

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
AT THE
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

CHAPTER 590

AN ACT Relating to Breath-testing Equipment Used Under Implied Consent Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, courts have held that testimony of a representative of the Department of Health and Welfare as to approval may be required to establish the essential elements of a case; and

Whereas, such requirement imposes an unreasonable burden upon law enforcement; and

Whereas, it is important that breath-testing evidence be readily admissible in court; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 29, § 1312, sub-§ 6, amended. The last paragraph of subsection 6 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by chapter 547 of the public laws of 1971, is amended by adding 2 new sentences at the end to read as follows:

Approved equipment shall have a stamp of approval affixed by the Department of Health and Welfare. Evidence that such equipment was in a sealed carton bearing said stamp of approval shall be accepted in court as prima facie evidence that such equipment was approved by the Department of Health and Welfare for use by the law enforcement officer to take the sample specimen of the defendant's breath.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 28, 1972

CHAPTER 591

AN ACT Relating to the Board of Registration in Medicine.

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

Sec. 1. R. S., T. 32, c. 48, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 48, to read as follows: