

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H. P. 1530, L. D. 1973, Bill, "AN ACT Relating to Breath-testing Equipment Used Under Implied Consent Law."

Amend said Bill by adding before the enacting clause, the following:

'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,'

Further amend said Bill in the 7th line (6th line in L.D.). after the underlined words "equipment was" by adding the underlined words 'in a sealed carton'

Further amend said Bill by inserting before the Statement of Fact, the following:

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

Statement of Fact

The purpose of this amendment is to make this Bill an emergency and to have evidence that such equipment is "in a sealed carton."

*(Filing No. A-540)*

Reported by a Majority of the Committee on Judiciary.

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

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(Filing No.H-540)