

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 701

H.P. 521 House of Representatives, March 10, 1987  
Reference to the Committee on Legal Affairs suggested and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.

Cosponsored by Representatives PRIEST of Brunswick,  
BAILEY of Farmington and Senator KANY of Kennebec.

STATE OF MAINE

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

AN ACT to Require that Drunk Drivers  
Reimburse Town Enforcement Agencies  
for Responding to Accidents.

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

29 MRSA c. 11, sub-c. V-A is enacted to read:

SUBCHAPTER V-A

COSTS OF EMERGENCY RESPONSE

§1321. Definitions

As used in this subchapter, unless the context  
indicates otherwise, the following terms have the  
following meanings.

1           1. Expense of an emergency response. "Expense of  
2 an emergency response" means reasonable costs in-  
3 curring by a public agency in reasonably making an ap-  
4 propriate emergency response to the incident, but  
5 shall only include those costs directly arising be-  
6 cause of the response to the particular incident.  
7 Reasonable costs shall include the costs of providing  
8 police, firefighting, rescue and emergency medical  
9 services at the scene of the incident, as well as the  
10 salaries of the personnel responding to the incident.

11           2. Intentionally wrongful conduct. "Intentional-  
12 ly wrongful conduct" means conduct intended to injure  
13 another person or property.

14           3. Public agency. "Public agency" means the  
15 state and any city, county, municipal corporation,  
16 district or public authority located, in whole or in  
17 part, within this State which provides or may provide  
18 firefighting, police, ambulance, medical or other  
19 emergency services.

20           §1322. Negligent operation of boat or vessel; influ-  
21 ence of alcoholic beverage or drug; inten-  
22 tional wrongful conduct; liability

23           Any person who is under the influence of an alco-  
24 holic beverage or any drug, or the combined influence  
25 of an alcoholic beverage and any drug, whose negli-  
26 gent operation of a motor vehicle caused by that in-  
27 fluence proximately causes any incident resulting in  
28 an appropriate emergency response, and any person  
29 whose intentionally wrongful conduct proximately  
30 causes any incident resulting in an appropriate emer-  
31 gency response, is liable for the expense of an emer-  
32 gency response by a public agency to the incident.

33           §1323. Negligent operation of boat or vessel; influ-  
34 ence of alcoholic beverage or drug; inten-  
35 tional wrongful conduct; liability

36           Any person who is under the influence of an alco-  
37 holic beverage or any drug, or the combined influence  
38 of an alcoholic beverage and any drug, whose negli-  
39 gent operation of any boat or vessel caused by that  
40 influence proximately causes any incident resulting  
41 in an appropriate emergency response, and any person

1 whose intentionally wrongful conduct proximately  
2 causes any incident resulting in an appropriate emer-  
3 gency response, is liable for the expense of an emer-  
4 gency response by a public agency to the incident.

5 §1324. Negligent operation of civil aircraft; influ-  
6 ence of alcoholic beverage or drug; inten-  
7 tional wrongful conduct; liability

8 Any person who is under the influence of an alco-  
9 holic beverage or any drug, or the combined influence  
10 of an alcoholic beverage and any drug, whose negli-  
11 gent operation of a civil aircraft caused by that in-  
12 fluence proximately causes any incident resulting in  
13 an appropriate emergency response, and any person  
14 whose intentionally wrongful conduct proximately  
15 causes an incident resulting in an appropriate emer-  
16 gency response, is liable for the expense of an emer-  
17 gency response by a public agency to the incident.

18 §1325. Influence of alcoholic beverage or drug; in-  
19 ability to operate motor vehicle, boat or  
20 vessel or aircraft; presumptions

21 For purposes of this subchapter, a person is un-  
22 der the influence of an alcoholic beverage or any  
23 drug, or the combined influence of an alcoholic bev-  
24 erage and any drug, when as a result of drinking an  
25 alcoholic beverage or using a drug, or both, his  
26 physical or mental abilities are impaired to a degree  
27 that he no longer has the ability to operate a motor  
28 vehicle, boat or vessel or aircraft with the caution  
29 characteristic of a sober person of ordinary prudence  
30 under the same or similar circumstances.

31 §1326. Charge against person liable; collection of  
32 debt; insurance

33 The expense of an emergency response shall be a  
34 charge against the person liable for expenses under  
35 this subchapter. The charge constitutes a debt of  
36 that person and is collectible by the public agency  
37 incurring those costs in the same manner as in the  
38 case of an obligation under a contract, expressed or  
39 implied, except that liability for the expenses pro-  
40 vided for in this subchapter shall not be insurable  
41 and no insurance policy may provide or pay for the  
42 expenses.

