

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1178

H. P. 1618

House of Representatives, March 8, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Bubar of Blaine.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

**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. 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~~ 7 days, nor more than ~~11 months~~ 30 days ~~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~~ or the court ~~may~~ shall impose a fine as above provided, ~~and he shall be confined in an institution for the treatment of alcoholics, if such an institution there be in the state, for not less than 30 days nor more than 60 days.~~ 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~~ 30 days, nor more than ~~2 years~~ 1 year, or by both such fine and imprisonment he shall be confined in an institution for the treatment of alcoholics, if such an institution there be in the state, for not less than 60 days nor more than 90 days. ~~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.'