

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1981

H. P. 1920

Office of the Clerk of the House

Governor's Bill. The Committee on Health and Institutional Services suggested.

EDWIN H. PERT, Clerk

Presented by Mr. Diamond of Windham

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Permit Portable Breath Testing Equipment.

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

29 MRSA § 1312, sub-§ 6, last ¶, as last amended by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

Notwithstanding any other provisions of this section, a law enforcement officer, with the consent of the person upon whom the test is to be made, may test the breath of any person arrested for operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor, by use of a self contained, breath alcohol testing apparatus to determine the blood-alcohol level.

Only equipment approved by the Department of Human Services shall be used by a law enforcement officer to test or to take a sample specimen of the defendant's breath. Approved equipment for obtaining a sample specimen shall have a stamp of approval affixed by the Department of Human Services. Evidence that the equipment was in a sealed carton bearing the stamp of approval shall be accepted in court as prima facie evidence that the equipment was approved by the Department of Human Services for use by the law enforcement officer to take the sample specimen of the defendant's breath.

Approved self contained, breath alcohol testing apparatus shall have a stamp of approval affixed by the Department of Human Services.

STATEMENT OF FACT

Present law requires that breath samples be analyzed in central laboratories. This legislation would permit the collection and analyzing of breath samples simultaneously. It is estimated that over \$100,000 could be saved annually if this bill is enacted.