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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 61, L.D. 96, “An Act to Amend the Motor Vehicles and Traffic Law Governing Mandatory Driver's License Suspension for Refusing Testing for Drugs or a Combination of Drugs and Alcohol”

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Motor Vehicle and Traffic Law Governing Administrative Driver's License Suspensions for Refusing Testing for Alcohol, Drugs or a Combination of Drugs and Alcohol'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 29-A MRSA §2401, sub-§5, as amended by PL 1995, c. 368, Pt. AAA, §4, is further amended to read:

5. Failure to submit to a test, fails to submit to a test or failed to submit to a test. "Failure to submit to a test," "fails to submit to a test" or "failed to submit to a test" means failure to comply with the a duty under this chapter to submit to and complete a chemical test under section 2521 or 2525 or tests to determine any presence or level of alcohol, to determine any presence or level of any drug or drug metabolite or to determine any presence or level of any combination of alcohol, drugs or drug metabolites. "Failure to submit to a test," "fails to submit to a test" or "failed to submit to a test" does not include failure to submit to and complete any standardized field sobriety testing.

Sec. 2. 29-A MRSA §2521, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Suspension for refusal. The Secretary of State shall immediately suspend the license of a person who had a duty under this chapter to submit to and complete a test or tests to determine any presence or level of alcohol, to determine any presence or level of any drug or drug metabolite or to determine any presence or level of any combination of alcohol, drugs or drug metabolites and who fails to submit to and complete a the test or tests.

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment, which is a minority report of the committee, replaces the bill and
5 changes the title. The amendment clarifies that definitions regarding failure to submit to
6 and complete a test apply to any test to determine any presence or level of alcohol, drugs
7 or drug metabolites, or any combination of those substances, with the exception of a
8 standardized field sobriety test. The amendment further requires the Secretary of State to
9 suspend the license of a person who had a duty to submit to and complete a test and failed
10 to submit to or complete the test.

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**