

§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).]

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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).

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