

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 653

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H. P. 500 House of Representatives, January 27, 1965  
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Ross of Brownville.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**AN ACT Relating to Driving a Motor Vehicle While Impaired by Consumption of Intoxicating Liquor.**

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

**Sec. 1. R. S., T. 29, § 1312, amended.** The first paragraph of section 1312 of Title 29 of the Revised Statutes is 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 \$1,000, or by imprisonment for not less than 10 days nor more than 11 months, or by both. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than ~~10 days~~ **one day** nor more than 11 months, which jail sentence shall not be suspended, and in addition thereto, the court may impose a fine as provided. The court may admit evidence of the percentage by weight of alcohol in the defendant's blood at the time alleged, as shown by a chemical analysis of his breath, blood or urine. Evidence that there was, at that time, ~~7/100%~~ **5/100%** 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 section. Evidence that there was, at that time, from ~~7/100%~~ **5/100%** 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 section. 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 section. All such tests made to determine the weight of alcohol in the blood shall be paid for by the county wherein the violation of this section was

alleged to have occurred. 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. ~~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, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not less than 60 days nor more than 2 years, or by both. Any person convicted of a 2nd or subsequent offense of the same gravity shall be punished by imprisonment for not less than 3 months nor more than 3 years, which jail sentence shall not be suspended, and in addition the court may impose a fine as provided. The license or right to operate motor vehicles of any person convicted of violating this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing.~~

**Sec. 2. R. S., T. 29, § 1312, amended.** The first 2 sentences of the 3rd paragraph of section 1312 of Title 29 of the Revised Statutes are repealed and the following enacted in place thereof:

‘Such revocation shall be for a period of 6 months during which period the convicted person shall not operate any motor vehicle. Upon a 2nd conviction for a violation of this section within 10 years of a prior conviction, the person’s license or right to operate shall be revoked, in the manner provided above, for a period of 3 years, after which he may petition the Secretary of State for a license or permit, who, after hearing and after his determination that public safety will not be endangered by issuing a new license, may issue such license or permit, with or without conditions thereto attached.’

**Sec. 3. R. S., T. 29, § 1312, amended.** Section 1312 of Title 29 of the Revised Statutes is amended by adding after the 3rd paragraph a new paragraph to read as follows:

‘Any person convicted under this section who, within 3 years prior thereto, has been convicted under section 1312-A, shall be punished by a fine of not less than \$100 nor more than \$1,000. The license or right to operate a motor vehicle of such person shall be revoked in the manner provided above for one year.’

**Sec. 4. R. S., T. 29, § 1312-A, additional.** Title 29 of the Revised Statutes is amended by adding a new section 1312-A, to read as follows:

‘Sec. 1312-A. Operating while impaired. Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor shall be punished by a fine of not less than \$50 nor more than \$100. Any person convicted of a 2nd or subsequent offense, within 3 years of a prior conviction, shall be punished by a fine of not less than \$100 nor more than \$500. No conviction shall be had under this section unless it is shown by means of a chemical test that there was, within 2 hours of the defendant’s arrest, from 10/100% to 15/100% by weight of alcohol in his blood. Evidence that there was, at that time, from 10/100% to 15/100% by weight of alcohol in his blood is prima facie

evidence that the defendant's ability to operate a motor vehicle was impaired by the consumption of intoxicating liquor within the meaning of this section.

The license or right to operate motor vehicles of any person convicted of violating this section shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. Such revocation shall be for a period of 60 days during which period the convicted person shall not operate any motor vehicle. Upon a 2nd or subsequent conviction of a violation of this section within 3 years of a prior conviction, the person's license or right to operate a motor vehicle shall be revoked in the manner provided above, for 120 days.

A person convicted under this section who, within 3 years prior thereto, has been convicted under section 1312, shall be punished by a fine of not less than \$100 nor more than \$1,000. The license or right to operate a motor vehicle of such person shall be revoked, in the manner provided above, for a period of one year.'