

Sec. 11-202 Hours for Minors

A. Definitions: For the purpose of this article, the following definitions shall apply.

1. **Curfew Hours** means:
 - a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, and Thursday until 5:00 a.m. of the following day; and
 - b. 12:00 midnight until 5:00 a.m. of the following day on any Friday or Saturday.
2. **Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. **Establishment** means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. **Guardian** means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. A public or private agency with whom a minor has been placed by a court.

5. **Minor** means any person under 18 years of age.

6. **Operator** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. **Parent** means:

- a. A natural parent, adoptive parent, or step-parent or another person;
- or
- b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. **Public Place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. **Remain** means to:

- a. Linger or stay; or
- b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. **Serious Bodily Injury** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function or any bodily member or organ.

B. Offenses

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the town during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the town during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

C. Defenses

1. It is a defense to prosecution under Subsection (b) that a minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department account the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the town of Houlton, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home, from , without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Town of Houlton, a civic organization, or another similar entity that takes responsibility for the minor, or a handwritten note in possession of a minor, signed by a parent or guardian, authorizing the minor to attend a function;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married or has granted emancipation by the court in attendance with Title 15, Section 3506, Maine Revised Statutes Annotated.

2. It is a defense to prosecution under Subsection (b) (3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's agent and reason for being in the public place. The officer shall