

MAINE STATE LEGISLATURE

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L.D. 2138

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-742)
110TH LEGISLATURE
SECOND REGULAR SESSION

6 HOUSE AMENDMENT "A" to H.P. 2309, L.D. 2138, Bill,
7 "AN ACT to Clarify the 1981 Amendments Relating to the
8 Operating Under the Influence and Habitual Offender Laws."

9 Amend the bill by inserting after section 48 the fol-
10 lowing:

11 'Sec. 49. 29 MRSA §2292, sub-§2, as enacted by PL
12 1979, c. 10, §2, is repealed.

13 Sec. 50. 29 MRSA §2292, sub-§3, as enacted by PL 1979,
14 c. 10, §2, is amended to read:

15 3. Inclusions. The offenses included in ~~subsections~~
16 subsection 1 and 2 shall be deemed to include offenses under
17 any federal law, any law of another state or any valid town,
18 city or county ordinance substantially conforming to the
19 aforesaid state statutory ~~provisions~~ provision.

20 Further amend the bill by inserting after section 49
21 the following:

22 Sec. 50. 29 MRSA §2296-A, sub-§§1 and 2, as enacted by
23 PL 1981, c. 468, §17-B, are amended to read:

24 1. New convictions. Within a 5-year period following
25 the restoration pursuant to section 2296, the person has
26 committed one offense described in section 2292, subsection
27 1, ~~or 3 or more offenses described in section 2292, subsec-~~
28 ~~tion 2,~~ or the equivalent number of offenses described in
29 section 2292, subsection 3, for which there is one or more
30 convictions or adjudications; or

31 2. Continued liability. The person has committed an
32 offense, described in section 2292, subsection 1, 2 or 3, at
33 any time following restoration, for which there is a convic-
34 tion or adjudication and, within 5 years preceding the date
35 of the commission of that offense, the person's record shows

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2 accumulated convictions or adjudications, including the
3 latest conviction or adjudication, which result in that
4 person being defined as a an habitual offender pursuant to
5 section 2292.'

6 Further amend the bill by renumbering the sections to
7 read consecutively.

8 STATEMENT OF FACT

9 The purpose of this amendment is to remove from the
10 definition of habitual offender those persons who accumulate
11 10 minor traffic infractions within a 5-year period and
12 place them under the administrative provisions of Title 29,
13 section 2241, subsection 2, which provides for identifying
14 the habitually reckless or negligent drivers and habitual or
15 frequent violators of traffic regulations through the "point
16 system." Those persons account for only a small percentage
17 of the total number of habitual offenders who are often
18 identified as interstate truck drivers with speeding infrac-
19 tions in other states. In such instances, the severity of
20 the habitual offender penalty does not seem appropriate.

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Filed by Mr. Dexter of Kingfield.
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of the House.

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