

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 893

H.P. 649

House of Representatives, March 8, 2021

**An Act To Enable Motor Vehicle Technicians To Safely Disable
Breathalyzer Starter Devices**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HUTCHINS of Penobscot.

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

2 **Sec. 1. 29-A MRSA §2508, sub-§5** is enacted to read:

3 **5. Exemption.** Notwithstanding any provision of this section to the contrary, this
4 section does not apply to an owner or employee of a repair facility, as defined in section
5 1801, subsection 4, who is not the person whose license is reinstated pursuant to this section
6 or section 2412-A, subsection 7, who disconnects or disables the ignition interlock device
7 using a procedure approved by the Secretary of State for the purpose of servicing the
8 vehicle.

9 **Sec. 2. Rulemaking for approved methods of disabling an ignition interlock**
10 **device by a repair facility.** The Secretary of State shall furnish to every repair facility, as
11 defined in the Maine Revised Statutes, Title 29-A, section 1801, subsection 4, upon request,
12 a code or procedure that allows a person authorized to perform service on a motor vehicle
13 equipped with an ignition interlock device, as defined in Title 29-A, section 2401,
14 subsection 5-A, at that repair facility to disable or disconnect the ignition interlock device
15 without providing a breath sample, as long as that person's driver's license was not
16 reinstated due to the installation of an ignition interlock device on the vehicle being
17 serviced. Rules adopted pursuant to this section are routine technical rules as described in
18 Title 5, chapter 375, subchapter 2-A.

19 **SUMMARY**

20 This bill provides an explicit exemption from the prohibition against tampering with
21 an ignition interlock device, or "breathalyzer," when done for the express purpose of
22 servicing a vehicle with such a device installed. This bill also requires the Secretary of
23 State to furnish a repair facility, upon request, with a code or procedure that allows a motor
24 vehicle technician at that repair facility to disable or disconnect a breathalyzer without
25 providing a breath sample by blowing into the device, as long as the vehicle being serviced
26 is not the technician's.