

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1394

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H.P. 1028

House of Representatives, April 7, 2021

### **An Act To Prohibit Legislators from Legislating While Intoxicated**

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Received by the Clerk of the House on April 5, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTION of Augusta.

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

2 **Sec. 1. 3 MRSA §5** is enacted to read:

3 **§5. Participation while intoxicated**

4 A member of the Senate or a member of the House of Representatives may not enter  
5 the chamber of the Senate or chamber of the House of Representatives or vote on any  
6 legislative matter while under the influence of intoxicants or while having an alcohol level  
7 of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For  
8 purposes of this section, "under the influence of intoxicants" means under the influence of  
9 alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and  
10 drugs to an extent to which criminal operating under the influence of intoxicants or with an  
11 excessive alcohol level under Title 29-A, section 2411 would apply.

12 **SUMMARY**

13 This bill prohibits a Legislator from entering the chamber of the Senate or chamber of  
14 the House of Representatives or voting on any legislative matter if the Legislator is  
15 intoxicated by drugs or alcohol at a level that would constitute criminal operating under the  
16 influence.