

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
105TH LEGISLATURE

COMMITTEE AMENDMENT " A " to H. P. 1027, L. D. 1422, Bill,  
"AN ACT Revising the Implied Consent Law for Operators of Motor  
Vehicles."

Amend said Bill in the 7th line of that part designated "§ 1312"  
(6th in L.D.) by striking out the underlined words "at all"

Further amend said Bill in that part designated "§ 1312."  
in the 5th line of subsection 2 (4th line in L.D.) by striking out  
the underlined words "sworn report" and inserting in place thereof  
the underlined words 'written statement under oath'

Further amend said Bill in that part designated "§ 1312."  
in the 6th line of subsection 2 (5th line in L.D.) by striking out  
the underlined words "at all"

Further amend said Bill in that part designated "§ 1312."  
in the 5th line of subsection 3 (same in L.D.) by striking out the  
underlined words "at all"

Further amend said Bill in that part designated "§ 1312."  
in the 3rd line of paragraph A of subsection 5 (same in L.D.)  
by striking out the underlined words "at all"

Further amend said Bill in that part designated "§ 1312."  
in the 4th and 7th lines of paragraph B of subsection 5 (4th and  
6th in L.D.) by striking out the underlined words "at all"

Further amend said Bill in that part designated "§ 1312."  
in the 3rd line of paragraph C of subsection 5 (2nd and 3rd lines  
in L.D.) by striking out the underlined words "at all"

Further amend said Bill in that part designated "§ 1312."  
by striking out all of the 2nd paragraph of subsection 6.

*(Filing No. H-460)*

Further amend said Bill in that part designated "§ 1312." by striking out in the 4th line of the 4th paragraph of subsection 6 (3rd and 4th lines in L.D.) the underlined words "at all"

Further amend said Bill in that part designated "§ 1312." in the 2nd line of subsection 7 (same in L.D.) by inserting after the underlined word "Welfare" the underlined words 'in the exercise of due care'

Further amend said Bill in that part designated "§ 1312." in subsection 7 by striking out the last underlined sentence.

Further amend said Bill in that part designated "§ 1312." by striking out all of subsection 8 and inserting in place thereof the following:

'8. Evidence. The percentage by weight of alcohol in the defendant's blood at the time alleged, as shown by the chemical analysis of his blood or breath shall be admissible in evidence.'

Further amend said Bill in that part designated "§ 1312." in the 2nd line of paragraph A of subsection 10 (same in L.D.) by striking out the underlined words "at all"

Further amend said Bill in that part designated "§ 1312." in the 6th line of paragraph A of subsection 10 (same in L.D.) by striking out the underlined words and figure "less than \$200 nor"

Further amend said Bill in that part designated "§ 1312." in the 7th line of paragraph A of subsection 10 (same in L.D.) by striking out the underlined figure "11" and inserting in place thereof the underlined figure '6'

*(Filing No. H-460)*

Further amend said Bill in that part designated "§ 1312." in the 10th line of paragraph A of subsection 10 (9th line in L.D.) by striking out the underlined figure "6" and inserting in place thereof the underlined figure '4'

Further amend said Bill in that part designated "§ 1312." by inserting before the period at the end of the 3rd paragraph of paragraph A of subsection 10 the following: 'except after 6 months 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 '

Further amend said Bill in that part designated "§ 1312." in the 3rd line from the end of the 6th paragraph of paragraph A of subsection 10 (2nd line in L.D.) by striking out everything after the underlined word "operate" and inserting in place thereof the following: 'under the influence of intoxicating liquor, provided that the prior conviction is within a 10-year period of the date of the last offense.'

Further amend said Bill in that part designated "§ 1312." in the last line of the 7th paragraph of paragraph A of subsection 10 (same in L.D.) by striking out everything after the underlined word and punctuation "drugs," and inserting in place thereof the following: 'provided that the prior conviction is within a 10-year period of the date of the last offense.'

*(Filing No. H-460)*

Further amend said Bill in that part designated "§ 1312." in the last line of the last paragraph of paragraph A of subsection 10 (same in L.D.) by inserting before the period the following: ' , except where the conviction is the result of a plea of guilty in the District Court prior to trial or a waiver of trial and finding of guilty by the court'

Statement of Fact

The purpose of this amendment is to modify certain objectional features of the bill regarding admissibility of evidence and suspension penalties.

Reported by a Majority of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

6/14/71

(Filing No. H-460)