

MAINE STATE LEGISLATURE

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ROS

L.D. 1815

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MINORITY

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 703, 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"

Amend the bill by striking out the title and substituting the following:

'An Act to Require Testing for Intoxicants for Drivers Involved in a Motor Vehicle Crash That Results in Serious Bodily Injury or Death'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 29-A MRSA §2401, sub-§5, as amended by PL 1995, c. 368, Pt. AAA, §4, is further amended to read:

5. Failure to submit to a test, fails to submit to a test or failed to submit to a test. "Failure to submit to a test," "fails to submit to a test" or "failed to submit to a test" means failure to comply with the duty to submit to and complete a chemical test under section 2521, 2522-A or 2525.

Sec. 2. 29-A MRSA §2522-A is enacted to read:

§2522-A. Crashes; mandatory testing

1. Mandatory submission to test. If there is probable cause to believe that death or serious bodily injury, as defined in Title 17-A, section 2, subsection 23, has occurred or will occur as a result of a motor vehicle crash and that the operator of a motor vehicle involved in the crash is under the influence of intoxicants, the operator shall submit to and complete a chemical test or tests, including, but not limited to, a blood test, to determine the presence or level of any drugs or alcohol in the operator's blood, breath or urine.

2. Suspension. The Secretary of State shall suspend, for a period of one year, the license of a person who fails to submit to a chemical test or tests, including, but not limited to, a blood test, under subsection 1. A suspension under this subsection must be in addition to and consecutive with any other suspension under this Title or any other title, including suspensions imposed pursuant to section 2451, 2453, 2521 or 2523.

COMMITTEE AMENDMENT

3. Scope of hearing. The scope of any hearing the Secretary of State holds pursuant to section 2483 regarding a license suspension imposed under subsection 2 must include whether there was probable cause to believe that the person who is the subject of the hearing was the operator of a motor vehicle involved in a motor vehicle crash in which death or serious bodily injury, as defined in Title 17-A, section 2, subsection 23, had occurred or would occur, whether there was probable cause to believe that the person was under the influence of intoxicants and whether the person failed to submit to and complete the chemical test or tests under subsection 1.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding to equipment purchases.

GENERAL FUND	2025-26	2026-27
Capital Expenditures	\$647,750	\$0
GENERAL FUND TOTAL	\$647,750	\$0

Maine Center for Disease Control and Prevention 0143

Initiative: Establishes 3 Chemist II positions to perform blood drug testing and blood alcohol testing of motor vehicle operators if there is probable cause, assist with intake of evidence, interpret test results, prepare analysis reports, review files and testify as an expert witness in court. The initiative also provides funding for related All Other costs.

GENERAL FUND	2025-26	2026-27
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$199,414	\$208,663
All Other	\$13,060	\$13,060
GENERAL FUND TOTAL	\$212,474	\$221,723

OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
Personal Services	\$132,942	\$139,108
All Other	\$11,994	\$12,137
OTHER SPECIAL REVENUE FUNDS TOTAL	\$144,936	\$151,245

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2025-26	2026-27
GENERAL FUND	\$860,224	\$221,723
OTHER SPECIAL REVENUE FUNDS	\$144,936	\$151,245
DEPARTMENT TOTAL - ALL FUNDS	\$1,005,160	\$372,968

PUBLIC SAFETY, DEPARTMENT OF

Highway Safety DPS 0457

Initiative: Provides funding for blood tests in motor vehicle accidents when there is probable cause to believe the accident will result in death or serious bodily injury.

HIGHWAY FUND	2025-26	2026-27
All Other	\$194,700	\$194,700
HIGHWAY FUND TOTAL	\$194,700	\$194,700

**PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

HIGHWAY FUND	2025-26	2026-27
DEPARTMENT TOTAL - ALL FUNDS	\$194,700	\$194,700

SECTION TOTALS

	2025-26	2026-27
GENERAL FUND	\$860,224	\$221,723
HIGHWAY FUND	\$194,700	\$194,700
OTHER SPECIAL REVENUE FUNDS	\$144,936	\$151,245
SECTION TOTAL - ALL FUNDS	\$1,199,860	\$567,668

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment requires an operator of a motor vehicle to submit to a chemical test or tests to determine the presence or level of any drugs or alcohol in the operator's blood, breath or urine if there is probable cause to believe that death or serious bodily injury has occurred or will occur as a result of a motor vehicle crash and the operator of a motor vehicle involved in the crash was under the influence of intoxicants. The amendment also requires the Secretary of State to suspend a person's license who fails to submit to that test with the suspension in addition to and consecutive with any other suspension.

FISCAL NOTE REQUIRED

(See attached)

**132nd MAINE LEGISLATURE****LD 1815****LR 1488(02)****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****Fiscal Note for Bill as Amended by Committee Amendment "A" (CS-371)**
Committee: Criminal Justice and Public Safety**Fiscal Note Required: Yes**

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$860,224	\$221,723	\$228,843	\$235,307
Highway Fund	\$194,700	\$194,700	\$194,700	\$194,700
Appropriations/Allocations				
General Fund	\$860,224	\$221,723	\$228,843	\$235,307
Highway Fund	\$194,700	\$194,700	\$194,700	\$194,700
Other Special Revenue Funds	\$144,936	\$151,245	\$156,103	\$160,512
Revenue				
Other Special Revenue Funds	\$144,936	\$151,245	\$156,102	\$160,511

Fiscal Detail and Notes

The bill includes ongoing General Fund appropriations to the Department of Health and Human Services of \$212,274 in fiscal year 2025-26 and \$221,723 in fiscal year 2026-27 for 3 Chemist II positions for required blood testing for drugs and alcohol and related responsibilities in connection with motor vehicle accidents where there is probable cause to believe the accident will result in death or serious bodily injury. The bill also includes a one-time General Fund appropriation to the department of \$647,750 in fiscal year 2025-26 to purchase necessary laboratory testing equipment. Other Special Revenue Funds allocations are included for laboratory fee revenue.

The bill includes ongoing annual Highway Fund allocations to the Department of Public Safety of \$194,700 beginning in fiscal year 2025-26 for lab fees for blood tests in motor vehicle accidents where there is probable cause to believe the accident will result in death or serious bodily injury.