

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
AT THE
SPECIAL SESSIONS

October 2-3, 1967
January 9-26, 1968
September 18, 1968

year but not exceeding a total of ~~\$2,000,000~~ \$10,000,000. The Treasurer of State is directed to pay such loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor and Council deem it necessary to borrow in anticipation of taxes the sum of ~~\$2,000,000~~ \$10,000,000.

Effective April 26, 1968 (Except as otherwise noted)

Chapter 545

AN ACT Relating to Speed of Motor Vehicles Measured Electronically.

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

R. S., T. 29, § 1254, amended. The 2nd sentence of section 1254 of Title 29 of the Revised Statutes is amended to read as follows:

The results of such measurement shall be accepted as prima facie evidence of the speed of such motor vehicle in any court in criminal proceedings where the speed of the motor vehicle is at issue ~~provided that signs bearing the words "Speed Measured by Radar" shall appear on any highway not more than one mile and not less than ¼ mile from approaching traffic where radar or other electronic device is being used.~~

Effective April 26, 1968

Chapter 546

AN ACT Relating to Driving a Motor Vehicle While Impaired by Consumption of Intoxicating Liquor.

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

R. S., T. 29, § 1312-A, additional. Title 29 of the Revised Statutes is amended by adding a new section 1312-A, to read as follows:

§ 1312-A. Operating while impaired.

It is unlawful for any person to drive any motor vehicle within this State while his mental or physical faculties are impaired, however slightly, by the use of intoxicating liquors or drugs, or both. Evidence that there was, at the time alleged, 10/100% or more by weight of alcohol in the defendant's blood is prima facie evidence of driving a motor vehicle in violation of this section. Any person convicted of a violation of this section shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both.

The license or right to operate motor vehicles of any person convicted of violating this section shall be suspended for 3 months immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. Upon a 2nd or subsequent conviction of a violation of this section, the person's license or right to operate a motor vehicle shall be suspended in the manner provided for one year.

Effective April 26, 1968

Chapter 547

AN ACT Relating to Appeals on Questions of Law in Criminal Cases.

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

Sec. 1. R. S., T. 15, § 2115-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 2115-A, to read as follows:

§ 2115-A. Appeals on questions of law

1. Appeals prior to trial. An appeal may be taken by the State in criminal cases on questions of law, with the written approval of the Attorney General, from the District Court and from the Superior Court to the law court from a decision, order or judgment of the court suppressing evidence prior to trial, allowing a motion to dismiss an indictment, complaint or information, quashing an arrest or search warrant or suppressing a confession or admission. Such appeal shall be taken within 10 days after such order, decision or judgment has been entered, and in any case before the defendant has been placed in jeopardy under established rules of law. Any appeal which may be taken under this section shall be diligently prosecuted.

2. Appeals after trial. An appeal may be taken by the State in criminal cases, with the written approval of the Attorney General, from the Superior Court to the law court from any decision, ruling or order of the court when the defendant appeals from the judgment.

3. Manner. An appeal by the defendant or by the State, taken pursuant to this section, shall be taken in the manner and upon such conditions as the Supreme Judicial Court may by rule provide.

4. Fees and costs. The Supreme Judicial Court shall allow reasonable counsel fees, which in any case shall not be less than minimum bar fees prevailing for similar services in the county in which the criminal case was heard, and costs for the defense of appeals under this section.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$2,000 for the fiscal year ending June 30, 1968 and the sum of \$5,000 for the fiscal year ending June 30, 1969 to the Supreme Judicial Court, to be expended in carrying out the objectives of this Act. The breakdown shall be as follows: