

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1065

H.P. 777

House of Representatives, February 18, 1997

An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Blood Test about the Informed Consent Law.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.
Cosponsored by Representatives: BUNKER of Kossuth Township, FRECHETTE of Biddeford, McALEVEY of Waterboro, MUSE of South Portland, PEAVEY of Woolwich, TOBIN of Dexter, WHEELER of Bridgewater, Senator: O'GARA of Cumberland.

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

4 **Sec. 1. 29-A MRSA §2521, sub-§3,** as amended by PL 1995, c.
368, Pt. AAA, §§28 and 29, is further amended to read:

6 **3. Warnings.** ~~Before a test is given~~ If the person fails to
8 submit to and complete a test, the law enforcement officer shall
inform the person that failure to submit to and complete a test
will:

10 A. Result in suspension of that person's driver's license
12 for a period up to 6 years;

14 B. Be admissible in evidence at a trial for operating under
the influence of intoxicants; and

16 C. Be considered an aggravating factor at sentencing if the
18 person is convicted of operating under the influence of
intoxicants that, in addition to other penalties, will
20 subject the person to a mandatory minimum period of
incarceration.

22
24 **SUMMARY**

26 In State v. Harold Stade (Law Docket No. PIS 95-564) the law
28 court held that the police officer's imprecise recitation of the
consequences of refusal required exclusion of chemical test
30 results at the OUI trial even though the driver had not refused.

32 This bill clarifies that law enforcement officers are not
required to advise drivers who do submit to chemical testing of
34 what might have happened if the driver had refused to submit to
testing.