

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 170

H. P. 115

House of Representatives, January 27, 1959.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Frazier of Lee.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Evidence of Intoxication and Chemical Tests for Alcoholic Content of Blood of Motor Vehicle Drivers.

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

Sec. 1. R. S., c. 22, § 150, amended. The 3rd sentence of the 1st paragraph of section 150 of chapter 22 of the Revised Statutes, as enacted by chapter 322 of the public laws of 1955 and as amended by section 10 of chapter 308 of the public laws of 1957, is further amended to read as follows:

‘The court may admit evidence of the percentage by weight of alcohol in the defendant’s blood at the time alleged, as shown by a chemical analysis of his breath, blood, saliva or urine.’

Sec. 2. R. S., c. 22, §§ 150-A - 150-D, additional. Chapter 22 of the Revised Statutes, as amended, is further amended by adding thereto 4 new sections, to be numbered 150-A to 150-D, to read as follows:

‘Sec. 150-A. Chemical tests. Any person who operates a motor vehicle or motor cycle in this State shall be deemed to have given his consent to a chemical test of his breath, blood, urine or saliva for the purpose of determining the alcoholic content of his blood, provided that such test is administered at the direction of a police officer, having reasonable grounds to believe such person to have been driving in an intoxicated condition or while at all under the influence of intoxicating liquor, and in accordance with the rules and regulations established by the police force of which he is a member. If such person having been placed under arrest and having thereafter been requested to submit to such chemical test, refuses to submit to such chemical test, the test shall not be given. Upon the basis of a written report of the police officer that he had reasonable grounds to

believe such arrested person to have been operating a motor vehicle while in an intoxicated condition or while at all under the influence of intoxicating liquor and that said person had refused to submit to such test, the Secretary of State shall order a speedy hearing. If after a speedy hearing, the Secretary of State determines that the arresting officer had reasonable grounds to believe that such person had been operating a motor vehicle while in an intoxicated condition or while at all under the influence of intoxicating liquor and that said person had refused to submit to such test, he shall, after making such determination, revoke his license or permit to drive and any nonresident operating privileges for a period of 90 days. The provisions of sections 6 and 7 shall be applicable to revocations under this section.

Sec. 150-B. Availability of tests. Upon the request of the person who was tested, the results of such test shall be made available to him.

Sec. 150-C. Limitation of blood test. Only a physician acting at the request of a police officer can withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of a urine, saliva or breath specimen.

Sec. 150-D. Physician chosen. The person tested shall be permitted at his own expense to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer and the results of such test shall be made available, upon request, to the police officer.