

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2371

H.P. 1691

House of Representatives, February 20, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSH of West Gardiner.
Cosponsored by Representative JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Broaden Reporting of Persons Operating Vehicles under the
Influence of Intoxicating Liquor or Drugs.

(AFTER DEADLINE)



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

2
3 Sec. 1. 29 MRSA §1312-E, as amended by PL 1985, c. 530, §2,
4 is further amended to read:

6 **§1312-E. Optional reporting of operators operating under the**
7 **influence of intoxicating liquor or drugs**

8
9 The following provisions shall govern the optional reporting
10 of ~~drivers~~ operators suspected of operating under the influence
11 of intoxicating liquor or drugs.

12
13 1. **Persons who may report.** If, while acting in his a
14 professional capacity, a medical or osteopathic physician,
15 resident, intern, emergency medical ~~services'~~ services person,
16 medical examiner, physician's assistant, dentist, dental
17 hygienist, dental assistant or registered or licensed practical
18 nurse knows or has reasonable cause to suspect that a person has
19 been operating a motor vehicle, snowmobile, all-terrain vehicle
20 or watercraft while under the influence of intoxicating liquor or
21 drugs or a combination of liquor and drugs within the meaning of
22 this subchapter, and that motor vehicle, snowmobile, all-terrain
23 vehicle or watercraft has been involved in an accident, he the
24 person may immediately report or cause a report to be made to a
25 law enforcement official.

26
27 2. **Immunity from liability.** A person participating in good
28 faith in reporting under this section, or in participating in a
29 related proceeding, is immune from any criminal or civil
30 liability for the act of reporting or participating in the
31 proceeding. Nothing in this section may be construed to bar
32 criminal or civil action regarding perjury. In a proceeding
33 regarding immunity from liability, there shall-be is a rebuttable
34 presumption of good faith.

35
36 3. **Privileged or confidential communications.** The
37 physician-patient privileges under the Maine Rules of Evidence
38 and the confidential quality of communication under Title 24-A,
39 section 4224, and Title 32, section 1092-A, are abrogated in
40 relation to required reporting or other proceeding.

41
42
43 **STATEMENT OF FACT**

44
45 This bill amends current law that allows for optional
46 reporting of intoxicated motor vehicle operators by medical
47 personnel to also include intoxicated operators of snowmobiles,
48 all-terrain vehicles and watercraft.