

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1803

H.P. 1325

House of Representatives, December 22, 2003

An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BOWLES of Sanford.
Cosponsored by Representatives: CARR of Lincoln, DUDLEY of Portland, DUNLAP of Old Town, DUPLESSIE of Westbrook, ROSEN of Bucksport, SHERMAN of Hodgdon, Senator: DAVIS of Piscataquis.

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

4 **Sec. 1. 29-A MRSA §2522, sub-§§1 and 2,** as enacted by PL 1993,
5 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

6 **1. Mandatory submission to test.** If there is probable
7 cause to believe that death has occurred or will occur as a
8 result of an accident, an operator of a motor vehicle involved in
9 the motor vehicle accident shall submit to a blood test to
10 determine blood-alcohol level or drug concentration in the same
11 manner as a blood test is administered for OUI.

12 **2. Administration of test.** The Notwithstanding section
13 2521, the investigating law enforcement officer shall cause a
14 blood test to be administered as soon as practicable following
15 the accident ~~as provided in section 2521.~~

18 **SUMMARY**

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21 Current law requires the operator of a motor vehicle
22 involved in an accident that results or is likely to result in
23 death to submit to a test to determine blood-alcohol level or
24 drug concentration. The investigating police officer is required
25 to cause the test to be administered but has the discretion to
26 determine the form of the test, whether by breath, blood or urine
27 analysis, to which the operator must submit.

28
29 This bill removes that discretion, instead requiring that
30 the operator must submit to, and the investigating police officer
31 must cause to be administered, a blood test to determine
32 blood-alcohol level or drug concentration.