

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1063

H.P. 759

House of Representatives, April 5, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GOULD of Greenville.

Cosponsored by Representative TRACY of Rome and Representative NORTON of Winthrop.

STATE OF MAINE

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

An Act to Provide Guidelines for Conducting Operating-under-the-
influence Roadblocks on Public Ways within the State.



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

3 **29 MRSA §§1319 to 1321 are enacted to read:**

5 **§1319. Prerequisites for conducting roadblocks**

7 **1. Authorization procedures.** A law enforcement agency may
8 **conduct a roadblock for the purpose of detecting violations of**
9 **section 1312-B only if:**

11 **A. Any law enforcement officer conducting the roadblock**
12 **does so pursuant to the written guidelines required by**
13 **section 1320;**

15 **B. The law enforcement agency which conducts a roadblock**
16 **keeps a written copy of its guidelines at its headquarters;**

17 **C. The highest ranking acting official of the law**
18 **enforcement agency conducting the roadblock previously**
19 **authorizes, in writing, the use of the roadblock; and**

21 **D. The written authorization referred to in paragraph C**
22 **includes the date, location and time of the roadblock and a**
23 **predetermined formula for selecting vehicles to be stopped.**

25 **§1320. Requirements for conducting roadblocks**

27 **1. Mandatory guideline provisions.** The guidelines referred
28 **to in section 1319 shall require that the law enforcement**
29 **officers conducting the roadblock:**

31 **A. Select vehicles to be stopped under a predetermined**
32 **formula;**

35 **B. Select a location for the roadblock that is:**

37 **(1) Clearly visible to operators of approaching**
38 **vehicles;**

39 **(2) Sufficiently illuminated and marked so that**
40 **operators of approaching vehicles are aware of the**
41 **existence and nature of the roadblock; and**

42 **(3) Equipped with adequate off-road space to safely**
43 **accommodate detained vehicles;**

44 **C. Identify themselves and the purposes of the roadblock to**
45 **the operator of each vehicle stopped;**

49

1 D. Have articulable suspicion to believe that the operator
3 of a vehicle, or any passenger in a vehicle, is in violation
5 of the law before any vehicle or person may be detained for
7 further inquiry; and

9 E. Minimize the time it takes for a vehicle to pass through
11 a roadblock.

13 2. Optional guideline provisions. The written guidelines
15 may contain other provisions consistent with this section.

17 §1321. Exclusion of evidence

19 In the event that a roadblock is conducted in violation of
21 section 1319 or 1320, no evidence obtained as a result of the
23 roadblock will be admissible in any court, judicial or
25 administrative proceeding when the State is a party.

27 **STATEMENT OF FACT**

29 This bill codifies minimum guidelines for law enforcement
31 officers to follow when conducting operating-under-the-influence
33 (O.U.I.) roadblocks. Modeled after Maine State Police Policy
35 #83, the bill is intended to provide uniformity throughout the
37 State regarding the implementation of the roadblocks.

39 The bill enumerates the conditions that must be met by a law
enforcement agency before it may conduct an O.U.I. roadblock and
outlines minimum requirements to be met by law enforcement
officials while conducting the roadblock. The bill also provides
for the exclusion of evidence in the event that those conditions
and requirements are not met.

This bill provides clear and consistent procedures for law
enforcement officers so that they will be better able to serve
the State's interest of preventing and detecting O.U.I.
violations while minimizing intrusions into individual privacy.