127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document	**No. 69**
H.P. 63	House of Representatives, January 16, 2015

An Act To Require Drug Testing of the Driver of a Motor Vehicle Involved in a Fatal Accident

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative FOWLE of Vassalboro.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: DOORE of Augusta, KINNEY of Limington, LAJOIE of Lewiston, NADEAU of Winslow, SAUCIER of Presque Isle, SHERMAN of Hodgdon, Senator: DIAMOND of Cumberland.

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

Sec. 1. 29-A MRSA §2522, sub-§2, as amended by PL 2003, c. 565, §1, is further amended to read:

2. Administration of test. The investigating law enforcement officer shall cause a blood test and a breath test or another chemical test to be administered to the operator of the motor vehicle as soon as practicable following the accident ~~and may also cause a breath test or another chemical test to be administered if the officer determines appropriate~~. The operator shall submit to and complete all tests administered. Except as otherwise provided in this section, testing must be conducted in accordance with section 2521.

SUMMARY

Current law requires a law enforcement officer investigating a motor vehicle accident that has resulted in, or may result in, a death to require the operator of a motor vehicle to submit to a blood test. If the investigating officer determines it to be appropriate, the officer may require that operator to also submit to a breath test or chemical test to determine the operator's alcohol level or the presence of a drug or drug metabolite.

This bill requires the investigating officer to require the operator of a motor vehicle involved in an accident that results in, or may result in, death to submit to a breath test or chemical test to determine the alcohol level or the presence of a drug or drug metabolite.