

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 264

S.P. 76

In Senate, January 22, 2019

An Act Regarding the Taking of a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative ARATA of New Gloucester and
Senators: CLAXTON of Androscoggin, FOLEY of York, GUERIN of Penobscot,
Representatives: BRADSTREET of Vassalboro, CAMPBELL of Orrington, COSTAIN of
Plymouth, NADEAU of Winslow, WHITE of Waterville.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2524, sub-§1**, as amended by PL 2013, c. 459, §11, is
3 further amended to read:

4 **1. Persons qualified to draw blood for blood tests.** Only a physician, registered
5 physician's assistant, registered nurse or person whose occupational license or training
6 allows that person to draw blood samples may draw a specimen of blood for the purpose
7 of determining the blood-alcohol level or the presence of a drug or drug metabolite except
8 that, for the purposes of a test administered to an operator of a motor vehicle pursuant to
9 section 2522, subsection 2, an emergency medical services person or law enforcement
10 officer whose training allows that person to draw blood samples may draw a specimen of
11 blood.

12 **Sec. 2. 29-A MRSA §2528**, as amended by PL 2013, c. 459, §12, is further
13 amended to read:

14 **§2528. Liability**

15 A physician; physician's assistant; registered nurse; emergency medical services
16 person, law enforcement officer or other person whose occupational license or training
17 allows that person to draw blood; hospital; or other health care provider in the exercise of
18 due care is not liable for an act done or omitted in collecting or withdrawing specimens of
19 blood at the request of a law enforcement officer pursuant to this chapter.

20 **SUMMARY**

21 This bill allows an emergency medical services person or law enforcement officer
22 whose training allows that person to draw blood samples to draw a specimen of blood
23 from the operator of a motor vehicle involved in a fatal traffic accident for the purpose of
24 determining the blood-alcohol level or the presence of a drug or drug metabolite. This
25 bill extends to those same persons the current law shielding persons from liability for acts
26 done or omitted in collecting or withdrawing specimens of blood.