

MAINE STATE LEGISLATURE

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Date: 4/28/19

L.D. 187
(Filing No. H-175)

Minority

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 152, L.D. 187, Bill, "An Act To Require a Test for Operating Under the Influence for a Driver Involved in an Accident That Caused Bodily Injury"

Amend the bill by striking out the title and substituting the following:

'An Act To Require a Test for Operating Under the Influence for a Driver Involved in an Accident That Caused Death or Serious Bodily Injury'

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

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

1. Mandatory submission to test if fatality. If there is probable cause to believe that death has occurred or will occur as a result of an accident, ~~an~~ each operator of a motor vehicle involved in the motor vehicle accident shall submit to a chemical test, as defined in section 2401, subsection 3, to determine blood-alcohol level or drug concentration in the same manner as for OUI. The requirement for chemical testing applies to all motor vehicle operators involved, whether living or deceased.

Sec. 2. 29-A MRSA §2522, sub-§1-A is enacted to read:

1-A. Mandatory submission to test if serious bodily injury. If there is probable cause to believe that a serious bodily injury has occurred or will occur as a result of an accident, an operator of a motor vehicle involved in the motor vehicle accident who the law enforcement officer has probable cause to believe caused the accident shall submit to a chemical test, as defined in section 2401, subsection 3, to determine blood-alcohol level or drug concentration in the same manner as for OUI.

Sec. 3. 29-A MRSA §2522, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Scope of hearing. The scope of any hearing the Secretary of State holds pursuant to section 2483 must include whether there was probable cause to believe that the person was the operator of a motor vehicle involved in a motor vehicle accident in which a death

COMMITTEE AMENDMENT

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or serious bodily injury occurred or will occur and whether the person failed to submit to and complete the test. If a person shows, after hearing, that the person was not under the influence of intoxicants or that the person did not negligently cause the accident, then the suspension must be immediately removed.'

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Amend the bill by inserting at the end before the summary the following:

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'Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

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**PUBLIC SAFETY, DEPARTMENT OF
Highway Safety DPS 0457**

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Initiative: Provides funds for mandatory operating under the influence testing for operators of vehicles involved in an accident involving serious bodily injury.

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HIGHWAY FUND	2009-10	2010-11
All Other	\$131,250	\$175,000
HIGHWAY FUND TOTAL	<u>\$131,250</u>	<u>\$175,000</u>

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

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This amendment is the minority report. The amendment specifies that for purposes of a motor vehicle accident, if there is probable cause to believe that a serious bodily injury has occurred or will occur as a result of the accident, an operator of a motor vehicle involved in the motor vehicle accident who the law enforcement officer has probable cause to believe caused the accident shall submit to a chemical test to determine blood-alcohol level or drug concentration in the same manner as for OUI. The amendment also clarifies that for purposes of a motor vehicle accident in which there is probable cause to believe that a death has or will occur as a result of the accident, each operator, whether living or deceased, of a motor vehicle involved in that motor vehicle accident must have a chemical test. This amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 187

LR 243(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A"
 Committee: Criminal Justice and Public Safety
 Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
Highway Fund	\$131,250	\$175,000	\$175,000	\$175,000
Appropriations/Allocations				
Highway Fund	\$131,250	\$175,000	\$175,000	\$175,000

Fiscal Detail and Notes

The bill includes a Highway Fund allocation of \$131,250 in fiscal year 2009-10 and \$175,000 beginning in fiscal year 2010-11 to the Department of Public Safety for mandatory operating under the influence testing when there is probable cause to believe serious bodily injury has or will occur.