



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

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May 5, 2025

Senator Anne Beebe-Center - Chair
Representative Tavis Hasenfus - Chair
Committee on Criminal Justice and Public Safety
100 State House Station Room 436
Augusta, ME 04330

LD 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

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Criminal Justice and Public Safety Committee:

MACDL opposes LD 1815.

LD 1815 is unconstitutional. If this bill becomes law it will be litigated and it will not survive judicial scrutiny.

A blood test is a search. A search requires a warrant. A warrant can only be issued by a judicial officer. Law enforcement are not judicial officers.

The only exceptions to a warrant requirement for a blood test is when there is probable cause and exigent circumstance or when the special needs doctrine is implicated. Neither of which is relevant to the discussion of LD 1815.

The Maine Supreme Judicial Court has already addressed the issue of warrantless blood draws following a fatal motor vehicle accident. The Court found the statute unconstitutional then and would certainly find LD 1815 unconstitutional as well.

The similarities between the two statutes is striking. The case I refer to, where the Maine Supreme Judicial Court has decided this issue, is *State of Maine v. Weddle*, 224 A.3d 1035 (2020).

LD 1815 creates a mandatory warrantless blood testing scheme that clearly and obviously runs afoul of the 4th Amendment to the United States Constitution as well as Article I section 5 of the Maine State Constitution.

The Legislature should not consider laws that are so blatantly unconstitutional, which this law would be given the recent decision of the Maine Supreme Judicial Court

We urge this committee to vote OUGHT NOT TO PASS.

Sincerely,

/s/

Jeremy Pratt, Esq.
President, MACDL