

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 463 - L.D. 1135

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

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

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

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

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

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

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

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

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

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