

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST SPECIAL SESSION - 1989

Legislative Document

No. 1806

S.P. 685

In Senate, August 21, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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JOY J. O'BRIEN  
Secretary of the Senate

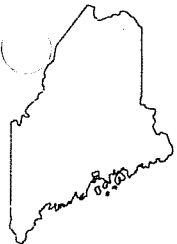
Presented by Senator ESTY of Cumberland.

STATE OF MAINE

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

An Act Providing for the Immediate Enforcement of Laws Governing the  
Operation of a Watercraft While Under the Influence.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

Whereas, it is necessary that this legislation be enacted as  
an emergency so that the law can take effect during the present  
recreational season; and

Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

Sec. 1. 12 MRSA §7801, sub-§9, as amended by PL 1981, c. 698,  
§74, is repealed and the following enacted in its place:

9. Operating watercraft while under the influence or with  
excessive blood-alcohol level. A person is guilty of a criminal  
violation if that person operates or attempts to operate any  
watercraft:

A. While under the influence of intoxicating liquor or  
drugs or a combination of liquor and drugs; or

B. While having 0.08% or more by weight of alcohol in that  
person's blood.

Sec. 2. 12 MRSA §7801, sub-§9-A is enacted to read:

9-A. Failure to comply with duty to submit. A person is  
guilty of failure to comply with the duty to submit to and  
complete a blood-alcohol test under section 7802 if that person  
refuses to submit to or fails to complete a blood-alcohol test  
when requested to do so by a law enforcement officer:

A. Who has probable cause to believe that the person  
operated or attempted to operate a watercraft while under  
the influence of intoxicating liquor; or

B. When the person was the operator of a watercraft  
involved in a watercraft accident which results in the death  
of any person, as provided in section 7912, subsection 11.

Sec. 3. 12 MRSA §7802 is enacted to read:

§7802. Implied consent to chemical tests

Any person who operates or attempts to operate a watercraft  
within this State shall have the duty to submit to a test to

2 determine that person's blood-alcohol level by analysis of blood  
4 or breath, if there is probable cause to believe that person has  
6 operated or attempted to operate a watercraft while under the  
8 influence of intoxicating liquor. The duty to submit to a  
10 blood-alcohol test includes the duty to complete either a blood  
12 or breath test. Tests and procedures applicable in determining  
14 whether a person is under the influence are governed by section  
16 7912.

18 **Sec. 4. 12 MRSA §7901, sub-§§13 and 14** are enacted to read:

20 **13. Penalties for operating or attempting to operate a**  
22 **watercraft while under the influence or with an excessive**  
24 **blood-alcohol level. The offense defined in section 7801,**  
26 **subsection 9, is a Class D crime. In determining an appropriate**  
28 **sentence, refusal to submit to a chemical test shall in every**  
30 **case be an aggravating factor. In the following cases the**  
32 **following minimum penalties shall apply.**

34 **A. Except as provided in paragraph B, in the case of a**  
36 **person having no previous convictions of a violation of**  
38 **section 7801, subsection 9, and having no previous**  
40 **adjudications of failure to comply with the duty to submit**  
42 **to and complete a blood-alcohol test under section 7802,**  
44 **within a 6-year period, the fine shall not be less than**  
46 **\$300. Beginning July 1, 1990, the penalties provided in**  
48 **this paragraph may not be suspended.**

50 **B. In the case of a person having no previous convictions**  
**of a violation of section 7801, subsection 9, and having no**  
**previous adjudications of failure to comply with the duty to**  
**submit to and complete a blood-alcohol test under section**  
**7802, within a 6-year period, the fine shall not be less**  
**than \$300 and the sentence shall include a period of**  
**incarceration of not less than 48 hours, which penalties may**  
**not be suspended, when the person:**

**(1) Was tested as having a blood-alcohol level of**  
**0.15% or more;**

**(2) Failed or refused to stop upon request or signal**  
**of an officer in uniform, as defined in section 6953 or**  
**7060, during the operation which resulted in**  
**prosecution for operating under the influence or with a**  
**blood-alcohol level of 0.08% or more; or**

**(3) Failed to submit to a chemical test to determine**  
**that person's blood-alcohol level, at the request of a**  
**law enforcement officer on the occasion which resulted**  
**in the conviction.**

2 C. In the case of a person having one previous conviction  
4 of a violation of section 7801, subsection 9, or one  
6 previous adjudication of failure to comply with the duty to  
8 submit to and complete a blood-alcohol test under section  
7802, within a 6-year period, the fine shall not be less  
than \$500 and the sentence shall include a period of  
incarceration of not less than 7 days, which penalties may  
not be suspended.

10 D. In the case of a person having 2 or more previous  
12 convictions of violations of section 7801, subsection 9, or  
14 adjudications of failure to comply with the duty to submit  
16 to and complete a blood-alcohol test under section 7802,  
within a 6-year period, the fine shall not be less than \$750  
and the sentence shall include a period of incarceration of  
not less than 30 days, which penalties may not be suspended.

18 E. In addition to the penalties provided under paragraphs C  
20 and D, the court may order the defendant to participate in  
22 the alcohol and other drug education, evaluation and  
24 treatment programs for multiple offenders administered by  
the Department of Human Services, as defined in Title 22,  
chapter 1602.

26 F. The penalties provided under paragraphs B, C, D and,  
28 beginning July 1, 1990, paragraph A, shall not be suspended  
by the court.

30 G. If the State pleads and proves that, while operating a  
32 watercraft in violation of this section, the actor in fact  
34 caused serious bodily injury as defined in Title 17-A,  
36 section 2, subsection 23, to another person or in fact  
caused the death of another person, the sentencing class for  
the offense in section 7801, subsection 9, is a Class C  
crime. The minimum penalties specified in this subsection  
shall apply, but the minimum period of suspension shall be  
18 months unless a longer minimum period otherwise applies.

38 The alternatives defined in section 7801, subsection 9,  
40 paragraphs A and B may be pleaded in the alternative. The State  
42 may, but shall not be required to, elect prior to submission to  
the fact finder.

44 For purposes of this section, a prior conviction has occurred  
46 within the 6-year period if the date of docket entry by the clerk  
48 of a judgment of conviction or adjudication is 6 years or less  
from the date of the new conduct which is penalized or for which  
the penalty is or may be enhanced.

50 In determining the appropriate sentence, the court shall consider  
52 the defendant's record of convictions for operating under the  
influence and for failure to comply with the duty to submit. The

2 court may rely upon oral representations based on records  
3 maintained by the courts, by the State Bureau of Identification,  
4 by the Secretary of State, including telecommunications of  
5 records maintained by the Secretary of State, or by the  
6 Department of Inland Fisheries and Wildlife. If the defendant  
7 disputes the accuracy of any representation concerning a  
8 conviction or adjudication, the court shall grant a continuance  
9 for the purposes of determining the accuracy of the record.

10 References in this Title to this section shall be determined also  
11 to refer to the juvenile crime stated in Title 15, section 3103,  
12 subsection 1, paragraph E and to the disposition, including a  
13 suspension, for that juvenile crime as provided in Title 15,  
14 section 3314, subsection 3, except as otherwise provided or  
15 except when the context clearly requires otherwise.

16 14. Penalties for failure to comply with duty to submit.  
17 The offense defined in section 7801, subsection 9-A, is a civil  
18 violation for which a forfeiture of up to \$500 may be adjudged.

19 Sec. 5. 12 MRSA §7912 is enacted to read:

20 §7912. Tests and procedures for operating under the influence  
21 or with an excessive blood-alcohol level

22 1. Blood or breath test. If the law enforcement officer  
23 has probable cause to believe a person operated or attempted to  
24 operate a watercraft while under the influence of intoxicating  
25 liquor, then the officer shall inform the person that a breath  
26 test will be administered, unless, in the determination of the  
27 officer, it is unreasonable for a breath test to be administered,  
28 in which case a blood test shall be administered. When a blood  
29 test is required, the test may be administered by a physician of  
30 the accused's choice, at the request of the accused and if  
31 reasonably available. The law enforcement officer may determine  
32 which type of breath test, as described in subsection 5, is to be  
33 administered.

34 2. Prerequisites to tests. Before any test is given, the  
35 law enforcement officer shall inform the person to be tested  
36 that, if that person fails to comply with the duty to submit to  
37 and complete a blood-alcohol test to determine the level of  
38 blood-alcohol at the direction of the officer, that person will  
39 be committing a civil violation for which the person may be  
40 required to pay a civil forfeiture of up to \$500. The officer  
41 shall also inform the person that the failure to comply with the  
42 duty to submit to a blood-alcohol test shall be admissible in  
43 evidence against that person at any trial for operating under the  
44 influence of intoxicating liquor.

45 No test results may be excluded as evidence in any proceeding  
46 before any administrative officer or court of this State as a  
47 result of the failure to submit to a blood-alcohol test.

2 result of the failure of the law enforcement officer to comply  
3 with these prerequisites. The only effects of the failure of the  
4 officer to comply with the prerequisites shall be as provided in  
5 subsection 7.

6 3. Results of test. Upon the request of the person who  
7 submits to a chemical test or tests at the request of a law  
8 enforcement officer, full information concerning the test or  
9 tests shall be made available to that person or that person's  
10 attorney by the law enforcement officer.

11 4. Blood-alcohol level. The following percentages by  
12 weight of alcohol in the defendant's blood shall have the  
13 following evidentiary effect.

14 A. If there was, at the time alleged, 0.05% or less by  
15 weight of alcohol in the defendant's blood, it is prima  
16 facie evidence that the defendant was not under the  
17 influence of intoxicating liquor.

18 B. If there was, at the time alleged, in excess of 0.05%  
19 but less than 0.08% by weight of alcohol in the defendant's  
20 blood, it is relevant evidence, but it is not to be given  
21 prima facie effect in indicating whether or not the  
22 defendant was under the influence of intoxicating liquor  
23 within the meaning of this section, but that fact may be  
24 considered with other competent evidence in determining  
25 whether or not the defendant was under the influence of  
26 intoxicating liquor.

27 C. For purposes of evidence in proceedings other than those  
28 arising under section 7801, subsection 9, it shall be  
29 presumed that a person was under the influence of  
30 intoxicating liquor when that person has a blood-alcohol  
31 level of 0.08% or more by weight.

32 D. Percent by weight of alcohol in the blood shall be based  
33 upon grams of alcohol per 100 hundred milliliters of blood.

34 5. Administration of tests. Persons conducting analyses of  
35 blood or breath for the purpose of determining the blood-alcohol  
36 level shall be certified for this purpose by the Department of  
37 Human Services under certification standards to be set by that  
38 department.

39 Only a duly licensed physician, registered physician's assistant,  
40 registered nurse or a person certified by the Department of Human  
41 Services under certification standards to be set by that  
42 department, acting at the request of a law enforcement officer,  
43 may draw a specimen of blood to determine the blood-alcohol level  
44 of a person who is complying with the duty to submit to a  
45 blood-alcohol test. This limitation shall not apply to the  
46 blood-alcohol test. This limitation shall not apply to the  
47 blood-alcohol test. This limitation shall not apply to the  
48 blood-alcohol test. This limitation shall not apply to the  
49 blood-alcohol test. This limitation shall not apply to the  
50 blood-alcohol test. This limitation shall not apply to the  
51 blood-alcohol test. This limitation shall not apply to the  
52 blood-alcohol test. This limitation shall not apply to the

2 taking of breath specimens. When a person draws a specimen of  
4 blood at the request of a law enforcement officer, that person  
6 may issue a certificate which states that the person is in fact a  
8 duly licensed or certified person as required by this paragraph  
10 and that the person followed the proper procedure for drawing a  
12 specimen of blood to determine the blood-alcohol level. That  
14 certificate, when duly signed and sworn to by the person, shall  
be admissible in evidence in any court of the State. It is prima  
facie evidence that the person was duly licensed or certified and  
that the person followed the proper procedure for drawing a  
specimen of blood to determine the blood-alcohol level, unless,  
with 10-days' written notice to the prosecution, the defendant  
requests that the person testify as to licensure or  
certification, or the procedure for drawing the specimen of blood.

16 A law enforcement officer may take a sample specimen of the  
18 breath of any person whom the officer has probable cause to  
20 believe operated or attempted to operate a watercraft while under  
22 the influence of intoxicating liquor and who is complying with  
24 the duty to submit to and complete a blood-alcohol test. The  
sample specimen shall be submitted to the Department of Human  
Services or a person certified by the Department of Human  
Services for the purpose of conducting chemical tests of the  
sample specimen to determine the blood-alcohol level of that  
sample.

26 Only equipment approved by the Department of Human Services shall  
28 be used by a law enforcement officer to take a sample specimen of  
30 the defendant's breath for submission to the Department of Human  
32 Services or a person certified by the Department of Human  
34 Services for the purpose of conducting tests of the sample  
36 specimen to determine the blood-alcohol level of that sample.  
Approved equipment shall have a stamp of approval affixed by the  
Department of Human Services. Evidence that the equipment was in  
a sealed carton bearing the stamp of approval shall be accepted  
in court as prima facie evidence that the equipment was approved  
by the Department of Human Services for use by the law  
enforcement officer to take the sample specimen of the  
defendant's breath.

40 As an alternative to the method of breath testing described in  
42 this subsection, a law enforcement officer may test the breath of  
44 any person, whom the officer has probable cause to believe  
46 operated or attempted to operate a watercraft while under the  
48 influence of intoxicating liquor, by use of a self-contained,  
50 breath-alcohol testing apparatus to determine the blood-alcohol  
52 level, provided the testing apparatus is reasonably available.  
The procedures for the operation and testing of self-contained,  
breath-alcohol testing apparatuses shall be as provided by rule  
adopted by the Department of Human Services. The result of any  
such test shall be accepted as prima facie evidence of the  
blood-alcohol level in any court.



2 Approved self-contained, breath-alcohol testing apparatuses shall  
4 have a stamp of approval affixed by the Department of Human  
6 Services after periodic testing. That stamp of approval shall be  
8 valid for a limited period of no more than one year. Testimony  
10 or other evidence that the equipment was bearing the stamp of  
approval shall be accepted in court as prima facie evidence that  
the equipment was approved by the Department of Human Services  
for use by the law enforcement officer to collect and analyze a  
sample specimen of the defendant's breath.

12 Failure to comply with any provision of this subsection or with  
14 any rule adopted under this subsection shall not, by itself,  
16 result in the exclusion of evidence of blood-alcohol level,  
unless the evidence is determined to be not sufficiently reliable.

18 Testimony or other evidence that any materials used in operating  
20 or checking the operation of the equipment were bearing a  
22 statement of the manufacturer or of the Department of Human  
Services shall be accepted in court as prima facie evidence that  
the materials were of a composition and quality as stated.

24 A person certified by the Maine Criminal Justice Academy, under  
26 certification standards to be set by the academy, as qualified to  
28 operate approved self-contained, breath-alcohol testing  
apparatuses may operate those apparatuses to collect and analyze  
a sample specimen of a defendant's breath.

30 6. Liability. No physician, physician's assistant,  
32 registered nurse, person certified by the Department of Human  
34 Services or hospital or other health care provider in the  
exercise of due care may be liable in damages or otherwise for  
any act done or omitted in performing the act of collecting or  
withdrawing specimens of blood at the request of a law  
enforcement officer pursuant to this section.

36 7. Evidence. The percentage by weight of alcohol in the  
38 defendant's blood at the time alleged, as shown by the chemical  
40 analysis of the defendant's blood or breath or by results of a  
42 self-contained, breath-alcohol testing apparatus authorized by  
subsection 5, shall be admissible in evidence.

44 When a person, certified under subsection 5, conducts a chemical  
46 analysis of blood or breath to determine blood-alcohol level, the  
48 person may issue a certificate stating the results of the  
50 analysis. That certificate, when duly signed and sworn to by the  
52 certified person, shall be admissible in evidence in any court of  
the State. It shall be prima facie evidence that the person  
taking a specimen of blood was a person authorized by subsection  
5; that the equipment, chemicals and other materials used in the  
taking of the blood specimen or a breath sample were of a quality  
appropriate for the purpose of producing reliable test results;

2 that any equipment, chemicals or materials required by subsection  
4 5 to be approved by the Department of Human Services were in fact  
6 approved; that the sample tested by the person certified under  
8 subsection 5 was in fact the same sample taken from the  
10 defendant; and that the percentage by weight of alcohol in the  
12 defendant's blood was, at the time the blood or breath sample was  
taken, as stated in the certificate, unless with 10-days' written  
notice to the prosecution, the defendant requests that a  
qualified witness testify as to any of the matters as to which  
the certificate constitutes prima facie evidence. The notice  
shall specify those matters concerning which the defendant  
requests testimony.

14 A person certified under subsection 5, as qualified to operate a  
16 self-contained, breath-alcohol testing apparatus to determine the  
18 blood-alcohol level, may issue a certificate stating the results  
20 of the analysis. That certificate, when duly signed and sworn to  
22 by the certified person, shall be admissible in evidence in any  
24 court of the State. It shall be prima facie evidence that the  
percentage by weight of alcohol in the defendant's blood was, at  
the time the breath sample was taken, as stated in the  
certificate, unless, with 10-days' written notice to the  
prosecution, the defendant requests that the operator or other  
qualified witness testify as to the results of the analysis.

26 Transfer of sample specimens to and from a laboratory for  
28 purposes of analysis may be by certified or registered mail and,  
30 when so made, shall be deemed to comply with all requirements  
regarding the continuity of custody of physical evidence.

32 The failure of a person to comply with the duty to submit to and  
34 complete a blood-alcohol test under section 7802 shall be  
36 admissible in evidence on the issue of whether that person was  
38 under the influence of intoxicating liquor. If the law  
40 enforcement officer having probable cause to believe that the  
42 person operated or attempted to operate a watercraft under the  
44 influence of intoxicating liquor fails to give either of the  
warnings required under subsection 2, the failure of the person  
to comply with the duty to submit to a blood-alcohol test shall  
not be admissible, except when a test was required pursuant to  
subsection 11. If a failure to submit to and complete a  
blood-alcohol test is not admitted into evidence, the court may  
inform the jury of the fact that no test result is available.

46 If a test result is not available for a reason other than failing  
48 to comply with the duty to submit to and complete a blood-alcohol  
test, the unavailability and the reason shall be admissible in  
evidence.

50 **8. Statements by accused.** Any statement by a defendant  
52 that the defendant was the operator of a watercraft, which the  
defendant is accused of operating in violation of section 7801,

2 subsection 9, shall be admissible if it was made voluntarily and  
3 is otherwise admissible under the United States Constitution or  
4 the Constitution of Maine. The statement may constitute  
5 sufficient proof by itself, without further proof of corpus  
6 delicti, that the watercraft was operated and was operated by the  
7 defendant.

8 9. Payment for tests. Persons authorized to take specimens  
9 of blood at the direction of a law enforcement officer and  
10 persons authorized to perform chemical tests of specimens of  
11 blood or breath shall be paid from the General Fund or from  
12 dedicated revenues of the Department of Inland Fisheries and  
13 Wildlife when a law enforcement officer of the Department of  
14 Inland Fisheries and Wildlife authorizes the chemical tests. The  
15 Department of Marine Resources shall pay for chemical tests  
16 authorized by marine patrol officers with funds available within  
17 that department.

18 10. Accidents and officer's duties. The law enforcement  
19 officer shall have the following duties.

20 A. After a person has been charged with operating or  
21 attempting to operate a watercraft under the influence of  
22 intoxicating liquor or drugs or with an excessive  
23 blood-alcohol level, the investigating or arresting officer  
24 shall investigate to determine whether the charged person  
25 has any previous convictions of a violation of section 7801,  
26 subsection 9, or adjudications for failure to comply with  
27 the duty to submit to and complete a blood-alcohol test  
28 under section 7802. As part of that investigation, the  
29 officer shall review the records maintained by the courts,  
30 the State Bureau of Identification, the Secretary of State,  
31 including telecommunications of records maintained by the  
32 Secretary of State, or the Department of Inland Fisheries  
33 and Wildlife.

34 B. A law enforcement officer may arrest, without a warrant,  
35 any person whom the officer has probable cause to believe  
36 operated or attempted to operate a watercraft while under  
37 the influence of intoxicating liquor or drugs if the arrest  
38 occurs within a period following the offense reasonably  
39 likely to result in the obtaining of probative evidence of  
40 blood-alcohol level.

41 11. Watercraft fatality. Notwithstanding any other  
42 provision of this section, each operator of a watercraft involved  
43 in a watercraft accident which results in the death of any person  
44 shall submit to and complete a test to determine that person's  
45 blood-alcohol level by analysis of blood or breath. A law  
46 enforcement officer may determine which type of test shall be  
47 administered. The result of a test taken pursuant to this  
48 paragraph is not admissible at trial unless the court is  
49 instructed to admit the result of the test.

2 satisfied that probable cause exists, independent of the test  
3 result, to believe that the operator was under the influence of  
4 intoxicating liquor or drugs or had an excessive blood-alcohol  
5 level.

6 12. Aid in enforcement among municipalities. Except as  
7 otherwise prohibited by municipal charter or ordinance,  
8 municipalities may, in the manner provided by Title 30-A, section  
9 2674, enter into agreements regarding mutual aid in enforcing  
10 laws governing the operation of a watercraft while under the  
11 influence.

12 **Sec. 6. 15 MRSA §3103, sub-§1, ¶E,** as amended by PL 1985, c.  
13 214, §1, is further amended to read:

14  
15 E. Offenses involving the operation or attempted operation  
16 of a ~~snowmobile~~/or watercraft or snowmobile while under the  
17 influence of intoxicating liquor or drugs, as defined in  
18 Title 12, section 7801, subsection 9, and section 7827,  
19 subsection 9, respectively, and offenses involving failing  
20 to aid an injured person or to report a hunting accident as  
21 defined in Title 12, section 7406, subsection 15; and

22  
23 **Sec. 7. 15 MRSA §3301, sub-§7,** as amended by PL 1985, c. 737,  
24 Pt. A, §38, is further amended to read:

25  
26 **7. Nonapplication of section.** The provisions of this  
27 section do not apply to a juvenile charged with either of the  
28 juvenile ~~crime~~ crimes defined in section 3103, subsection 1,  
29 paragraph E or F, and a petition may be filed without  
30 recommendation by a juvenile caseworker. The provisions of  
31 section 3203-A apply in the case of a juvenile charged with  
32 either of the juvenile ~~crime~~ crimes defined in section 3103,  
33 subsection 1, paragraph E or F.

34  
35 **Sec. 8. 15 MRSA §3314, sub-§3,** as enacted by PL 1981, c. 679,  
36 §9, is repealed and the following enacted in its place:

37  
38 **3. Disposition for violation of section 3103, subsection 1,**  
39 **paragraph E or F.** When a juvenile has been adjudicated as having  
40 committed the juvenile crime under section 3103, subsection 1,  
41 paragraph E or F, the court may impose any of the dispositional  
42 alternatives contained in subsection 1. Any incarceration which  
43 is imposed may be part of a disposition pursuant to subsection 1,  
44 paragraph F or H. Any incarceration in a county jail shall be in  
45 a county jail designated by the Department of Corrections as a  
46 place for the secure detention of juveniles.

47  
48 **A.** For an adjudication under section 3103, subsection 1,  
49 paragraph F, the juvenile's license or permit to operate a  
50 motor vehicle, right to operate a motor vehicle or right to  
51 apply for or obtain a license shall be suspended by the  
52

2 court for a period of 180 days. The period of suspension  
3 shall not be suspended by the court. The court shall give  
4 notice of the suspension and take physical custody of an  
5 operator's license or permit as provided in Title 29,  
6 section 2241-H. The court shall immediately transmit a  
7 certified abstract of the suspension to the Secretary of  
8 State. A further suspension may be imposed by the Secretary  
9 of State pursuant to Title 29, section 1312-D, subsection  
10 1-A.

11 **Sec. 9. Report.** The Commissioner of Inland Fisheries and  
12 Wildlife shall report to the Legislature on the effectiveness of  
13 the law governing the operation of a watercraft while under the  
14 influence by February 1, 1991.

15 **Sec. 10. Appropriation.** The following funds are appropriated  
16 from the General Fund to carry out the purposes of this Act.

17  
18  
19  
20  
21  
22  
23  
24

	1989-90	1990-91
<b>MARINE RESOURCES, DEPARTMENT OF</b>		
<b>Bureau of Marine Patrol</b>		

25 All Other \$2,000 \$3,000

26  
27 Provides funds for  
28 anticipated breath test kits,  
29 blood test kits and required  
30 laboratory analyses.  
31

32  
33 **Sec. 11. Allocation.** The following funds are allocated from  
34 funds dedicated to the Department of Inland Fisheries and  
35 Wildlife to carry out the purposes of this Act.

36  
37  
38  
39

	1989-90	1990-91
<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>		

40  
41  
42 **Enforcement Operations -  
Inland Fisheries and Wildlife**

43 All Other \$5,550 \$6,750

44  
45 Provides funds for  
46 anticipated breath test kits,  
47 blood test kits and required  
48 analyses. In addition, this  
49 allocation provides funds for  
50

2 anticipated classroom costs  
and travel expenses  
4 associated with the training  
for the required  
6 breath-alcohol test.

8 **Sec. 12. PL 1989, c. 539** is repealed.

10 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act shall take effect when approved.

12  
14 **STATEMENT OF FACT**

16 The purpose of this bill is to repeal Public Law 1989,  
chapter 539 and reintroduce it so that OUI enforcement on Maine  
18 waters can be implemented during the present recreational season.