

March 11, 1982

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happens to be driving a vehicle, we will continue to go down the path of seriously overcrowding our jail facilities, in the sake of dealing with what has become an enormous social problem. Now I, personally, think there is some merit in imprisoning every person whose blood alcohol content exceeds a certain level and who operates a motor vehicle, but notwithstanding my appreciation of the merit of the concept, I genuinely believe that our jails should be reserved for the violent offenders in society, and a person who happens to get into an automobile while he has had too much to drink, number one, probably has absolutely no criminal intent; number two, may not even fully appreciate that he has yet had too much to drink because he is not fully aware of what his own blood alcohol is; and basically is a relatively innocent individual at the time he is operating his motor vehicle. Now it seems to me that what this body needs to do is we need to show our seriousness or purposiveness in telling persons who get into automobiles that they have got to be darn certain that they are not under the influence of alcohol at the time they get into that automobile, but by the same token, we have to balance that purposiveness, that seriousness of our own...with the realization that we just can't keep putting everybody in jail because we are having on our hands as a society today a very serious problem with the overuse of our jails. We want our jails to hold those people who do violence to us, who hurt us, who deliberately hurt us, who take our lives and cut us and the like, but just because somebody gets behind the wheel of an automobile with too much alcohol in his bloodstream does not mean that in every instance that person should go to jail, and that is what Senator Stoney would do in his amendments and with his bill. Now I pretty carefully followed the debate yesterday and I was also reading my bill book and I would hope that every member here would take a look at Request #2773, which never got discussed yesterday, but which is in our bill book, which basically would establish the Maine system, that is the State of Maine system, for dealing with driving while intoxicated. The Christian Science Monitor about two months ago had a very lengthy article about the efficacy of the system in Maine and it has been very, very successful in reducing the number of men and women getting into automobiles while driving while intoxicated and the reason why it has been so successful is it does try to effect this balance, and the balance is you incarcerate that person who seems to be acting in utter disregard of any concepts of the social good and you can put that person in jail, but by the same token, there are some people who get into automobiles having more to drink than they probably even realize they have had who pose some danger but haven't caused an accident, and those individuals will be stiffly fined for first

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