



Janet T. Mills
Governor

STATE OF MAINE
Department of Public Safety
Bureau of Highway Safety
164 State House Station
Augusta, Maine
04333-0164



Michael J. Sauschuck
Commissioner

Lauren V. Stewart
Director

Testimony of Director Lauren V. Stewart

IN SUPPORT OF LD 96

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

Senator Beebe-Center, Representative Hasenfus, and distinguished Members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Lauren Stewart, Director of the Department of Public Safety, Bureau of Highway Safety, and I am here today to testify on behalf of the Department in Support of LD 96.

After speaking with other stakeholders in our mission of highway safety, and after discussions with Representative Bunker, I have brought copies of a proposed friendly amendment to LD 96. My testimony will be in support of this amended version of LD 96.

Impairment is impairment regardless of the drug used (alcohol, impairing prescription drugs, illegal drugs, or a combination of drugs and alcohol). LD 96 takes steps to treat drivers suspected of operating under the influence of drugs equally with drivers suspected of operating under the influence (OUI) of alcohol only. It does this by ensuring that license suspensions for refusal of chemical test(s) are treated the same regardless of the substance of impairment.

There are several statutes in Title 29-A that govern driver license revocation or suspension when a person refuses to submit to a chemical test. They are Title 29-A, Sections 2401, 2521 and 2525. These statutes are intended to work together to ensure that drivers suspected of impairment are prohibited from driving. There are currently differences of opinion on how to interpret these statutes when the suspension is due to suspicion of drug impairment. Under current interpretation, a person, for whom there is probable cause of OUI and who refuses a blood test, will be suspended by the Secretary of State's Office if the primary suspected intoxicant is *alcohol*. At the same time, under current interpretation, a person, for whom there is probable cause of OUI and who refuses a blood test, will not be suspended if the primary suspected intoxicant is a *drug* (unless a drug recognition expert is involved in the investigation).

These changes are particularly important when one considers the current percentages of blood testing results in our state since the first recreational cannabis stores opened. The information on those results is provided below. In viewing it, readers will see that around eighty percent of all blood samples taken from those charged with OUI in non-fatal circumstances contain at least one

Buckle Up. Drive Safely.



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drug other than alcohol. Readers should also see that number of test results in fatal crashes that are positive for drugs, and not alcohol, are starkly on the rise.

Percentage of Cases	2020	2021	2022	2023**
Pulled Over & Charged with OUI/DUID				
(+ BAC & + Drugs)	21.5%	29.5%	28.9%	35.3%
(- BAC & + Drugs)	59.7%	50.0%	55.7%	44.7%
(+ BAC & - Drugs)	7.4%	10.8%	11.9%	10.6%
(- BAC & - Drugs)	11.4%	9.7%	3.5%	9.4%

Fatal/Near Fatal MVC (Antemortem)*	2020	2021	2022	2023**
(+ BAC & + Drugs)	11.4%	18.8%	18.9%	15.2%
(- BAC & + Drugs)	34.3%	38.5%	40.6%	54.5%
(+ BAC & - Drugs)	5.7%	3.1%	5.7%	3.0%
(- BAC & - Drugs)	51.4%	36.5%	34.0%	27.3%

In a time when we are seeing increased fatalities from motor vehicle crashes, ensuring that those driving under the influence of drugs or a combination of drugs and alcohol are treated the same as those driving under the influence of alcohol and ensuring that all such driver's are suspended when they refuse a blood or urine test will ensure that dangerous drivers are swiftly relieved of their privilege to drive and their opportunity to kill or injure innocent people sharing the roads with them.

For these reasons, we respectfully ask you to vote Ought to Pass on LD 96.

¹ This information was provided by the Health and Environmental Testing Laboratory of the Maine Department of Health and Human Services.

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