

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 54

H. P. 43

House of Representatives, January 10, 1979

Referred to the Committee on Judiciary. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Laffin of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Mandatory Penalties for Drunken Driving.

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

Sec. 1. 29 MRSA § 1312, sub-§ 10, ¶¶ A-C, as repealed and replaced by PL 1977, c. 626, § 1, are repealed and the following enacted in their place:

A. Notwithstanding the provisions of Title 17-A, section 4-A, any person who, while under the influence of intoxicating liquor or drugs, operates or attempts to operate a motor vehicle within this State shall be punished, on his conviction, by a fine of \$500 and by imprisonment for 2 days. This fine and term of imprisonment shall not be suspended nor shall probation be granted.

B. Notwithstanding the provisions of Title 17-A, section 4-A, any person who is convicted of a 2nd violation under this section shall be punished by a fine of \$1,000 and by imprisonment for 30 days. This fine and term of imprisonment shall not be suspended nor shall probation be granted. This paragraph shall apply only if the State alleges the prior conviction in accordance with Title 15, section 757; provided that the certified copy of the prior conviction from the office of the Secretary of State shall be admitted in evidence as proof of the prior conviction.

C. Notwithstanding the provisions of Title 17-A, section 4-A, any person convicted of a 3rd or subsequent violation of this section shall be punished by a fine of \$5,000 and by imprisonment for one year. This fine and term of

imprisonment shall not be suspended nor shall probation be granted. This paragraph shall apply only if the State alleges 2 or more prior convictions in accordance with Title 15, section 757; provided that the certified copy of the prior convictions from the office of the Secretary of State shall be admitted in evidence as proof of the prior convictions.

Sec. 2. 29 MRSA, § 1312, sub-§ 10, ¶ E, **first sentence**, as repealed and replaced by PL 1977, c. 626, § 1, is repealed and the following enacted in its place:

Except as set out in this section, it shall not be necessary to comply with the procedures set out in Title 15, section 757, to establish prior convictions under this section.

STATEMENT OF FACT

The purpose of this bill is to establish a set of mandatory penalties for persons convicted of operating a motor vehicle under the influence of liquor or drugs. The sentences would be as follows: For a first conviction 2 days imprisonment and a \$500 fine; for a 2nd conviction 30 days imprisonment and a \$1,000 fine; and for a 3rd or subsequent conviction one year imprisonment and a \$5,000 fine.