

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 384

S.P. 105

In Senate, January 23, 1997

**An Act to Amend the Operating Under the Influence Laws to Discern
whether an Offender Was Served Alcohol at a Licensed Establishment.**

Reference to the Committee on Criminal Justice 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 BUTLAND of Cumberland.

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

4 **Sec. 1. 29-A MRSA §2411, sub-§4,** as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 **4. Arrest.** A law enforcement officer may arrest, without a
warrant, a person the officer has probable cause to believe has
8 operated a motor vehicle while under the influence of intoxicants
if the arrest occurs within a period following the offense
10 reasonably likely to result in the obtaining of probative
evidence of blood-alcohol level or drug concentration. The
12 officer may ask whether the person was served alcohol at an
establishment licensed to serve alcohol on its premises prior to
14 operating the motor vehicle and, if so, the name and location of
the establishment. Any information the officer acquires must be
16 included in the officer's report of the arrest.

18 **Sec. 2. 29-A MRSA §2411, sub-§9** is enacted to read:

20 **9. Information regarding alcohol establishments.** For every
conviction or guilty plea under this section, the court shall
22 forward the information obtained by the police officer under
subsection 4 to the Bureau of Liquor Enforcement, the Office of
24 the Attorney General, the district attorney for the district in
which the alcohol establishment is located and the establishment
26 itself. If the officer did not obtain any information at the
time of the arrest, the court shall ask the person, before
28 sentencing, if the person was served alcohol at an establishment
licensed to serve alcohol on its premises prior to violating this
30 section and, if so, the name and location of the establishment.
Any information acquired by the court must also be forwarded to
32 the Bureau of Liquor Enforcement, the Office of the Attorney
General, the district attorney for the district in which the
34 establishment is located and the establishment itself.

36
38 **SUMMARY**

40 This bill authorizes police officers to ask a person
arrested for driving under the influence of intoxicants, and the
42 courts to ask persons convicted of driving under the influence of
intoxicants, if the person was served alcohol at a licensed
44 establishment and, if so, the name and location of the
establishment. The bill requires officers to include any
46 information they obtain in their accident reports and requires
the courts to forward all information to the Bureau of Liquor
48 Enforcement, the Office of the Attorney General, the district
attorney for the district in which the establishment is located
and the establishment itself.

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