



TESTIMONY OF ALICIA REA, ESQ.

LD 96 – Ought Not to Pass

**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**

Joint Standing Committee on Criminal Justice & Public Safety

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Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Alicia Rea and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 96.

This bill would allow all law enforcement officers to administer impairment assessments. Under current law, these tests are administered by drug recognition experts (DREs) who have received rigorous training.¹ Removing the requirement that a DRE perform impairment tests means untrained law enforcement officers will be tasked with the administration of these tests and interpretation of their results.

Moreover, the ACLU of Maine is concerned with the bill's creation of two separate probable cause standards based on the driver's submission to a chemical test.² This bill lowers the probable cause standard by having untrained law enforcement officers make that determination. The penalty for refusal remains the same as if a DRE had made the probable cause determination.

Suspending a person's driver's license is a severe punishment in state law concerning operating under the influence. The automatic suspension contained within this bill would be fundamentally unfair to Maine drivers who deserve to have a trained professional assess their potential impairment. Blood and urine tests are invasive assessments and drivers deserve to have trained DREs perform these.

¹ 29-A MRS §2525(1).

² One probable cause determination by DREs and one probable cause determination by untrained law enforcement officers.



Impaired driving is a serious problem, but current law already provides a mechanism to manage suspected drug-impaired drivers' refusal to submit to chemical tests. This bill would unfairly entangle Mainers in the criminal legal system by allowing all law enforcement officers to impose license suspensions when they do not have training to discern drug impairment.

We urge you to reject LD 96.

Thank you for your time and attention.