

Sponsor: Rep Warren

Drafter: JO

Date: March 18, 2021

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**Proposed Committee Amendment to LD 710
An Act Regarding the Maine Criminal Code**

Proposed by the Criminal Law Advisory Commission

Amend the bill by adding a new Part G to read:

PART G

Sec. G-1. 29-A MRSA section 2521, subsection 6 is amended to read:

6. Period of suspension. Except as provided in subsection 6-A or when a longer period of suspension is otherwise provided by law, the suspension is for a period of 275 days for the first refusal, 18 months for a 2nd refusal, 4 years for a 3rd refusal and 6 years for a 4th refusal.

Sec. G-2. 29-A MRSA section 2521, subsection 6-A is enacted to read:

6-A. Period of suspension when there was probable cause to believe that death occurred or will occur as a result of an accident. Except when a longer period of suspension is otherwise provided by law, if in addition to the probable cause set forth in subsection 1, there was also probable cause to believe that death occurred or will occur as a result of an accident, the suspension is for a period of 1 year for a first refusal under this section.

Sec. G-3. 29-A MRSA section 2522 is repealed.

SUMMARY

In Part G, in response to *State v. Weddle*, 2020 Me. 12, the amendment repeals 29-A MRSA section 2522, which was found in the *Weddle* case to be unconstitutional in that it required the driver's blood to be taken without consent and without probable cause to believe that the driver was impaired by alcohol or drugs at the time the driver's blood was taken. The amendment also moves the one-year period of suspension for refusal to take a chemical test when there is probable cause to believe that death occurred or will occur as a result of an accident from Title 29-A, section 2522 to the law on implied consent to a chemical test.

John Pelletier
Criminal Law Advisory Commission

CLAC's proposed amendment attached.