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An Act Regarding the Taking of a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident

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

Sec. 1. 29-A MRS §2524, sub-§1, as amended by PL 2013, c. 459, §11, is further amended to read:

1. Persons qualified to draw blood for blood tests. Only a physician, registered physician's assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite except that, for the purposes of a test administered to an operator of a motor vehicle pursuant to section 2522, subsection 2, an emergency medical services person or law enforcement officer whose training allows that person to draw blood samples may draw a specimen of blood.

Sec. 2. 29-A MRS §2528, as amended by PL 2013, c. 459, §12, is further amended to read:

§ 2528.Liability

A physician; physician's assistant; registered nurse; emergency medical services person, law enforcement officer or other person whose occupational license or training allows that person to draw blood; hospital; or other health care provider in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter.

SUMMARY

This bill allows an emergency medical services person or law enforcement officer whose training allows that person to draw blood samples to draw a specimen of blood from the operator of a motor vehicle involved in a fatal traffic accident for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. This bill extends to those same persons the current law shielding persons from liability for acts done or omitted in collecting or withdrawing specimens of blood.