

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 306

H. P. 274

House of Representatives, January 20, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Permit Blood Specimens to be Taken to Determine Blood-Alcohol Level Without the Defendant's Consent when the Defendant is Unconscious or Unable to Give Consent.

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

29 MRSA, § 1312, sub-§ 6, 2nd ¶, as amended by PL 1975, c. 293, § 4, is further amended by adding at the end a new sentence to read:

Notwithstanding this subsection, such a specimen of blood may be drawn without the consent of the defendant when, at the time of taking of the specimen, the defendant is unconscious or unable to give or deny his consent to the taking of the specimen.

STATEMENT OF FACT

The purpose of this bill is to permit blood specimens to be taken without the defendant's consent to determine the defendant's blood-alcohol level in cases where the defendant is unconscious or is unable to give his consent.