

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "C" 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.'

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

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

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

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

2 Further amend the amendment by inserting after section 3 the
following:

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

6 1-B. Ignorance. Evidence that a person is ignorant of the
7 effects of a lawfully used prescription drug is an affirmative
8 defense to operating under the influence of that drug.'

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

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16 of this Act is repealed January 1, 1991.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

18 Further amend the amendment by renumbering the sections to
20 read consecutively.

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STATEMENT OF FACT

26 This amendment ensures that the burden of proof is on the
28 defendant, and not the State, if the defendant wishes to show
ignorance of the effects of prescription drugs. The amendment
incorporates all of the changes made by Senate Amendment "A" to
30 Committee Amendment "A".

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Filed by Rep. Priest of Brunswick
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3/20/90 (Filing No. H-958)