

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)

NINETY-FOURTH LEGISLATURE

Legislative Document

No. 424

H. P. 993

House of Representatives, February 8, 1949

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Fitch of Sebago.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

**AN ACT Relating to Penalty for Operating Motor Vehicle While Under
the Influence of Liquor.**

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

R. S., c. 19, § 121, amended. The 1st paragraph of section 121 of chapter 19 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, upon conviction, shall be punished by a fine of not less than \$100, nor more than \$1,000, ~~or~~ and by imprisonment for not less than ~~30~~ 10 days, nor more than 11 months ~~or by both such fine and imprisonment~~. Any person convicted of a 2nd or subsequent offense shall be punished by imprisonment for not less than ~~3~~ 1, 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 $7/100\%$ or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not under the influence of intoxicating liquor within the meaning of this section. Evidence that there was, at that time, from $7/100\%$ to $15/100\%$ 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 section. Evidence that

there was, at the time, 15/100%, or more, by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor within the meaning of this section. 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. 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, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$100, nor more than \$1,000, ~~or~~ and by imprisonment for not less than 60 days, nor more than 2 years ~~or by both such fine and imprisonment~~. Any person convicted of a 2nd or subsequent offense of the same gravity shall be punished by imprisonment for not less than 3 months, nor more than 3 years, and in addition the court may impose a fine as above provided. The license or right to operate motor vehicles of any person convicted of violating the provisions of this section shall be revoked immediately by the secretary of state upon receipt of an attested copy of the court records, without further hearing.'