

MAINE STATE LEGISLATURE

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No. 96

H.P. 88

House of Representatives, January 9, 2007

An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SCHATZ of Blue Hill.
Cosponsored by Senator DAMON of Hancock and
Representatives: BLANCHARD of Old Town, BRYANT of Windham, DUNN of Bangor.

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

2 **Sec. 1. 29-A MRSA §2522, sub-§1**, as amended by PL 2003, c. 565, §1, is
3 further amended to read:

4 **1. Mandatory submission to test.** If there is probable cause to believe that death or
5 bodily injury has occurred or will occur as a result of an accident, an operator of a motor
6 vehicle involved in the motor vehicle accident shall submit to a chemical test, as defined
7 in section 2401, subsection 3, to determine blood-alcohol level or drug concentration in
8 the same manner as for OUI.

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

11 **5. Scope of hearing.** The scope of any hearing the Secretary of State holds pursuant
12 to section 2483 must include whether there was probable cause to believe that the person
13 was the operator of a motor vehicle involved in a motor vehicle accident in which a death
14 or bodily injury occurred or will occur and whether the person failed to submit to and
15 complete the test. If a person shows, after hearing, that the person was not under the
16 influence of intoxicants or that the person did not negligently cause the accident, then the
17 suspension must be immediately removed.

18 **Sec. 3. 29-A MRSA §2522, sub-§6** is enacted to read:

19 **6. Definition.** For purposes of this section, "bodily injury" has the same meaning as
20 in Title 17-A, section 2, subsection 5.

21 **SUMMARY**

22 This bill requires mandatory OUI testing for an operator of a motor vehicle involved
23 in an accident involving bodily injury, as current law requires for motor vehicle accidents
24 involving death.