

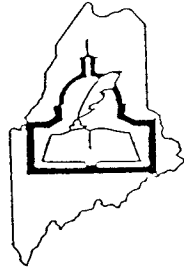
# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

JUNE 1990

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

OTP  
OTP-ND  
OTP-ND-NT  
OTP-A  
ONTP  
LVWD  
INDEF PP

Ought to Pass  
Ought to Pass in New Draft  
Ought to Pass in New Draft, New Title  
Ought to Pass as Amended  
Ought Not to Pass  
Leave to Withdraw  
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

## Joint Standing Committee on Legal Affairs

**LD 1126**

**An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws**

**PUBLIC 784**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PARADIS P MAYO PRIEST MATTHEWS	OTP-AM	H-775 H-958 PRIEST

### **SUMMARY**

This bill, carried over from the First Regular Session of the 114th Legislature, implements recommendations of the Alcohol and Drug Abuse Planning Committee reported in "OFFENSE OF DRIVING UNDER THE INFLUENCE OF ILLEGAL DRUGS" (November 1988) pursuant to Resolve 1987, chapter 21. The bill establishes procedures, modelled after a program used by the Los Angeles Police Department, for determining whether a driver stopped for OUI, whose blood-alcohol level is within the lawful limit, is impaired by a drug other than alcohol. The bill changes terminology throughout the OUI statutes to reflect the bill's provision that a driver impliedly consents to chemical tests on blood, breath or urine to determine alcohol or other drug concentrations. The bill provides for implementation of these "drugged-driving" detection procedures on a trial basis in 4 Maine counties.

Committee Amendment "A" requires the Department of Human Services to adopt rules to provide maximum protection of the privacy rights of those required to give blood or urine samples and delays the effective date for program implementation to March 1, 1991, to allow time for adoption of these rules. The amendment requires the Maine Criminal Justice Academy to establish a program and standards for admission to that program, consistent with guidelines set by the National Highway Traffic Safety Administration, for training "drug recognition technicians", the law enforcement officers who will interview persons suspected of driving under the influence of a drug other than alcohol.

In addition, the amendment removes the definition of a "drug" under the influence of which one is subject to criminal penalties; allows a drug recognition technician to request a blood or urine test even if a suspect's blood-alcohol concentration exceeds the lawful limit; and makes the program applicable statewide rather than a 4 county pilot project.

House Amendment "C" makes ignorance of the effects of a lawfully used prescription drug an affirmative defense to operating under the influence of that drug; provides a definition of "drug" that includes illegal drugs, prescription drugs and marijuana; allows use of drug test result as evidence only if it corroborates the drug recognition technician's observational assessment of the category of drug impairing the driver; and restores the January 1, 1991, effective date for Title 29, section 1312, subsection 12.

**LD 1821      Resolve, Authorizing Robert L. Gray to Bring a Civil Action  
Against the State of Maine**

**LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CROWLEY	LV/WD	

### **SUMMARY**

This resolve allows Robert L. Gray to sue the State, but not past or present employees of the Department of Human Services, for up to \$300,000, for damages he allegedly suffered as a result of erroneous claims of child abuse.