of, in said county, competent to be a witness in civil actions, on the day of, in the year nineteen hundred, in behalf of said State, on oath complains, that he believes, that on the day of, 19.... at said, intoxicating liquors were, and still are kept and deposited by of, in said county, in " (here describe with precision the place to be searched,) "and that said liquors then and there were, and now are intended by said for sale in violation of law, against the peace of the State and contrary to the form of the statute in such case made and provided.

I therefore pray, that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

....., ss. -- On the day of, 19...., said A. B. made oath that the above complaint by him signed is true.

Before me,
District Court Judge
Clerk

Justice of the Peace."

[PL 1987, c. 736, §31 (AMD).]

Form of Warrant in Case of Seizure

STATE OF MAINE

District
Division of

"....., ss. To the sheriff of our several counties or any of their deputies, or any of the constables or police officers of any municipality in said State or any State Police officer.

[L. S.] Whereas A. B., of, in said county, competent to be a witness in civil actions, on the day of, in the year nineteen hundred, in behalf of said State, on oath complained to the subscriber, an officer of the District Court, that he believes, that on the day of, 19...., at said, intoxicating liquors were and still are deposited and kept by, of, in said county, in" (here follows a precise description of the place to be searched.) "and that said then and there intended and now intends that the same shall be sold, in violation of law as fully appears by the complaint hereunto annexed, and prayed that due process be issued to search the premises hereinbefore mentioned, where said liquors are believed to be deposited, and, if there found, that said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said be apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him: --

You are therefore required in the name of the State, to enter the before named, and therein to search for said liquors, and, if there found, to seize and safely keep the same, with the vessels in which they are contained, until final action and decision is had on the same; and to apprehend said forthwith, if he may be found in your precinct, and bring him before said court, and to do and receive such sentence as may be awarded against him.

Witness,, at aforesaid, this day of, in the year of our Lord nineteen hundred

District Court Judge
.....Clerk
Justice of the Peace

[PL 1978, c. 736, §32 (AMD).]

Form of Libel

STATE OF MAINE

District.....
Division of
District Court Judge
Clerk
Justice of the Peace

"County of, ss. -- To A.B.,

The libel of C.D., of, shows that he had, by lawful seizure, seized certain intoxicating liquors and the vessels in which the same were contained, described as follows:" (here follows a description of the liquors.) "because the same were kept and deposited at" (describing the place) "in the said county of, and were intended for sale, in violation of law.

Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at, in said county, this day of, in the year of our Lord nineteen hundred

(Signed.)"

[PL 1987, c. 736, §33 (AMD).]

Form of Monition and Notice

STATE OF MAINE

District
Division of

"County of, ss.

[L. S.] To all persons interested in" (here insert the description of the liquors, as in the libel).

"The libel of C. D., hereunto annexed, this day filed in said District Court shows that he has seized said liquors and vessels because" (insert as in the libel), "and prays for a decree of forfeiture of the same according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before this court on the day of, 19...., and then and there show cause why said liquors and the vessels in which they are contained should not be declared forfeited.

Given under my hand and seal at, on the day of, in the year of our Lord nineteen hundred

District Court Judge
.....Clerk
Justice of the Peace."

[PL 1987, c. 736, §34 (AMD).]

Form of Complaint in Case of Seizure of Automobile

STATE OF MAINE

District.....
Division of.....

Judge
"...., ss. -- To theClerk
Justice of the Peace
of the District Court:

A. B., of, in the said county, competent to be a witness in civil actions, on the day of, A. D., 19.., in behalf of said State, on oath complains, that he believes that on the day of in said year, at said, in said county, a certain automobile, hereinafter described, was knowingly used for the illegal transportation of intoxicating liquors and intoxicating liquors

were kept and deposited by persons unknown of in said automobile, situated on street, in said, in said county, near number on said street in said, and occupied by said persons unknown, said persons unknown not being then and there authorized by law to transport liquors within said State, and that the said liquors were then and there knowingly being transported within said State, in violation of law, against the peace of said State, and contrary to the form of the statute in such case made and provided; and that the said liquors were then and there intended by said persons unknown for sale in violation of law, against the peace of said State and contrary to the form of the statute in such case made and provided.

And the said on oath further complains that he, the said at said on the day of, A. D., 19...., being then and there an officer, to wit, a deputy sheriff, within and for said county, duly qualified and authorized by law to seize automobiles used for the illegal transportation of intoxicating liquors and intoxicating liquors kept and deposited for unlawful sale and the vessels containing them, by virtue of a warrant therefor issued in conformity with the provisions of the law, did find upon the above described premises, one, bearing engine number, and the 19 license number plates numbered, which said automobile then and there contained, which said automobile was not then and there a common carrier, and which said automobile was not then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said and which said automobile was then and there knowingly used by the said for the illegal transportation of intoxicating liquors from place to place in said with intent that the said intoxicating liquors should be sold in violation of law; and which intoxicating liquors as aforesaid, and the vessels containing the same, were then and there kept, deposited and intended for unlawful sale as aforesaid, and said automobile was then and there being used for the illegal transportation of said liquors as aforesaid, within said State by the said persons unknown, and did then and there by virtue of this authority as a deputy sheriff as aforesaid, seize the above described automobile, intoxicating liquors and the vessels containing the same, to be kept in some safe place for a reasonable time, and hath since kept and does still keep said automobile, liquors and vessels to procure a warrant to seize the same.

He therefore prays, that due process be issued to seize said automobile, liquors and vessels, and them safely keep until final action and decision be had thereon, and that said persons unknown be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against them

On the day of, the said makes oath that the above complaint by him signed is true.

District Court Judge
Before me,, Said Clerk
Justice of the Peace."

[PL 1987, c. 736, §35 (AMD).]

Form of Warrant in Case of Seizure of Automobile

STATE OF MAINE

"....., ss. -- To the sheriff of our county of, or either of his deputies, or either of the constables or police officers of any city or town within said county:

[L. S.]

In the name of said State you are commanded to seize the automobile, liquors and vessels containing the same, named in the foregoing complaint of the said and now in his custody as set

forth in said complaint, which is expressly referred to as a part of this warrant, and safely keep the same, until final action and decision be had thereon, and to apprehend the said persons unknown forthwith, if they may be found in your precinct, and them bring before said court, holden at the District Court in said, to answer to said complaint, and to do and receive such sentence as may be awarded against them.

Witness,, esquire, our said Judge at, aforesaid, this day of, A. D., 19....

..... Judge"

Form of Libel for Automobile

STATE OF MAINE

District
Division of

"....., ss. -- To the Judge of the District Court:

The libel of shows that he has by virtue of a warrant duly issued by the Judge of the District Court, seized on the day of, A. D., 19...., a certain automobile, intoxicating liquors and the vessels in which the same were contained, described as follows:

One bearing engine number and the 19.... license number plates numbered, which said automobile then and there contained, which said automobile was not then and there a common carrier, and which said automobile was then and there engaged in the business of a common carrier; and which said automobile was then and there in the possession, care and control of the said, and which said automobile was then and there knowingly used by the said for the illegal transportation of intoxicating liquors from place to place in said, and because the same were then and there kept and deposited on the day of, A. D., 19...., on street, in said, in said county, near number on said street, in said, and because said automobile was being knowingly used for the illegal transportation of said liquors, within the State in violation of law. Wherefore he prays for a decree of forfeiture of said automobile, liquors and vessels, according to the provisions of law in such case made and provided.

Dated at, in said county, the day of, A. D. 19....

(Signed.)Deputy Sheriff."

Form of Monition and Notice Case of Automobile

STATE OF MAINE

"....., ss.

[L. S.] To all persons interested in the automobile, liquors and vessels described in the foregoing libel:

The libel of hereunto annexed, this day filed with the District Court, shows that he has seized said automobile, liquors and vessels because the same were used, kept and deposited as set forth in said libel, and said automobile was then and there knowingly used for the illegal transportation of

intoxicating liquors, and prays for a decree of forfeiture of the same, according to the provisions of law in such case made and provided.

You are, therefore, hereby notified thereof, that you may appear before said court in said, on the day of, A. D., 19...., at o'clock, A.M. and then and there show cause why said automobile, liquors and vessels in which they are contained should not be declared forfeited.

Witness,, Esquire, our said Judge at aforesaid, this day of, A. D., 19....

..... Judge"

SECTION HISTORY

PL 1965, c. 431, §§15,15-A (AMD). PL 1987, c. 736, §§29-35 (AMD).

§2005. Law enforcement agency responsibilities

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

A. "Intoxicated" means the state of having a disturbed mental capacity resulting from the introduction of alcohol, drugs or similar substances into the body. [PL 1997, c. 756, §1 (NEW).]

B. "Public intoxication" means the state of being intoxicated in a public place. [PL 1997, c. 756, §1 (NEW).]

C. "Public place" has the same meaning as provided in section 2003-A, subsection 1, paragraph D. [PL 1997, c. 756, §1 (NEW).]

[PL 1997, c. 756, §1 (NEW).]

2. Records. A law enforcement agency shall keep records of all incidents of public intoxication that are reported in that law enforcement agency's jurisdiction.

[PL 1997, c. 756, §1 (NEW).]

3. Reporting. Beginning April 30, 1998 and monthly thereafter, each law enforcement agency shall submit a copy of its records of all known incidents of public intoxication to the Department of Public Safety. These records may not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety shall forward these records to the Department of Health and Human Services. The records must include at least the following information:

A. The number of reported cases of public intoxication; [PL 1997, c. 756, §1 (NEW).]

B. The number of persons who are reported more than one time pursuant to paragraph A; [PL 1997, c. 756, §1 (NEW).]

C. The number of persons voluntarily transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; [PL 1997, c. 756, §1 (NEW).]

D. The number of persons voluntarily transported to their residence or left with a family member or friend as a result of reported incidents of public intoxication; and [PL 1997, c. 756, §1 (NEW).]

E. The number of intoxicated persons left at the scene of the reported incident or at another public place. [PL 1997, c. 756, §1 (NEW).]

[PL 2011, c. 657, Pt. AA, §56 (AMD).]

SECTION HISTORY

PL 1997, c. 756, §1 (NEW). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2011, c. 657, Pt. AA, §56 (AMD).

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