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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 463, L.D. 1135, “An Act to Permit the Use of Oral Fluid Testing in Determining the Intoxication of Drivers, Aircraft Operators and Hunters”

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

'Resolve, to Convene a Working Group to Study the Use of Oral Fluid Testing in Determining Intoxication of Drivers, Aircraft Operators and Hunters'

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

'Sec. 1. Bureau of Highway Safety to convene working group. Resolved: That the Department of Public Safety, Bureau of Highway Safety, referred to in this resolve as "the bureau," shall convene a working group consisting of a broad representation of stakeholders to study the use of oral fluid testing to determine the intoxication of drivers, aircraft operators and hunters.

Sec. 2. Membership. Resolved: That the working group convened under section 1, referred to in this resolve as "the working group," must consist of, at a minimum, the following members:

1. The director of the bureau or the director's designee;
2. A prosecutor within the bureau's traffic safety resource prosecutors program;
3. A representative of the Department of the Secretary of State, Bureau of Motor Vehicles with experience in legal affairs and hearings;
4. The Director of the Maine Criminal Justice Academy or the director's designee;
5. A representative of the Department of Health and Human Services, Health and Environmental Testing Laboratory with experience in forensic chemistry;
6. A representative of a statewide association representing chiefs of police;
7. A representative of a statewide association representing sheriffs;
8. A representative of a statewide association representing prosecutors; and

1 9. A representative of a statewide association representing criminal defense attorneys.

2 The bureau may include in the working group any additional members it determines
3 necessary to accomplish the goals of the study.

4 **Sec. 3. Working group duties. Resolved:** That, in conducting its study, the
5 working group shall, at a minimum, review the following:

6 1. The State's need for and intended use of oral fluid testing, including whether oral
7 fluid testing will be used to assist in establishing probable cause or whether it will be used
8 for evidentiary purposes, or both;

9 2. Legal and regulatory changes required to allow the use of oral fluid testing in the
10 State;

11 3. How the use of oral fluid testing may impact administrative license suspensions,
12 including whether refusal to submit to oral fluid testing should result in an administrative
13 license suspension and whether the results of oral fluid testing can be used as a basis for an
14 administrative license suspension;

15 4. The necessary equipment required to implement the use of oral fluid testing,
16 including potential laboratory equipment, and the associated costs and funding sources; and

17 5. Additional training requirements that may be needed to implement the use of oral
18 fluid testing.

19 **Sec. 4. Report. Resolved:** That, by January 1, 2026, the bureau shall submit a
20 report that includes the findings and recommendations of the working group, including
21 suggested legislation, to the Joint Standing Committee on Criminal Justice and Public
22 Safety. The committee may submit legislation based on the report to the Second Regular
23 Session of the 132nd Legislature.'

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

26 SUMMARY

27 This amendment replaces the bill with a resolve. The amendment directs the
28 Department of Public Safety, Bureau of Highway Safety to convene a working group to
29 study the use of oral fluid testing to determine the intoxication of drivers, aircraft operators
30 and hunters. The bureau is required to submit a report by January 1, 2026 to the Joint
31 Standing Committee on Criminal Justice and Public Safety. The committee may submit
32 legislation based on the report to the Second Regular Session of the 132nd Legislature.

33 FISCAL NOTE REQUIRED

34 (See attached)