

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 913

S.P. 332

In Senate, March 21, 1995

**An Act to Repeal the Sunset Provision Regarding Drug Recognition  
Technicians and Amend the Definition of Drugs in the  
Operating-under-the-influence Statutes.**

(EMERGENCY)

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Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.  
Cosponsored by Representatives: BAILEY of Township 27, CLUKEY of Houlton, VOLENIK  
of Sedgwick.

2       **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6       **Whereas,** the current law that gives drug recognition  
technicians their authority to conduct drug-impairment  
assessments expires on June 1, 1995; and

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10       **Whereas,** the drug recognition technician program results in  
the prosecution of persons who operate motor vehicles while under  
the influence of drugs other than alcohol; and

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14       **Whereas,** failure to prosecute this type of offender may  
result in a greater number of operating-under-the-influence motor  
vehicle accidents that cause death and serious personal injury;  
and

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18       **Whereas,** highway safety will be significantly diminished if  
the law is allowed to expire; and

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22       **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

30       **Sec. 1. 29-A MRSA §2401, sub-§4,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

32       **4. Drugs.** "Drugs" means scheduled drugs as defined under  
Title 17-A, section 1101. The term "drugs" includes any natural  
34 or artificial chemical substance that, when taken into the human  
body, can impair the ability of the person to safely operate a  
36 motor vehicle.

38       **Sec. 2. 29-A MRSA §2525, sub-§4,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

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42       **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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46                   **STATEMENT OF FACT**

48       Drug recognition technicians are law enforcement officers  
specifically trained to assess whether a person was under the  
influence of a drug other than alcohol when the person operated  
50 or attempted to operate a motor vehicle. The drug recognition

2 technicians' statutory authority expires June 1, 1995 unless the  
sunset requirement is repealed. This bill repeals the sunset.

4 The bill also changes the definition of "drugs" to include  
any chemical substance that can impair the ability of a person to  
6 safely operate a motor vehicle.