

Ricky Spofford
Deer Isle

My name is Ricky Spofford and I support LD 1313. Almost two years ago I suffered because of this poorly written law. On June 1, 2019 an officer in the Ellsworth Police Department arrested me. He brought me into the police station and tried and failed twice to perform a breathalyzer test on me. When he was not able to get a readout, he called in another officer to perform the test. The second officer administered a test and (on this third try) they got a result. I found out later that the first officer, not the officer who actually gave me the breathalyzer test, signed and swore a certificate of the results stating he was the officer who performed the test. At an administrative hearing regarding my license, the hearing officer let the State admit the certificate of results as prima facie evidence to prove I was operating over the influence. The second officer who actually performed the test was not required to testify. I objected to this but the administrative hearing officer serving as the fact finder interpreted the law to mean the officer who operates the breath-alcohol machine did not have to be the same officer who certifies the results and the second officer did not need to testify to get the certificate in. While this bill does not change what happened to me, it can help others in the future. Unlike other sections of the same law that require the person who collects a blood sample to certify their own work, this paragraph does not. I do not believe the Legislature intended for certificates to be signed and issued by another person, who does not even have to be present while the test was administered by the reading of the current law. Therefore, I strongly urge you to amend this law to clarify that the administer of a test can certify their own results in order for them to be admitted as prima facie evidence against someone in this state. This is how it should read and will make sure that evidence submitted in hearings is both correct and fair.

Thank you for your time.