

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1953

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

'Sec. 16. Dismissal and disciplinary action. An appointing authority may dismiss, suspend or otherwise discipline a classified employee ~~when ever he considers the good of the service to be served thereby~~ for cause. In every case of such dismissal, suspension, or other disciplinary action, at the request of the ~~dismissed~~ employee, the board shall investigate the circumstances relating to the ~~dismissal~~ action, and the fairness thereof, and if it shall find the charges unwarranted, the board shall order the immediate reinstatement of the affected employee to his former position with no loss of pay, seniority, or other rights and benefits resulting from the dismissal or disciplinary action. At the request of the employee the board may recommend the transfer of the ~~dismissed~~ employee to the same or a similar class of position in another department or institution, provided that such transfer shall be made to such department or institution only with the approval of the appointing authority thereof. ~~In case such transfer is not affected, the name of the dismissed employee may be placed on the appropriate eligible register~~

At the request of the employee, the board shall investigate the circumstances relating to an action of an appointing authority which lays off, demotes or otherwise deprives an employee of rights established by this chapter or by rules prescribed in subsection II of section 4, and if it shall find the action to be contrary to said chapter and rules, the board shall order the immediate reinstatement of the employee to his former position with no loss of pay, seniority or other rights or benefits resulting from such action.'

Effective August 8, 1953

Chapter 161

AN ACT Relating to the Admissibility of Blood Tests in Criminal Cases.

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 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 2nd 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%, 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. **Blood tests the expense for which has been paid for by, or charged to, the county or state may be admissible in evidence.** 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 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.'

Effective August 8, 1953

Chapter 162

AN ACT Relating to Time of Cremation of Bodies after Death.

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

R. S., c. 22, § 376, amended. Section 376 of chapter 22 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new paragraph, to read as follows:

'The body of a deceased person shall not be cremated within 48 hours after his decease unless he died of a contagious or infectious disease and