

Date:

(Filing No. S- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 703, L.D. 1815, “An Act to Require a Blood Test for Drugs for Drivers Involved in a Motor Vehicle Accident That Results in Serious Bodily Injury or Death”

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

**'An Act to Require Testing for Intoxicants for Drivers Involved in a Motor Vehicle Crash That Results in Serious Bodily Injury or Death'**

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 duty to submit to and complete a chemical test under section 2521, 2522-A or 2525.

**Sec. 2. 29-A MRSA §2522-A** is enacted to read:

**§2522-A. Crashes; mandatory testing**

**1. Mandatory submission to test.** If there is probable cause to believe that death or serious bodily injury, as defined in Title 17-A, section 2, subsection 23, has occurred or will occur as a result of a motor vehicle crash and that the operator of a motor vehicle involved in the crash is under the influence of intoxicants, the operator shall submit to and complete a chemical test or tests, including, but not limited to, a blood test, to determine the presence or level of any drugs or alcohol in the operator's blood, breath or urine.

**2. Suspension.** The Secretary of State shall suspend, for a period of one year, the license of a person who fails to submit to a chemical test or tests, including, but not limited to, a blood test, under subsection 1. A suspension under this subsection must be in addition to and consecutive with any other suspension under this Title or any other title, including suspensions imposed pursuant to section 2451, 2453, 2521 or 2523.

**3. Scope of hearing.** The scope of any hearing the Secretary of State holds pursuant to section 2483 regarding a license suspension imposed under subsection 2 must include whether there was probable cause to believe that the person who is the subject of the hearing was the operator of a motor vehicle involved in a motor vehicle crash in which death or serious bodily injury, as defined in Title 17-A, section 2, subsection 23, had occurred or would occur, whether there was probable cause to believe that the person was under the influence of intoxicants and whether the person failed to submit to and complete the chemical test or tests under subsection 1.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides one-time funding to equipment purchases.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
Capital Expenditures	\$647,750	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$647,750</b>	<b>\$0</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Establishes 3 Chemist II positions to perform blood drug testing and blood alcohol testing of motor vehicle operators if there is probable cause, assist with intake of evidence, interpret test results, prepare analysis reports, review files and testify as an expert witness in court. The initiative also provides funding for related All Other costs.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$199,414	\$208,663
All Other	\$13,060	\$13,060
<b>GENERAL FUND TOTAL</b>	<b>\$212,474</b>	<b>\$221,723</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2025-26</b>	<b>2026-27</b>
Personal Services	\$132,942	\$139,108
All Other	\$11,994	\$12,137
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$144,936</b>	<b>\$151,245</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**DEPARTMENT TOTALS**

	<b>2025-26</b>	<b>2026-27</b>
<b>GENERAL FUND</b>	<b>\$860,224</b>	<b>\$221,723</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$144,936</b>	<b>\$151,245</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$1,005,160</b>	<b>\$372,968</b>

**PUBLIC SAFETY, DEPARTMENT OF****Highway Safety DPS 0457**

Initiative: Provides funding for blood tests in motor vehicle accidents when there is probable cause to believe the accident will result in death or serious bodily injury.

<b>HIGHWAY FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$194,700	\$194,700
<b>HIGHWAY FUND TOTAL</b>	<b>\$194,700</b>	<b>\$194,700</b>

**PUBLIC SAFETY, DEPARTMENT OF****DEPARTMENT TOTALS****HIGHWAY FUND****DEPARTMENT TOTAL - ALL FUNDS****SECTION TOTALS****GENERAL FUND****HIGHWAY FUND****OTHER SPECIAL REVENUE FUNDS****SECTION TOTAL - ALL FUNDS**

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

**SUMMARY**

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment requires an operator of a motor vehicle to submit to a chemical test or tests to determine the presence or level of any drugs or alcohol in the operator's blood, breath or urine if there is probable cause to believe that death or serious bodily injury has occurred or will occur as a result of a motor vehicle crash and the operator of a motor vehicle involved in the crash was under the influence of intoxicants. The amendment also requires the Secretary of State to suspend a person's license who fails to submit to that test with the suspension in addition to and consecutive with any other suspension.

**FISCAL NOTE REQUIRED**

(See attached)