§2431. Evidentiary rules

1. Test results. Test results showing a confirmed positive drug or metabolite presence in blood or urine or alcohol level at the time alleged are admissible in evidence. Failure to comply with the provisions of sections 2521 and 2523 may not, by itself, result in the exclusion of evidence of alcohol level or confirmed positive drug or metabolite presence, unless the evidence is determined to be not sufficiently reliable.
[PL 2011, c. 335, §3 (AMD).]

2. Analysis of blood, breath and urine. The following provisions apply to the analysis of blood, breath and urine, and the use of that analysis as evidence.

A. A laboratory certified or licensed in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine an alcohol level or the presence of a drug or drug metabolite may issue a certificate stating the results of the analysis. [PL 2019, c. 368, §1 (AMD).]

B. A person qualified to operate a self-contained, breath-alcohol testing apparatus may issue a certificate stating the results of an analysis of a test that the person administered. [PL 2021, c. 204, §1 (AMD).]

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

(2) Materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results;

(3) Materials required to be approved by the Department of Health and Human Services were in fact approved;

(4) The sample tested was in fact the same sample taken from the defendant; and

(5) The alcohol level or the presence of a drug or drug metabolite in the blood or urine of the defendant at the time the sample was taken was as stated in the certificate. [PL 2019, c. 368, §2 (AMD).]

D. With 10 days written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence of those matters. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. A person drawing a specimen of blood may issue a certificate that states that the person is in fact qualified under section 2524 and that the proper procedure for drawing a specimen of blood was followed. That certificate, when signed and sworn to by the person, is prima facie evidence of its contents unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify. [PL 2013, c. 459, §3 (AMD).]

F. Evidence that the urine sample was in a sealed carton bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. [PL 2013, c. 459, §3 (AMD).]

G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence of an alcohol level. [PL 2009, c. 447, §47 (AMD).]

H. Evidence that the self-contained breath-alcohol testing equipment bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

I. Evidence that materials used in operating or checking the operation of the self-contained breath-alcohol testing equipment bore a statement of the manufacturer or of the Department of Health and Human Services is prima facie evidence that the materials were of the composition and quality stated. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

J. Transfer of sample specimens to and from a laboratory for purposes of analysis by certified or registered mail complies with all requirements regarding the continuity of custody of physical evidence. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

K. The prosecution is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before test results are admissible, if sufficient evidence is offered to satisfy paragraphs H and I. [PL 2001, c. 361, §32 (AMD).]

[PL 2021, c. 204, §1 (AMD).]

3. Failure as evidence. Failure of a person to submit to a chemical test is admissible in evidence on the issue of whether that person was under the influence of intoxicants.

If the law enforcement officer fails to give the required warnings, the failure of the person to submit to a chemical test is not admissible.

If a failure to submit to a chemical test is not admitted into evidence, the court may inform the jury that no test result is available.

If a test result is not available for a reason other than failing to submit to a chemical test, the unavailability and the reason are admissible in evidence.

[PL 2021, c. 608, Pt. A, §3 (AMD).]

4. Statements by accused. A statement by a person as to name or date of birth, or the name or date of birth contained on a driver's license surrendered by that person, is admissible in a proceeding under this Title.

A statement of the person's name or date of birth constitutes sufficient proof by itself, without further proof of corpus delicti.

A statement by a defendant that the defendant was the operator of a motor vehicle is admissible in a proceeding under section 2411, section 2412-A, former section 2557, section 2557-A or section 2558, if it is made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the motor vehicle was operated by the defendant.

[PL 2005, c. 606, Pt. B, §5 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A117 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 368, §AAA15 (AMD). PL 1997, c. 776, §§45,46 (AMD). PL 2001, c. 361, §32 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 606, §B5 (AMD). PL 2009, c. 447, §§44-47 (AMD). PL 2011, c. 335, §3 (AMD). PL 2013, c. 459, §3 (AMD). PL 2019, c. 368, §§1, 2 (AMD). PL 2021, c. 204, §1 (AMD). PL 2021, c. 608, Pt. A, §3 (AMD).

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