

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842 and Acts approved
August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1939

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

the present compensation of any member of the state police, but each and every commissioned and noncommissioned officer shall receive the minimum salary as specified by this act, upon approval of the act. Each and every patrolman with less than 8 years' service, now receiving \$32 per week, shall continue to receive \$32 per week until he has had 8 years of service, at which time he shall receive the annual increase in salary of \$1.50 per week, until his pay shall reach the sum of \$35 per week.

Approved April 20, 1939.

Chapter 273

AN ACT Relating to Penalty for Operating Motor Vehicle While under the Influence of Intoxicating Liquor or Drug.

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

R. S., c. 29, § 88, amended. The 1st paragraph of section 88 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1000 or by imprisonment for not less than 30 days nor more than 11 months, or by both such fine and imprisonment. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than 3 nor more than 11 months, and in addition thereto, the court may impose a fine as above provided. Evidence that there was, at that time, 7/100%, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of this act. Evidence that there was, at that time, from 7/100% to 15/100% by weight of alcohol in his blood is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this act. Evidence that there was, at the time, 15/100%, or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of this act. The failure of a person accused of this offense to have tests made to determine the weight of alcohol in his blood shall not be admissible in evidence against him.'

Approved April 20, 1939.