

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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March 31, 1999

As requested, I have included language that is similar to that used in Maine and found constitutional by the supreme court of Maine. I am not totally convinced by the rationale of the Maine court, and would caution you that the Wisconsin supreme court may not agree with that decision. Under an Illinois statute similar to the Maine statute and to this proposal, blood may be taken only from operators who have been ticketed for some nonequipment violation. Do you may want to consider including such a limitation in this amendment to reduce the chance of a successful constitutional challenge?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511