

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1368

H.P. 1019

House of Representatives, March 5, 2001

An Act to Reduce the Risks Posed by Intoxicated Persons Under Arrest.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUDLEY of Portland.
Cosponsored by Senator ABROMSON of Cumberland and
Representatives: BULL of Freeport, DAVIS of Falmouth, GREEN of Monmouth, MENDROS
of Lewiston, MITCHELL of Vassalboro, QUINT of Portland, TARAZEWICH of Waterboro.

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

4 **Sec. 1. 29-A MRSA §2411, sub-§9** is enacted to read:

6 9. Detention. A law enforcement officer may detain an operator arrested for a violation of subsection 1. The detention must be accomplished as follows:

8 A. The operator must be the sole occupant of the vehicle or, if there are passengers, the only person who is legally authorized to drive. If there is a licensed, legally authorized passenger capable of driving and willing to drive, then the operator may be released. For purposes of this paragraph, a passenger who appears intoxicated to the officer is not legally authorized to drive;

16 B. The operator must be transported to the jail for the county in which the crime occurred; and

20 C. The operator must be released as soon as:

22 (1) The person in charge of the jail determines that the operator is no longer under the influence and is no longer a hazard to the person or others; or

26 (2) The operator obtains a ride from someone who is legally authorized to drive. For purposes of this subparagraph, a person who appears intoxicated to the officer is not legally authorized to drive.

32 SUMMARY

34 This bill allows a law enforcement officer who arrests a person for operating a motor vehicle while under the influence of alcohol or drugs to detain that operator for a period of time until the operator is no longer a danger to that operator or to others. The operator may be released if there is a passenger in the vehicle who is licensed to drive and not intoxicated or if another person who is licensed to drive and not intoxicated picks the operator up from the jail.