



# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

---

Legislative Document

No. 2237

---

S.P. 915

In Senate, March 17, 2026

### **An Act Permitting the Use of Oral Fluid Testing in Determining the Intoxication of Drivers, Aircraft Operators and Hunters**

---

Reported by Senator BEEBE-CENTER of Knox for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Resolve 2025, chapter 87, section 4.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

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

2 **Sec. 1. 6 MRSA §204**, as amended by PL 2009, c. 447, §3, is further amended to  
3 read:

4 **§204. Implied consent to chemical tests**

5 A person who operates or attempts to operate an aircraft within this State has a duty to  
6 submit to chemical testing to determine that person's alcohol level and drug concentration  
7 by analysis of blood, breath ~~or~~, urine or oral fluid if there is probable cause to believe that  
8 the person has operated or attempted to operate an aircraft while under the influence of  
9 intoxicating liquor or drugs. The duty to submit to a chemical test includes the duty to  
10 complete ~~either~~ a blood, breath ~~or~~, urine or oral fluid test. Tests and procedures applicable  
11 in determining whether a person is under the influence are governed by section 205.

12 **Sec. 2. 6 MRSA §205, sub-§5**, as amended by PL 2019, c. 627, Pt. B, §1 and PL  
13 2025, c. 316, §3, is further amended to read:

14 **5. Administration of tests.** Persons conducting analyses of blood, breath ~~or~~, urine or  
15 oral fluid for the purpose of determining the alcohol level or drug concentration must be  
16 certified for this purpose by the Department of Health and Human Services under  
17 certification standards set by that department.

18 Only a duly licensed physician, licensed physician associate, registered nurse or a person  
19 certified by the Department of Health and Human Services under certification standards set  
20 by that department, acting at the request of a law enforcement officer, may draw a specimen  
21 of blood to determine the alcohol level or drug concentration of a person who is complying  
22 with the duty to submit to a chemical test. This limitation does not apply to the taking of  
23 breath specimens. When a person draws a specimen of blood at the request of a law  
24 enforcement officer, that person may issue a certificate that states that the person is in fact  
25 a duly licensed or certified person as required by this subsection and that the person  
26 followed the proper procedure for drawing a specimen of blood to determine the alcohol  
27 level or drug concentration. That certificate, when duly signed and sworn to by the person,  
28 is admissible as evidence in any court of the State. It is prima facie evidence that the person  
29 was duly licensed or certified and that the person followed the proper procedure for drawing  
30 a specimen for chemical testing, unless, with 10 days' written notice to the prosecution, the  
31 defendant requests that the person testify as to licensure or certification, or the procedure  
32 for drawing the specimen of blood.

33 A law enforcement officer may take a sample specimen of the breath ~~or~~, urine or oral fluid  
34 of any person whom the officer has probable cause to believe operated or attempted to  
35 operate an aircraft while under the influence of intoxicating liquor or drugs and who is  
36 complying with the duty to submit to and complete a chemical test. The sample specimen  
37 must be submitted to the Department of Health and Human Services or a person certified  
38 by the Department of Health and Human Services for the purpose of conducting chemical  
39 tests of the sample specimen to determine the alcohol level or drug concentration of that  
40 sample.

41 Only equipment approved by the Department of Health and Human Services may be used  
42 by a law enforcement officer to take a sample specimen of the defendant's breath ~~or~~, urine  
43 or oral fluid for submission to the Department of Health and Human Services or a person  
44 certified by the Department of Health and Human Services for the purpose of conducting

1 tests of the sample specimen to determine the alcohol level or drug concentration of that  
2 sample. Approved equipment must have a stamp of approval affixed by the Department of  
3 Health and Human Services. Evidence that the equipment was in a sealed carton bearing  
4 the stamp of approval must be accepted in court as prima facie evidence that the equipment  
5 was approved by the Department of Health and Human Services for use by the law  
6 enforcement officer to take the sample specimen of the defendant's breath or, urine or oral  
7 fluid.

8 As an alternative to the method of breath testing described in this subsection, a law  
9 enforcement officer may test the breath of any person whom the officer has probable cause  
10 to believe operated or attempted to operate an aircraft while under the influence of  
11 intoxicating liquor or drugs, by use of a self-contained, breath-alcohol testing apparatus to  
12 determine the person's alcohol level, as long as the testing apparatus is reasonably available.  
13 The procedures for the operation and testing of self-contained, breath-alcohol testing  
14 apparatuses must be as provided by rule adopted by the Department of Health and Human  
15 Services. The result of any such test must be accepted as prima facie evidence of the  
16 alcohol level of a person in any court.

17 Approved self-contained, breath-alcohol testing apparatuses must have a stamp of approval  
18 affixed by the Department of Health and Human Services after periodic testing. That stamp  
19 of approval is valid for a limited period of no more than one year. Testimony or other  
20 evidence that the equipment was bearing the stamp of approval must be accepted in court  
21 as prima facie evidence that the equipment was approved by the Department of Health and  
22 Human Services for use by the law enforcement officer to collect and analyze a sample  
23 specimen of the defendant's breath.

24 Failure to comply with any provision of this subsection or with any rule adopted under this  
25 subsection does not, by itself, result in the exclusion of evidence of alcohol level or drug  
26 concentration, unless the evidence is determined to be not sufficiently reliable.

27 Testimony or other evidence that any materials used in operating or checking the operation  
28 of the equipment were bearing a statement of the manufacturer or of the Department of  
29 Health and Human Services must be accepted in court as prima facie evidence that the  
30 materials were of a composition and quality as stated.

31 A person certified by the Maine Criminal Justice Academy, under certification standards  
32 set by the academy, as qualified to operate approved self-contained, breath-alcohol testing  
33 apparatuses may operate those apparatuses to collect and analyze a sample specimen of a  
34 defendant's breath.

35 **Sec. 3. 6 MRSA §205, sub-§7**, as amended by PL 2009, c. 447, §4, is further  
36 amended to read:

37 **7. Evidence.** The drug concentration in the defendant's blood or the defendant's  
38 alcohol level at the time alleged, as shown by the chemical analysis of the defendant's  
39 blood, breath or, urine or oral fluid or by results of a self-contained, breath-alcohol testing  
40 apparatus authorized by subsection 5 is admissible in evidence.

41 When a person, certified under subsection 5, conducts a chemical analysis of blood or  
42 breath to determine alcohol level, the person may issue a certificate stating the results of  
43 the analysis. That certificate, when duly signed and sworn to by the certified person, is  
44 admissible in evidence in any court of the State. It is prima facie evidence that the person

1 taking a specimen of blood ~~or~~, urine or oral fluid was a person authorized by subsection 5;  
2 that the equipment, chemicals and other materials used in the taking of the blood ~~or~~, urine  
3 or oral fluid specimen or a breath sample were of a quality appropriate for the purpose of  
4 producing reliable test results; that any equipment, chemicals or materials required by  
5 subsection 5 to be approved by the Department of Health and Human Services were in fact  
6 approved; that the sample tested by the person certified under subsection 5 was in fact the  
7 same sample taken from the defendant; and that the drug concentration in the defendant's  
8 blood or the defendant's alcohol level was, at the time the blood or breath sample was taken,  
9 as stated in the certificate, unless with 10 days' written notice to the prosecution, the  
10 defendant requests that a qualified witness testify as to any of the matters as to which the  
11 certificate constitutes prima facie evidence. The notice must specify those matters  
12 concerning which the defendant requests testimony.

13 A person certified under subsection 5 as qualified to operate a self-contained, breath-  
14 alcohol testing apparatus to determine the alcohol level may issue a certificate stating the  
15 results of the analysis. That certificate, when duly signed and sworn to by the certified  
16 person, is admissible in evidence in any court of the State. It is prima facie evidence that  
17 the defendant's alcohol level was, at the time the breath sample was taken, as stated in the  
18 certificate, unless, with 10 days' written notice to the prosecution, the defendant requests  
19 that the operator or other qualified witness testify as to the results of the analysis.

20 Transfer of sample specimens to and from a laboratory for purposes of analysis is by  
21 certified or registered mail and, when so made, is deemed to comply with all requirements  
22 regarding the continuity of custody of physical evidence.

23 The failure of a person to comply with the duty to submit to and complete a chemical test  
24 under section 204 is admissible in evidence on the issue of whether that person was under  
25 the influence of intoxicating liquor or drugs. If the law enforcement officer having  
26 probable cause to believe that the person operated or attempted to operate an aircraft while  
27 under the influence of intoxicating liquor or drugs fails to give either of the warnings  
28 required under subsection 2, the failure of the person to comply with the duty to submit to  
29 a chemical test is not admissible, except when a test was required pursuant to subsection  
30 11. If a failure to submit to and complete a chemical test is not admitted into evidence, the  
31 court may inform the jury of the fact that no test result is available.

32 If a test result is not available for a reason other than failing to comply with the duty to  
33 submit to and complete a chemical test, the unavailability and the reason are admissible in  
34 evidence.

35 **Sec. 4. 6 MRSA §205, sub-§11**, as amended by PL 2009, c. 447, §4, is further  
36 amended to read:

37 **11. Fatalities.** Notwithstanding any other provision of this section, an operator of an  
38 aircraft who is involved in an aircraft accident that results in the death of a person must  
39 submit to and complete a chemical test to determine that ~~person's~~ operator's alcohol level  
40 or drug concentration by analysis of blood, breath ~~or~~, urine or oral fluid. A law enforcement  
41 officer may determine which type of test will be administered. The result of a test taken  
42 pursuant to this subsection is not admissible at trial unless the court is satisfied that probable  
43 cause exists, independent of the test result, to believe that the operator was under the  
44 influence of intoxicating liquor or drugs or had an excessive alcohol level.

1           **Sec. 5. 12 MRSA §10702, sub-§1**, as amended by PL 2009, c. 447, §9, is further  
2 amended to read:

3           **1. Duty to submit.** A person who hunts wild animals or wild birds or operates or  
4 attempts to operate a watercraft, snowmobile or ATV within this State has a duty to submit  
5 to a test to determine that person's alcohol level or drug concentration by analysis of blood,  
6 breath ~~or~~<sub>2</sub> urine or oral fluid if there is probable cause to believe that the person is hunting  
7 wild animals or wild birds or operating or attempting to operate a watercraft, snowmobile  
8 or ATV while under the influence of intoxicating liquor or drugs. The duty to submit to an  
9 alcohol level or drug concentration test includes the duty to complete ~~either~~ a blood, breath  
10 ~~or~~<sub>2</sub> urine or oral fluid test or any combination of those tests. Tests and procedures for  
11 determining whether a person is under the influence of intoxicating liquor or drugs are  
12 governed by section 10703.

13           **Sec. 6. 12 MRSA §10703, sub-§5**, as amended by PL 2019, c. 627, Pt. B, §2 and  
14 PL 2025, c. 316, §3, is further amended to read:

15           **5. Administration of tests.** Persons conducting analyses of blood, breath ~~or~~<sub>2</sub> urine or  
16 oral fluid for the purpose of determining an alcohol level or drug concentration must be  
17 certified for each purpose by the Department of Health and Human Services under  
18 certification standards set by that department.

19           A. Only a physician, licensed physician associate, registered nurse or person whose  
20 occupational license or training allows that person to draw blood samples may draw a  
21 specimen of blood for the purpose of determining the blood-alcohol level or the  
22 presence of a drug or drug metabolite. This limitation does not apply to the taking of  
23 breath or urine specimens. When a person draws a specimen of blood at the request of  
24 a law enforcement officer, that person may issue a certificate that states that the person  
25 is in fact a duly licensed or certified person as required by this subsection and that the  
26 person followed the proper procedure for drawing a specimen of blood to determine an  
27 alcohol level or drug concentration. That certificate, when duly signed and sworn to  
28 by the person, is admissible as evidence in any court of the State. It is prima facie  
29 evidence that the person was duly licensed or certified and that the person followed the  
30 proper procedure for drawing a specimen of blood for chemical testing, unless, with 10  
31 days' written notice to the prosecution, the defendant requests that the person testify as  
32 to licensure or certification, or the procedure for drawing the specimen of blood.

33           B. A law enforcement officer may take a sample specimen of the breath ~~or~~<sub>2</sub> urine or  
34 oral fluid of any person whom the officer has probable cause to believe hunted wild  
35 animals or wild birds or operated or attempted to operate a watercraft, snowmobile or  
36 ATV while under the influence of intoxicating liquor or drugs and who is complying  
37 with the duty to submit to and complete a chemical test. The sample specimen must  
38 be submitted to the Department of Health and Human Services or a person certified by  
39 the Department of Health and Human Services for the purpose of conducting chemical  
40 tests of the sample specimen to determine an alcohol level or drug concentration of that  
41 sample.

42           C. Only equipment approved by the Department of Health and Human Services may  
43 be used by a law enforcement officer to take a sample specimen of the defendant's  
44 breath ~~or~~<sub>2</sub> urine or oral fluid for submission to the Department of Health and Human  
45 Services or a person certified by the Department of Health and Human Services for the

1 purpose of conducting tests of the sample specimen to determine an alcohol level or  
2 drug concentration of that sample. Approved equipment must have a stamp of approval  
3 affixed by the Department of Health and Human Services. Evidence that the equipment  
4 was in a sealed carton bearing the stamp of approval must be accepted in court as prima  
5 facie evidence that the equipment was approved by the Department of Health and  
6 Human Services for use by the law enforcement officer to take the sample specimen of  
7 the defendant's breath ~~or~~, urine or oral fluid.

8 D. As an alternative to the method of breath testing described in this subsection, a law  
9 enforcement officer may test the breath of any person whom the officer has probable  
10 cause to believe hunted wild birds or wild animals or operated or attempted to operate  
11 a watercraft, snowmobile or ATV while under the influence of intoxicating liquor, by  
12 use of a self-contained, breath-alcohol testing apparatus to determine an alcohol level,  
13 as long as the testing apparatus is reasonably available. The procedures for the  
14 operation and testing of self-contained, breath-alcohol testing apparatuses must be as  
15 provided by rule adopted by the Department of Health and Human Services. The result  
16 of any such test must be accepted as prima facie evidence of an alcohol level in any  
17 court.

18 E. Approved self-contained, breath-alcohol testing apparatuses must have a stamp of  
19 approval affixed by the Department of Health and Human Services after periodic  
20 testing. That stamp of approval is valid for a limited period of no more than one year.  
21 Testimony or other evidence that the equipment was bearing the stamp of approval  
22 must be accepted in court as prima facie evidence that the equipment was approved by  
23 the Department of Health and Human Services for use by the law enforcement officer  
24 to collect and analyze a sample specimen of the defendant's breath.

25 F. Failure to comply with any provision of this subsection or with any rule adopted  
26 under this subsection does not, by itself, result in the exclusion of evidence of an  
27 alcohol level or drug concentration, unless the evidence is determined to be not  
28 sufficiently reliable.

29 G. Testimony or other evidence that any materials used in operating or checking the  
30 operation of the equipment were bearing a statement of the manufacturer or of the  
31 Department of Health and Human Services must be accepted in court as prima facie  
32 evidence that the materials were of a composition and quality as stated.

33 H. A person certified by the Maine Criminal Justice Academy, under certification  
34 standards set by the academy, as qualified to operate approved self-contained, breath-  
35 alcohol testing apparatuses may operate those apparatuses to collect and analyze a  
36 sample specimen of a defendant's breath.

37 **Sec. 7. 12 MRSA §10703, sub-§7**, as amended by PL 2023, c. 228, §4, is further  
38 amended to read:

39 **7. Evidence.** The defendant's alcohol level at the time alleged and the concentration  
40 of drugs at the time alleged, as shown by the chemical analysis of the defendant's blood,  
41 breath ~~or~~, urine or oral fluid or by any test authorized by subsection 5 is admissible in  
42 evidence.

43 A. When a person certified under subsection 5 conducts a chemical analysis of blood,  
44 breath ~~or~~, urine or oral fluid to determine an alcohol level or drug concentration, the

1 person conducting the analysis may issue a certificate stating the results of the analysis.  
2 That certificate, when duly signed and sworn to by the certified person, is admissible  
3 in evidence in any court of the State. It is prima facie evidence that the person taking  
4 a specimen of blood or urine or oral fluid was a person authorized by subsection 5;  
5 that the equipment, chemicals and other materials used in the taking of the blood or  
6 urine or oral fluid specimen or a breath sample were of a quality appropriate for the  
7 purpose of producing reliable test results; that any equipment, chemicals or materials  
8 required by subsection 5 to be approved by the Department of Health and Human  
9 Services were in fact approved; that the sample tested by the person certified under  
10 subsection 5 was in fact the same sample taken from the defendant; and that the drug  
11 concentration in the defendant's blood or the defendant's alcohol level was, at the time  
12 the blood, breath or urine or oral fluid sample was taken, as stated in the certificate,  
13 unless with 10 days' written notice to the prosecution, the defendant requests that a  
14 qualified witness testify as to any of the matters as to which the certificate constitutes  
15 prima facie evidence. The notice must specify those matters concerning which the  
16 defendant requests testimony.

17 B. A person certified under subsection 5 as qualified to operate a self-contained,  
18 breath-alcohol testing apparatus to determine an alcohol level may issue a certificate  
19 stating the results of the analysis. That certificate, when duly signed and sworn to by  
20 the certified person, is admissible in evidence in any court of the State. It is prima facie  
21 evidence that the defendant's alcohol level was, at the time the breath sample was taken,  
22 as stated in the certificate, unless, with 10 days' written notice to the prosecution, the  
23 defendant requests that the operator or other qualified witness testify as to the results  
24 of the analysis.

25 C. Transfer of sample specimens to and from a laboratory for purposes of analysis  
26 must be by certified or registered mail and, when so made, is deemed to comply with  
27 all requirements regarding the continuity of custody of physical evidence.

28 D. The failure of a person to comply with the duty to submit to and complete a  
29 chemical test under section 10702, subsection 1 is admissible in evidence on the issue  
30 of whether that person was under the influence of intoxicating liquor or drugs. If the  
31 law enforcement officer having probable cause to believe that the person hunted wild  
32 animals or wild birds or operated or attempted to operate a watercraft, snowmobile or  
33 ATV while under the influence of intoxicating liquor or drugs fails to give either of the  
34 warnings required under subsection 2, the failure of the person to comply with the duty  
35 to submit to a chemical test is not admissible. If a failure to submit to and complete a  
36 chemical test is not admitted into evidence, the court may inform the jury of the fact  
37 that a test result is not available.

38 E. If a test result is not available for a reason other than a person's failure to comply  
39 with the duty to submit to and complete a chemical test, the unavailability and the  
40 reason are admissible in evidence.

41 **Sec. 8. 16 MRSA §357, 2nd ¶**, as amended by PL 2011, c. 335, §1, is further  
42 amended to read:

43 Notwithstanding this section, the result of a laboratory or any other test kept by a  
44 hospital or other medical facility that reflects an alcohol level, a detectable urine-drug level,  
45 a detectable blood-drug level, a detectable oral fluid-drug level or a drug concentration of

1 either blood ~~or~~, urine or oral fluid may not be excluded as evidence in a criminal or civil  
2 proceeding by reason of any claim of confidentiality or privilege and may be admitted as  
3 long as the result is relevant and reliable evidence if the proceeding is one in which the  
4 operator of a motor vehicle, snowmobile, all-terrain vehicle or watercraft is alleged to have  
5 operated under the influence of intoxicating liquor or drugs and the court is satisfied that  
6 probable cause exists to believe that the operator committed the offense charged.

7 **Sec. 9. 29-A MRSA §2401, sub-§3**, as amended by PL 2013, c. 459, §1, is further  
8 amended to read:

9 **3. Chemical test or test.** "Chemical test" or "test" means a test or tests used to  
10 determine alcohol level or the presence of a drug or drug metabolite by analysis of blood,  
11 breath ~~or~~, urine or oral fluid.

12 **Sec. 10. 29-A MRSA §2431, sub-§1**, as amended by PL 2011, c. 335, §3, is further  
13 amended to read:

14 **1. Test results.** Test results showing a confirmed positive drug or metabolite presence  
15 in blood ~~or~~, urine or oral fluid or alcohol level at the time alleged are admissible in evidence.  
16 Failure to comply with the provisions of sections 2521 and 2523 may not, by itself, result  
17 in the exclusion of evidence of alcohol level or confirmed positive drug or metabolite  
18 presence, unless the evidence is determined to be not sufficiently reliable.

19 **Sec. 11. 29-A MRSA §2431, sub-§2**, as amended by PL 2021, c. 204, §1, is further  
20 amended to read:

21 **2. Analysis of blood, breath ~~and~~, urine and oral fluid.** The following provisions  
22 apply to the analysis of blood, breath ~~and~~, urine and oral fluid, and the use of that analysis  
23 as evidence.

24 A. A laboratory certified or licensed in accordance with section 2524 conducting a  
25 chemical analysis of blood, breath ~~or~~, urine or oral fluid to determine an alcohol level  
26 or the presence of a drug or drug metabolite may issue a certificate stating the results  
27 of the analysis.

28 B. A person qualified to operate a self-contained, breath-alcohol testing apparatus may  
29 issue a certificate stating the results of an analysis of a test that the person administered.

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

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

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

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

37 (5) The alcohol level or the presence of a drug or drug metabolite in the blood ~~or~~,  
38 urine or oral fluid of the defendant at the time the sample was taken was as stated  
39 in the certificate.

40 D. With 10 days written notice to the prosecution, the defendant may request that a  
41 qualified witness testify to the matters of which the certificate constitutes prima facie

1 evidence. The notice must specify those matters concerning which the defendant  
2 requests testimony. The certificate is not prima facie evidence of those matters.

3 E. A person drawing a specimen of blood may issue a certificate that states that the  
4 person is in fact qualified under section 2524 and that the proper procedure for drawing  
5 a specimen of blood was followed. That certificate, when signed and sworn to by the  
6 person, is prima facie evidence of its contents unless, with 10 days' written notice to  
7 the prosecution, the defendant requests that the person testify.

8 F. Evidence that ~~the~~ a urine or oral fluid sample was in a sealed carton bearing the  
9 Department of Health and Human Services' stamp of approval is prima facie evidence  
10 that the equipment was approved by the Department of Health and Human Services.

11 G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence  
12 of an alcohol level.

13 H. Evidence that the self-contained breath-alcohol testing equipment bearing the  
14 Department of Health and Human Services' stamp of approval is prima facie evidence  
15 that the equipment was approved by the Department of Health and Human Services.

16 I. Evidence that materials used in operating or checking the operation of the self-  
17 contained breath-alcohol testing equipment bore a statement of the manufacturer or of  
18 the Department of Health and Human Services is prima facie evidence that the  
19 materials were of the composition and quality stated.

20 J. Transfer of sample specimens to and from a laboratory for purposes of analysis by  
21 certified or registered mail complies with all requirements regarding the continuity of  
22 custody of physical evidence.

23 K. The prosecution is not required to produce expert testimony regarding the  
24 functioning of self-contained breath-alcohol testing apparatus before test results are  
25 admissible, if sufficient evidence is offered to satisfy paragraphs H and I.

26 **Sec. 12. 29-A MRSA §2432, sub-§4**, as amended by PL 2013, c. 459, §4, is further  
27 amended to read:

28 **4. Confirmed presence of drug or drug metabolite.** If a person has a trace amount  
29 of any drug or the metabolites of any drug within the person's blood ~~or~~, urine or oral fluid  
30 in accordance with the drug reporting rules, standards, procedures and protocols adopted  
31 by the Department of Health and Human Services, it is admissible evidence, but not prima  
32 facie, indicating whether that person is under the influence of intoxicants to be considered  
33 with other competent evidence, including evidence of alcohol level.

34 **Sec. 13. 29-A MRSA §2453-A, sub-§3**, as enacted by PL 2011, c. 335, §5, is  
35 amended to read:

36 **3. Drug test.** The person who analyzed the drug or its metabolite in the blood ~~or~~, urine  
37 or oral fluid of the person who is the subject of the drug recognition expert's report under  
38 subsection 2 shall send a copy of a confirmed positive test result certificate to the Secretary  
39 of State.

40 **Sec. 14. 29-A MRSA §2453-A, sub-§7, ¶A**, as enacted by PL 2011, c. 335, §5, is  
41 amended to read:

1 A. The person operated a motor vehicle with a confirmed positive blood or, urine or  
2 oral fluid test for a drug or its metabolite;

3 **Sec. 15. 29-A MRSA §2472, sub-§5, ¶B**, as amended by PL 2011, c. 335, §8, is  
4 further amended to read:

5 B. The person operated a motor vehicle with an alcohol level of more than 0.00 grams  
6 per 100 milliliters of blood or 210 liters of breath or with a confirmed positive blood  
7 or, urine or oral fluid test for a drug or its metabolite and was under the influence of  
8 the confirmed drug; and

9 **Sec. 16. 29-A MRSA §2521, sub-§1**, as amended by PL 2013, c. 459, §7, is further  
10 amended to read:

11 **1. Mandatory submission to test.** If there is probable cause to believe a person has  
12 operated a motor vehicle while under the influence of intoxicants, that person shall submit  
13 to and complete a test to determine an alcohol level and the presence of a drug or drug  
14 metabolite by analysis of blood, breath or, urine or oral fluid.

15 **Sec. 17. 29-A MRSA §2524, sub-§2**, as amended by PL 2023, c. 498, §1, is further  
16 amended to read:

17 **2. Laboratories qualified to analyze blood ~~for blood tests~~, urine or oral fluid.** A  
18 laboratory conducting an analysis of blood-alcohol level or an analysis of the presence of  
19 a drug or drug metabolite in blood, urine or oral fluid must either be certified by the  
20 Department of Health and Human Services or be licensed to do so under the laws of this  
21 State or any other state and also certified by the United States Department of Health and  
22 Human Services under the federal Clinical Laboratory Improvement Amendments of 1988,  
23 42 United States Code, Section 263a (2018) or be accredited pursuant to standard ISO/IEC  
24 17025 of the International Organization for Standardization by a 3rd-party accrediting  
25 body.

26 **Sec. 18. 29-A MRSA §2524, sub-§4**, as amended by PL 2019, c. 368, §4, is further  
27 amended to read:

28 **4. Chemical tests on blood ~~and~~, urine and oral fluid specimens.** A sample specimen  
29 of blood or, urine or oral fluid may be submitted to the Department of Health and Human  
30 Services or to a laboratory qualified pursuant to subsection 2 for the purpose of conducting  
31 chemical tests to determine alcohol level or the presence of a drug or drug metabolite.

32 **Sec. 19. 29-A MRSA §2524, sub-§5**, as amended by PL 2019, c. 368, §5, is further  
33 amended to read:

34 **5. Equipment for taking specimens.** For purposes of this section, collection kits  
35 having a stamp of approval affixed by the Department of Health and Human Services may  
36 be used to take a sample specimen of blood or, urine or oral fluid. A sample specimen of  
37 blood or, urine or oral fluid may also be taken in any collection tube of the type normally  
38 used in a laboratory qualified pursuant to subsection 2. The fact that a laboratory qualified  
39 pursuant to subsection 2 supplied the collection tube is prima facie evidence that the  
40 collection tube is the type of tube normally used in such a laboratory. Alternatively, a self-  
41 contained, breath-alcohol testing apparatus if reasonably available may be used to  
42 determine the alcohol level.

1 Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the  
2 Department of Health and Human Services after periodic testing. That stamp is valid for  
3 no more than one year.

4 **Sec. 20. 29-A MRSA §2525, sub-§1**, as amended by PL 2011, c. 335, §14, is  
5 further amended to read:

6 **1. Submission to test required.** If a drug recognition expert has probable cause to  
7 believe that a person is under the influence of a specific category of drug, a combination of  
8 specific categories of drugs or a combination of alcohol and one or more specific categories  
9 of drugs, that person must submit to a blood ~~or~~, urine or oral fluid test selected by the drug  
10 recognition expert to confirm that person's category of drug use and determine the presence  
11 of the drug.

## 12 SUMMARY

13 This bill is reported out by the Joint Standing Committee on Criminal Justice and  
14 Public Safety pursuant to Resolve 2025, chapter 87. The bill permits the use of oral fluid  
15 testing in determining the intoxication of drivers, aircraft operators and hunters.