

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1936

H.P. 1434

House of Representatives, March 18, 2004

**An Act To Amend the Laws Governing Blood Tests for Persons
Suspected of Operating Under the Influence**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GAGNE-FRIEL of Buckfield.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, LESSARD of Topsham,
MAKAS of Lewiston, MILLETT of Waterford, O'BRIEN of Lewiston, WALCOTT of
Lewiston.

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

4 **Sec. 1. 29-A MRSA §2524, sub-§1-A** is enacted to read:

6 **1-A. Hospital personnel to perform blood test.** If the
8 operator of a motor vehicle suspected of OUI is transported to a
10 hospital for a blood test, a person employed by that hospital who
is qualified to administer the test, as specified in subsection
1, shall draw a specimen of blood for the purpose of determining
the blood-alcohol level or drug concentration.

12 **Sec. 2. Field test reimbursement rate.** The Commissioner of
14 Public Safety shall adopt rules regarding the rate of
16 reimbursement for a person administering a blood test at the
18 scene of a stop or accident to an operator of a motor vehicle
20 suspected of operating under the influence, as defined in the
22 Maine Revised Statutes, Title 29-A, section 2401, subsection 8.
24 The rate of reimbursement must be \$25 for each test administered
during regular business hours and \$40 for each test administered
at any other time. A person who is otherwise being compensated
to administer the test, such as an employee of the State Police,
is not entitled to reimbursement. Rules adopted pursuant to this
section are routine technical rules as defined in Title 5,
chapter 375, subchapter 2-A.

26
28 **SUMMARY**

30 This bill requires qualified hospital personnel to perform a
32 blood test on a person suspected of operating under the influence
of alcohol or other intoxicants when that person is transported
to a hospital by the police.

34 This bill also requires the Commissioner of Public Safety to
36 adopt routine technical rules establishing a rate of
reimbursement for a person administering a blood test at the
scene of an OUI stop or accident.