

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 983

S.P. 366

In Senate, March 29, 1989

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KANY of Kennebec.

Cosponsored by Representative DEXTER of Kingfield and Representative FOSS of Yarmouth.

STATE OF MAINE

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

An Act to Implement the Ignition Interlock Program.



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

3 29 MRSA c. 11, sub-c. V-A is enacted to read:

5 SUBCHAPTER V-A

7 IGNITION INTERLOCK SYSTEMS

9 §1321. Definitions

11 As used in this chapter, unless the context otherwise
13 indicates, the following terms have the following meanings.

15 1. Device. "Device" means a device approved by the
17 Secretary of State that makes impractical the operation of a
motor vehicle if ethyl alcohol is detected in the breath of the
operator.

19 §1322. Ignition interlock program

21 The Secretary of State shall establish an ignition interlock
23 program for the use of ignition interlock devices by persons
convicted of driving under the influence of intoxicants under
25 section 1312-B.

27 §1323. Installation of device

29 Except as otherwise provided in this subchapter, the court
31 may order that a restricted license include the requirement that
a person shall not operate a motor vehicle unless the vehicle is
33 equipped with a functioning certified ignition interlock
mechanism to make impractical the operation of the motor vehicle
35 if ethyl alcohol is detected in the breath of the restricted
operator. The device shall be set to render the motor vehicle
37 inoperable if the device detects 0.02% or more by weight of
alcohol in the blood of the person who offers a breath sample.
39 The court may order installation of a certified ignition
interlock device on any motor vehicle that the person owns or
41 operates, the costs of which shall be borne by the person whose
license is restricted.

43 §1324. Employment exemption

45 Notwithstanding this subchapter, if a person is required to
47 operate a motor vehicle in the course and scope of the person's
employment and if the vehicle is owned by the employer, the
49 person may operate that vehicle without installation of an
approved ignition interlock device if the employer has been
51 notified of that driving privilege restriction and if proof of
that notification is with the vehicle. This employment exemption
53 does not apply if the business entity that owns the vehicle is
owned or controlled by the person whose driving privilege has
been restricted.

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§1325. Rules and standards for devices

The Secretary of State shall adopt rules in accordance with the Maine Administrative Procedures Act, Title 5, chapter 375, for the approval of models and classes of devices used under this subchapter. The Secretary of State by rule shall establish standards for the calibration and maintenance of devices, but the calibration and maintenance of each individual device is the responsibility of the manufacturer of that device. If the Secretary of 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 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 approving a device under this subchapter. The Secretary of State may not be held liable in a civil or criminal proceeding arising out of the use of a device approved under this subchapter.

§1326. Warning label

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

§1327. Others prohibited from using device

A person who has a court-ordered ignition interlock device installed, and whose driving privilege is restricted under section 1312-D, shall not request or solicit any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.

STATEMENT OF FACT

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.