

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1815

S.P. 703

In Senate, April 29, 2025

**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**

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 DILL of Old Town and
Senators: BAILEY of York, HARRINGTON of York, Representatives: FLYNN of Albion,
GRAHAM of North Yarmouth, PAUL of Winterport, PERKINS of Dover-Foxcroft,
SHAGOURY of Hallowell, THORNE of Carmel.

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

Sec. 1. 29-A M RSA §2401, sub-§12-A is enacted to read:

12-A. THC level. "THC level" means the amount, in nanograms, of delta-9-tetrahydrocannabinol per milliliter of blood.

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

§2522-A. Accidents; 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 accident and that the operator of a motor vehicle involved in the accident is under the influence of drugs, the operator shall submit to a blood test pursuant to section 2524 to determine the operator's THC level or the presence of another drug or drug metabolite.

2. Administration of test. The investigating law enforcement officer shall cause a blood test to be administered to the operator of the motor vehicle as soon as practicable following the accident under subsection 1. The operator shall submit to and complete the test administered. Testing must be conducted in accordance with section 2521.

3. Admissibility of test results. The result of a test under this section is admissible at trial if the court, after reviewing all the evidence, whether gathered prior to, during or after the test, is satisfied that probable cause exists, independent of the test result, to believe that the operator was under the influence of drugs at the time of the accident.

4. Suspension. The Secretary of State shall suspend for a period of one year the license of a person who fails to submit to a test under this section.

5. Scope of hearing. The scope of any hearing the Secretary of State holds pursuant to section 2483 must include whether there was probable cause to believe that the person was the operator of a motor vehicle involved in a motor vehicle accident in which a death or serious bodily injury, as defined in Title 17-A, section 2, subsection 23, had occurred or would occur and whether the person failed to submit to and complete the test required under this section. If the person shows, after hearing, that the person was not under the influence of drugs or that the person did not negligently cause the accident, the suspension must be immediately removed.

SUMMARY

This bill does the following.

1. It requires an operator of a motor vehicle to submit to a blood test for drugs when the operator is involved in an accident where there is probable cause to believe that death or serious bodily injury has occurred or will occur as a result of the accident.

2. It allows the blood test to be admissible at trial if the court reviews all available evidence, with the exception of the blood test, and the court determines that probable cause exists to believe that the operator was under the influence of THC at the time of the accident.

3. It requires that the Secretary of State suspend an operator's license for one year if the operator fails to submit to a blood test that is required under this bill. However, the bill

1 requires that the suspension be removed if the person can show that the person was not
2 under the influence of THC or that the person did not negligently cause the accident.