

# **ORAL FLUID TESTING WORKING GROUP BYLAWS AND MEETING RULES**

## **ARTICLE I: NAME**

This Committee shall be known as the Oral Fluid Testing Working Group (the "Working Group").

## **ARTICLE II: PURPOSE AND SCOPE OF WORK**

The purpose of the Working Group is to carry out the directives of the legislative resolve “to Convene a Working Group to Study the Use of Oral Fluid Testing in Determining Intoxication of Drivers, Aircraft Operators and Hunters” (hereinafter referred to as “the Resolve”). *See* Resolves 2025, ch. 87.

The scope of work for the Working Group includes investigating the following items and issuing a related report:

1. The State's need for and intended use of oral fluid testing, including whether oral fluid testing will be used to assist in establishing probable cause or whether it will be used for evidentiary purposes, or both;
2. Legal and regulatory changes required to allow the use of oral fluid testing in the State;
3. How the use of oral fluid testing may impact administrative license suspensions, including whether refusal to submit to oral fluid testing should result in an administrative license suspension and whether the results of oral fluid testing can be used as a basis for an administrative license suspension;
4. The necessary equipment required to implement the use of oral fluid testing, including potential laboratory equipment, and the associated costs and funding sources; and
5. Additional training requirements that may be needed to implement the use of oral fluid testing.

## **ARTICLE III: MEMBERSHIP**

### **Section One: Membership**

Members of the Working Group shall include those members enumerated by the Resolve and additional members appointed by the Director of the Maine Bureau of Highway Safety. Additionally appointed members shall be considered “ex officio” members.

### **Section 2: Term of Appointment**

Members shall serve until the final report of the Working Group is filed and its work is concluded.

### Section 3: Chair and other officers

Given the Resolve is directed at the Maine Bureau of Highway Safety, The Director of the Maine Bureau of Highway Safety, or her designee, shall serve as chair of the Working Group.

Additionally, the chair may appoint other officers, including but not limited to a vice-chair, a secretary, and/or a parliamentarian, as the chair deems necessary or convenient. An officer may hold more than one role/title.

### Section 4: Voting Rights

All members enumerated in the resolve are entitled to vote on actions requiring a vote. Ex officio members are not entitled to a vote.

## **ARTICLE IV: MEETINGS**

### Section 1: Frequency

The Working Group shall meet as frequently as necessary to accomplish its task and purpose in a timely manner. The chair shall set the meeting schedule after considering input from Working Group members and other relevant participants.

### Section 2: Notice

Notice of meetings shall be provided to Working Group members at least seven (7) days in advance.

### Section 3: Quorum

A majority of the Working Group members shall constitute a quorum for the transaction of business.

### Section 4: Decision-Making

The Working Group will strive to reach decisions through consensus whenever possible. If full consensus cannot be reached, the Working Group may act by a majority vote made upon a motion, with second.

### Section 5: Transparency and Public Participation

Working Group meetings shall be open to the public whenever possible and appropriate, allowing for public participation at specified times or throughout the process as determined by the Working Group. Exceptions may be made for compelling safety or legal reasons, including discussions of confidential or sensitive material.

## Section 6: Governing Rules of Order

Strict adherence to rules of order is not required for the working group. However, if a dispute between members or members and nonmembers arises, the Roberts Rules of Order shall govern resolution of that dispute. If one is appointed, the parliamentarian shall be the final authority on interpretation of the Roberts Rules; if one is not appointed, the Chair or her designee shall be said final authority.

## Section 7: Meeting Minutes

The Chair or her designee shall be responsible for taking notes and minutes of the meetings of the Working Group. At a minimum, the minutes must contain any and all motions and the resulting vote.

### **ARTICLE V: DUTIES OF THE CHAIR**

The Chair shall be responsible for:

- Convening and presiding over Working Group meetings.
- Ensuring the Working Group completes its assigned task in a timely manner.
- Promoting public participation and transparency in the process.
- Reporting on the Working Group's progress to the legislature as required.

### **ARTICLE VI: REPORTING**

The Working Group shall present a final report of its findings and recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by **January 1, 2026**. The report will include, at a minimum, the Working Groups analysis and recommendations for those tasks assigned to it as enumerated in Article II: Purpose and Scope of Work. The final report will note objections and disagreements by members not in any majority. The final report will also allow for "minority reports" via appendix or separate paragraph.

### **ARTICLE VII: DISSOLUTION**

The Working Group shall be dissolved upon the Joint Standing Committee on Criminal Justice and Public Safety's formal or informal acceptance of its report.