

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 966

H.P. 710

House of Representatives, March 8, 2011

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative GRAHAM of North Yarmouth.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: BRYANT of Windham, CLARKE of Bath, HASKELL of Portland,
KUMIEGA of Deer Isle, PLUMMER of Windham, PRIEST of Brunswick, Senator: THOMAS
of Somerset.

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

2 **Sec. 1. 29-A MRSA §558, sub-§1-B, ¶D,** as enacted by PL 2007, c. 703, §15, is
3 amended to read:

4 D. A person commits a traffic infraction if that person violates any provision of the
5 rules of the bureau adopted under section 555 that incorporates by reference any of
6 the following federal regulations or that is an amended version of any of the
7 following federal regulations:

8 (1) 49 Code of Federal Regulations, Section 390.21 (2007);

9 (2) 49 Code of Federal Regulations, Section 391.41 (2007), except that a
10 violation that occurs as a result of the operation of a commercial motor vehicle by
11 a person who has methadone or its metabolite in that person's body is a Class E
12 crime;

13 (3) 49 Code of Federal Regulations, Sections 392.16, 392.22, 392.24, 392.25,
14 392.33 and 392.71 (2007);

15 (4) Any section of 49 Code of Federal Regulations, Part 393 (2007); or

16 (5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9
17 (2007).

18 **Sec. 2. Rules.** The Department of Public Safety, Bureau of State Police shall
19 amend its rules governing motor carrier safety to provide that operators for intrastate
20 motor carriers that operate less than 100 air miles from their regular place of business are
21 subject to the provisions of 49 Code of Federal Regulations, Section 391.41 (2007) that
22 prohibit the operation of a commercial motor vehicle by a person who has methadone or
23 its metabolite in that person's body.

24 **SUMMARY**

25 This bill prohibits the operation of a commercial motor vehicle by a person who has
26 methadone or its metabolite in that person's body and makes a violation of the prohibition
27 a Class E crime.