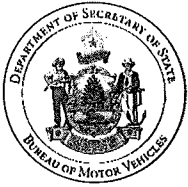


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**Department of the Secretary of State
Bureau of Motor Vehicles**

Shenna Bellows
Secretary of State

Catherine Curtis
Deputy Secretary of State

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

**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"**

Testimony of Shenna Bellows, Secretary of State and
Cathie Curtis, Deputy Secretary for the Bureau of Motor Vehicles,
Department of the Secretary of State

Monday, May 5, 2025

Senator Beebe-Center, Representative Hasenfus, Members of the Committee on Criminal Justice and Public Safety, I am here to provide testimony in opposition to 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" and to provide you with information that may be useful to you.

We oppose this legislation for the simple reason that we believe it to be unconstitutional. Prior to January 2020, Title 29-A MRSA §2522, required that all drivers submit to a blood test when a fatal or likely fatal accident had occurred. In January 2020, the Maine Law Court decided a case called *State v. Weddle* which held that requirement to be unconstitutional because it authorized a search and seizure without probable cause in violation of the Fourth Amendment of the United States Constitution. Section 2522 was formally repealed by the 130th Legislature effective 9/29/2021, but the longer one-year license suspension it imposed was retained for fatal accident cases where there *is* probable cause to believe a driver is under the influence of drugs or alcohol and the driver refuses to submit to a test.

This bill would reinstate a mandatory blood test in the absence of probable cause, precisely what the Law Court has already said is unconstitutional.

The bill also proposes that the blood draw determine a specific THC level as opposed to merely establishing the presence of the drug. The purpose for this is unclear as Maine does not have a statutory *per se* THC level that legally establishes a person is under the influence of the drug.

Thank you for your time and consideration. If the committee has any questions, I'd be more than happy to answer them or conduct the appropriate research. I will be available for the work session.