

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-302)

COMMITTEE AMENDMENT " A" to S.P. 251, L.D. 720, Bill,  
"AN ACT to Ensure the Admissibility of Results of Self-  
contained, Breath-alcohol Testing Apparatuses."

Amend the Bill in section 1 in the last sentence by  
striking out the underlined words "or administrative proceeding"

Further amend the Bill in section 2 in the 7th and 8th lines  
(7th line in the L.D.) by striking out the underlined words "and  
that the equipment was operating properly"

Further amend the Bill in section 6 by striking out all  
of the last sentence and inserting in its place the following:  
'It shall be prima facie evidence that the percentage by  
weight of alcohol in the blood of the defendant was, at the time  
the breath sample was taken, as stated in the certificate, unless  
with 10-days' written notice to the prosecution, the defendant  
requests that the operator or other qualified witness testify  
as to the results of the analysis.'

Statement of Fact

This amendment deletes from section 1 of the bill the  
provision that the results of a self-contained, breath-alcohol  
test shall be prima facie evidence of blood-alcohol  
level in any administrative proceeding. This requirement is not  
necessary because the Maine Administrative Procedure Act,  
Title 5, section 9057, subsection<sup>2</sup>, permits the admission in

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administrative proceedings of evidence upon which reasonable persons rely.

This amendment also deletes the provisions in section 2 and 6 of the bill for a presumption that the self-contained, breath-alcohol testing apparatus was operating properly.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 28, 1981

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