

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

May 2004

Staff:

Marion Hylan Barr, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES..... House & Senate disagree; bill died
- DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
- EMERGENCY Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- PUBLIC XXX..... Chapter # of enacted Public Law
- RESOLVE XXX..... Chapter # of finally passed Resolve
- UNSIGNED..... Bill held by Governor
- VETO SUSTAINED Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice and Public Safety

protection to the provision of law establishing standards for equipment and clothing. Public Law 2003, chapter 570 has an effective date of July 1, 2005 in order to give fire departments time to comply with the new standards.

LD 1803

An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents

PUBLIC 565

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES DUPLESSIE	OTP-AM	H-712

LD 1803

Current law requires the operator of a motor vehicle involved in an accident that results or is likely to result in death to submit to a test to determine blood-alcohol level or drug concentration. The investigating police officer is required to cause the test to be administered but has the discretion to determine the form of the test, whether by breath, blood or urine analysis, to which the operator must submit. LD 1803 proposed to remove that discretion, instead requiring that an operator must submit to, and the investigating law enforcement officer must cause to be administered, a blood test to determine blood-alcohol level or drug concentration.

Committee Amendment "A" (H-712) replaced the bill and proposed to amend the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The amendment proposed that the officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered, as required by current law, and except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests. The amendment also proposed to add a mandate preamble and a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 565 amends the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered. Except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests.