

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 96

H.P. 61

House of Representatives, January 8, 2025

**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**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BUNKER of Farmington.

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

2 **Sec. 1. 29-A MRSA §2525, sub-§1**, as amended by PL 2011, c. 335, §14, is further
3 amended to read:

4 **1. Submission to test required.** If a ~~drug recognition expert~~ law enforcement officer
5 has probable cause to believe that a person is under the influence of a drug, drugs, a specific
6 category of drug, a combination of specific categories of drugs or a combination of alcohol
7 and one or more specific categories of drugs, that person must submit to ~~a blood or urine~~
8 test tests selected by the ~~drug recognition expert~~ law enforcement officer to confirm that
9 person's ~~category of drug or alcohol~~ use and determine the presence or level of the any
10 drug, drug metabolite or alcohol.

11 **Sec. 2. 29-A MRSA §2525, sub-§5** is enacted to read:

12 **5. Suspension of license for refusal.** The Secretary of State, in accordance with the
13 procedures described in section 2521, shall immediately suspend the license of a person
14 who fails to submit to and complete a test administered under this section.

15 **SUMMARY**

16 This bill amends the provision of the motor vehicles and traffic law governing drug
17 impairment assessments. Under current law, a person is required to submit to a blood or
18 urine test selected by a drug recognition expert if that drug recognition expert has probable
19 cause to believe that the person is under the influence of a specific category of drug, a
20 combination of specific categories of drugs or a combination of alcohol and one or more
21 specific categories of drugs. The bill changes this provision by broadening the probable
22 cause to include impairment caused by "a drug" or "drugs" generally, replacing "drug
23 recognition expert" with "law enforcement officer" and modifying the requirements
24 pertaining to the type of test or tests required under the provision.

25 The bill also adds a provision clarifying that the Secretary of State is required to
26 immediately suspend the driver's license of a person who fails to submit to and complete a
27 test under the provision of law governing drug impairment assessments in accordance with
28 existing procedures.