

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 814,  
L.D. 1126, Bill, "An Act to Enhance Enforcement of the Driving  
Under the Influence of Alcohol and Drug Laws"

Amend the amendment in section 1 in that part designated  
"§1310." by inserting at the end the following:

'3. Drugs. For purposes of this subchapter and chapter 17,  
"drugs" means scheduled drugs as defined under Title 17-A,  
section 1101.

4. Reward. The Attorney General may establish a program to  
provide rewards for persons providing substantial evidence  
leading to a conviction under section 1312-B or 2184.

A. A law enforcement officer is not eligible for a reward.

B. A reward must be in an amount appropriate to the value  
of the evidence provided, but may not exceed \$500 for each  
person providing evidence or for each conviction.

C. There is established a nonlapsing fund called the OUI  
Reward Fund, which is maintained by the Treasurer of State  
for the purposes of this subsection.

D. A surcharge of 10% is added to every fine, forfeiture or  
penalty imposed by a court under section 1312-B or 2184  
which for the purpose of collection or collection procedures  
is considered a part of the fine, forfeiture or penalty.  
Funds collected by this surcharge must be deposited monthly  
in the OUI Reward Fund.

E. The Treasurer of State shall make reward payments from  
the OUI Reward Fund as directed by the Attorney General.

2           F. The Attorney General may establish by rule, promulgated  
3           in accordance with the Maine Administrative Procedure Act,  
4           Title 5, chapter 375, procedures for identifying potential  
5           recipients, nomination methods or application forms,  
6           standards for determining eligibility for and amounts of  
7           awards and other procedures determined necessary.'

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9           Further amend the amendment in section 3 in subsection 6-A  
10          in the 8th line (page 7, line 2 in amendment) by inserting after  
11          the following: "influence of a" the following: 'specific category  
12          of'

13          Further amend the amendment in section 3 in subsection 6-A  
14          in the 8th line (page 7, line 2 in amendment) by inserting after  
15          the following: "any combination of" the following: 'specific  
16          categories of'

17          Further amend the amendment in section 3 in subsection 6-A  
18          in the 10th line (page 7, line 4 in amendment) by inserting after  
19          the following: "or more" the following: 'specific categories of'

20          Further amend the amendment in section 3 in subsection 6-A  
21          in the 12th line (page 7, line 6 in amendment) by striking out  
22          the following: "determine that person's drug" and inserting in  
23          its place the following: 'confirm that person's category of drug  
24          use and determine its'

25          Further amend the amendment by inserting after section 3 the  
26          following:

27                 '**Sec. 4. 29 MRSA §1312-B, sub-§1-B** is enacted to read:

28                 '1-B. Ignorance. Evidence that a person is ignorant of the  
29                 effects of a lawfully used prescription drug may constitute a  
30                 defense to operating under the influence of that drug.'

31          Further amend the amendment by striking out all of section  
32          17 and inserting in its place the following:

33                 '**Sec. 17. Effective date; repeal.** That part of section 3 of this  
34                 Act that amends the Maine Revised Statutes, Title 29, section  
35                 1312, subsection 12, takes effect on January 1, 1991. Section 9  
36                 of this Act is repealed January 1, 1991. Section 10 of this Act  
37                 takes effect on January 1, 1991.'

38          Further amend the amendment by renumbering the sections to  
39          read consecutively.

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**STATEMENT OF FACT**

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This amendment provides a definition of drugs that includes illegal drugs, prescription drugs and marijuana; provides that the drug test is only confirmatory of the drug impairment assessment of category of drug used; allows as a defense the bona fide ignorance of a side effect of a lawfully used prescription drug; and establishes a reward program for information leading to conviction of offenders for operating under the influence and operating after suspension.

Filed by Rep. Priest of Brunswick  
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House  
3/15/90 (Filing No. H-930)