MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2281

S.P. 878

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator KANY of Kennebec.
Cosponsored by Representative ALLEN of Washington,
Representative SWAZEY of Bucksport, Representative KETOVER of
Portland.

STATE OF MAINE

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

1	AN ACT to Require Motor Vehicle Ignition
2	Interlock Devices for Persons with
3	Restricted Driving Privileges Involving Drugs or
4	Alcohol.
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6 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:

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i	SUBCHAPTER V-A								
2	IGNITION INTERLOCK SYSTEMS								
3	§1321. Definitions								
4 5 6	As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.								
7 8 9 10	1. Device. "Device" means a device approved by the Secretary of State that makes impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator.								
11	§1322. Ignition interlock program								
12 13 14 15	The Secretary of State shall establish an ignition interlock program for the use of ignition interlock devices by persons convicted of driving under the influence of intexicants under section 1312-B. \$1323. Installation of device								
17890122345678901	Except as otherwise provided in this subchapter, the court may order that a restricted license include the requirement that a person shall not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the restricted operator. The device shall be set to render the motor vehicle inoperable if the device detects 0.02% or more by weight of alcohol in the blood of the person who offers a breath sample. The court may order installation of a certified ignition interlock device on any motor vehicle that the person owns or operates, the costs of which shall be borne by the person whose license is restricted.								
32	§1324. Employment exemption								
33 34 35	Notwithstanding this subchapter, if a person is required to operate a motor vehicle in the course and scope of the person's employment and if the vehicle is								

3 interlock device if the employer has been notified of driving privilege restriction and if proof of notification is with the vehicle. This 5 that 6 employment exemption does not apply if the business 7 entity that owns the vehicle is owned or controlled by the person whose driving privilege has been restricted. 9 §1325. Rules and standards for devices The Secretary of State shall adopt rules in accordance with the Maine Administrative Procedures 10 11 Act, Title 5, chapter 375, for the approval of models 12 and classes of devices used under this subchapter. The Secretary of State by rule shall establish 13 14 15 standards for the calibration and maintenance of devices, but the calibration and maintenance of each individual device is the responsibility of the 16 17 manufacturer of that device. If the Secretary 18 State approves a device, the Secretary of State shall notify the manufacturer in writing of that fact. Written notice from the Secretary of State to a 19 20 21 22 manufacturer approving a device is admissible in any civil or criminal proceeding in this State. The manufacturer shall reimburse the Secretary of State for any cost incurred by the Secretary of State in 23 24

owned by the employer, the person may operate that vehicle without installation of an approved ignition

§1326. Warning label

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The Secretary of State shall design a warning label which shall be promptly affixed, by the person 31 32 33 who has a court-ordered ignition interlock device 34 installed, to each device upon installation. The 35 label shall contain a warning that any person tampering, circumventing or otherwise misusing the 36 37 device is guilty of a Class E crime punishable as 38 provided by law.

approving a device under this subchapter. Secretary of State may not be held liable in a civil or criminal proceeding arising out of the use of a

39 §1327. Others prohibited from using device

device approved under this subchapter.

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3	privile	ege is m	estri	cted ı	ınder	sectio	n 1312-	D, sh	all
4	not re	quest or	solic	cit an	y otl	ner pers	on to b	olow i	nto
5	an ign	ition ir	terlo	ck dev	ice	or to	start a	vehi	cle
6	equippe	ed with	he de	vice :	for t	he purp	ose of	provid	ling
7	the pe	rson who	se dri	lving	privi	lege is	restric	cted w	7ith
8	an oper	able veh	icle.						

STATEMENT OF FACT

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This bill requires the Secretary of State to develop a program for use of interlock ignition systems. These systems would be installed, at the court's discretion, in vehicles of those individuals whose licenses are restricted for the offense of operating under the influence, as defined in the Maine Revised Statutes, Title 29, section 1312-B, subsection 1.

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