

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1973

H. P. 1530

House of Representatives, January 24, 1972

Committee on Judiciary suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Stillings of Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

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

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 The last paragraph of subsection 6 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by chapter 547 of the public laws of 1971, is amended by adding 2 new sentences at the end to read as follows: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

STATEMENT OF FACT

This bill is necessary due to the fact that a representative of Health and Welfare could be required to be in court on every case involving use of the breath equipment to testify that the equipment used had their approval.