

MAINE STATE LEGISLATURE

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L.D. 1803

DATE: 2-23-04

(Filing No. H-712)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1325, L.D. 1803, Bill, "An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 29-A MRSA §2522, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Mandatory submission to test. If there is probable cause to believe that death has occurred or will occur as a result of an accident, an operator of a motor vehicle involved in the motor vehicle accident shall submit to a chemical test, as defined in section 2401, subsection 3, to determine blood-alcohol level or drug concentration in the same manner as for OUI.

2 **2. Administration of test.** The investigating law
enforcement officer shall cause a blood test to be administered
4 to the operator of the motor vehicle as soon as practicable
following the accident ~~as provided in section 2521~~ and may also
6 cause a breath test or another chemical test to be administered
if the officer determines appropriate. The operator shall submit
8 to and complete all tests administered. Except as otherwise
provided in this section, testing must be conducted in accordance
with section 2521.'

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SUMMARY

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The amendment amends the Maine Revised Statutes, Title 29-A
by requiring that, in cases when there is probable cause to
16 believe that death has occurred or will occur as a result of an
accident, the investigating officer shall cause a blood test to
18 be administered on every operator involved in the accident as
soon as practicable following the accident. The officer may also
20 cause a breath test or any other chemical test to be administered
if the officer determines appropriate. Operators shall submit to
22 and complete all tests administered. Except as otherwise
provided in Title 29-A, section 2522, subsection 2, testing must
24 be conducted in accordance with Title 29-A, section 2521, which
governs drivers' implied consent to chemical tests.

FISCAL NOTE REQUIRED
(See attached)

121st Maine Legislature
Office of Fiscal and Program Review



LD 1803

An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents

LR 2327(02)

Fiscal Note for Bill as Amended by Committee Amendment ""

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Exempt State Mandate

Minor cost increase - Highway Fund

State Mandate

New or Expanded Activity

This bill requires local law enforcement agencies to conduct certain blood tests. The additional costs of the state mandate pertain to the minor administrative costs that will be incurred by local law enforcement agencies to process any additional tests. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each house exempts the State from the constitutional requirement to fund 90% of the additional local costs.

Unit Affected

Municipality
County

Costs

Insignificant

Fiscal Detail and Notes

Currently, the Department of Public Safety has budgeted resources from the Highway Fund to cover the costs of blood testing in fatal accidents; the overwhelming majority of fatal accidents already involve blood testing. The department has adequate budgeted resources to cover any additional required blood tests.