

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1166

H. P. 2224

House of Representatives, April 12, 1939.

Reported by Mr. Weatherbee from Committee on Judiciary and printed under joint rules.

HARVEY R. PEASE, Clerk.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Penalty for Operating Motor Vehicle While under
the Influence of Intoxicating Liquor or Drug.

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

R. S., c. 29, § 88, amended. The 1st paragraph of section 88 of chapter 29 of the revised statutes is hereby amended to read as follows :

‘Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or ~~at all~~ under the influence of intoxicating liquor or drugs so that his ability to operate the motor vehicle in a proper manner has been lessened, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$1000 or by imprisonment for not less than 30 days nor more than 11 months, or by both such fine and imprisonment. Any person convicted of a second or subsequent offense shall be punished by imprisonment for not less than 3 nor more than 11 months, and in addition thereto, the court may impose a fine as above provided. Evidence that there was, at that time, 7/100 per cent, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor sufficiently to lessen his driving ability within the meaning of the statutory definitions of the offense. Evidence that there was, at that time, from 7/100 per cent to 15/100 per cent by weight of alcohol in his blood is relevant evidence but it is not to

be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor within the meaning of this act. Evidence that there was, at the time, 15/100 per cent, or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor sufficiently to lessen his driving ability within the meaning of the statutory definitions of the offense. The failure of a person accused of this offense to have tests made to determine the weight of alcohol in his blood shall not be admissible in evidence against him.'