

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 3, 1990.

## CHAPTER 783

S.P. 923 - L.D. 2332

### An Act to Amend the Minimum Standards for Planting Laws

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** potatoes will be planted within 60 days of adjournment; and

**Whereas,** the benefits received by the State as a result of the certified seed potato program depend on the continued cooperation of farmers with the Department of Agriculture, Food and Rural Resources; and

**Whereas,** this cooperation is threatened under existing circumstances; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

7 MRSA §951-A, last ¶, as enacted by PL 1979, c. 532, §1, is amended to read:

Each grower shall keep records of seed planted by variety and by fields during the growing season and report planting records as may be requested by the commissioner. Notwithstanding Title 1, chapter 13, records pertaining to minimum standards for planting received or kept by the Department of Agriculture, Food and Rural Resources are confidential and not available for inspection. The confidential status terminates when the records are subpoenaed as evidence in any proceeding to enforce a provision of this section, or in any prosecution for a criminal violation. A grower may authorize in writing the disclosure of records pertaining to minimum standards for planting.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 3, 1990.

## CHAPTER 784

H.P. 814 - L.D. 1126

### An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws

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

**Sec. 1.** 29 MRSA §1310 is enacted to read:

#### §1310. Provisions of general applicability

1. Under the influence of intoxicating liquor or drugs. For purposes of this subchapter and chapter 17, "under the influence of intoxicating liquor or drugs" includes being under the influence of alcohol, a drug other than alcohol, any combination of drugs other than alcohol, or any combination of alcohol and one or more drugs other than alcohol.

2. Chemical test. For purposes of this subchapter and chapter 17, "chemical test" means any test used to determine blood-alcohol level or drug concentration by analysis of blood, breath or urine.

3. Drugs. For purposes of this subchapter and chapter 17, "drugs" means scheduled drugs as defined under Title 17-A, section 1101.

**Sec. 2.** 29 MRSA §1311-A, sub-§5-A, ¶A, as enacted by PL 1987, c. 791, §7, is amended to read:

A. For failing to comply with the duty to submit to and complete a chemical test ~~to determine blood-alcohol level;~~

**Sec. 3.** 29 MRSA §1312, as amended by PL 1989, c. 514, §§16 and 25, is further amended to read:

**§1312. Implied consent to chemical tests; general provisions applicable to prosecution for operating under the influence of intoxicating liquor or drugs or with excessive blood-alcohol**

Any person who operates or attempts to operate a motor vehicle within this State shall have the duty to submit to ~~a test~~ chemical testing to determine ~~his~~ the person's blood-alcohol level and drug concentration by analysis of ~~his~~ the person's blood or , breath or urine, if there is probable cause to believe ~~he~~ the person has operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs. The duty to submit to a ~~blood-alcohol~~ chemical test includes the duty to complete ~~either~~ either a blood or , breath or urine test.

He The person shall be informed by a law enforcement officer that a breath test will be administered, unless, in the determination of the law enforcement officer, it is unreasonable for a breath test to be admin-