

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1328

S.P. 419

Received by the Secretary, April 20, 1993

An Act to Keep Drunk Drivers Off the Road.

Referred to the Committee on Legal Affairs and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LAWRENCE of York.

Cosponsored by Representatives: MARTIN of Eagle Lake, OTT of York.

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

2
4 **Sec. 1. 15 MRSA §1026, sub-§3, ¶A**, as amended by PL 1987, c.
870, §4, is further amended by amending subparagraph (9) to read:

6 (9) Refrain from any use ~~of excessive use~~ of alcohol
and ~~from any use of~~ drugs;

8
10 **Sec. 2. 29 MRSA §1312-B, sub-§2-A**, as amended by PL 1989, c.
872, §6, is further amended to read:

12 **2-A. Aggravated punishment category.** If the State pleads
14 and proves that, while operating a motor vehicle in violation of
16 this section, the actor in fact caused serious bodily injury as
18 defined in Title 17-A, section 2, subsection 23, to another
20 person or in fact caused the death of another person, the
sentencing class for the offense in subsection 1 is a Class C
crime. The minimum penalties specified in subsection 2 apply,
but the minimum period of suspension is 18 months unless a longer
minimum period otherwise applies.

22 A person charged with operating a motor vehicle in violation of
24 this section and causing serious bodily injury is subject to the
26 condition that the person may not consume alcoholic beverages,
pursuant to Title 15, section 1026, subsection 3, paragraph A,
subparagraph (9).

28 If the State pleads and proves that, while operating a motor
30 vehicle in violation of this section, the actor had been
32 previously convicted of 3 or more violations of former section
34 1312, subsection 10, former section 1312-B or this section within
a 6-year period, the sentencing class for the offense in
subsection 1 is a Class C crime. The minimum penalties specified
in subsection 2 apply, but the minimum fine is \$1,000.

36 **Sec. 3. 29 MRSA §2184, sub-§1-A**, as amended by PL 1989, c.
891, Pt. A, §11, is further amended to read:

38 **1-A. Minimum mandatory sentences for certain suspensions.**
40 In the event the suspension was for a conviction for a violation
42 of former section 1312, subsection 10 or section 1312-B or an
44 adjudication for a violation of former section 1312-C or for a
46 failure to comply with the duty to submit for a blood-alcohol
48 test under section 1312, subsection 2, the court shall impose a
minimum fine of \$350 \$1,000, which may not be suspended; a term
of imprisonment which that may be for not less than 7 30
consecutive days and may not be suspended; an order that the
person reimburse the State for costs of jail time; and a
mandatory suspension of license or permit or right to operate a

2 motor vehicle, or right to apply for or obtain a license, for not
3 less than one year nor more than 3 years consecutive to the
4 original suspension, which may not be suspended. In the event
5 the person is convicted of both driving while license or
6 registration is suspended or revoked and violating section
7 1312-B, the court shall impose a minimum fine of \$10,000, which
8 may not be suspended; a term of imprisonment that may not be for
9 less than one year and may not be suspended; an order that the
10 person reimburse the State for costs of jail time; and a
11 mandatory suspension of license or permit or right to operate a
12 motor vehicle, or right to apply for or obtain a license, for not
13 less than one year nor more than 3 years consecutive to the
14 original suspension, which may not be suspended. For all other
15 suspensions, if the person has one or more prior convictions for
16 violating this section within a 6-year period, the minimum fine
17 is \$200 and may not be suspended. The requirements of Title 15,
18 section 757, of a separate reading of the allegation and a
19 separate trial do not apply to a proceeding under this
20 subsection. The court shall give notice of the suspension and
21 shall take physical custody of an operator's license or permit as
22 provided in section 2241-H.

23
24 If the court fails to impose a suspension as provided in this
25 subsection, the Secretary of State shall impose the minimum
26 one-year suspension and may impose up to 3 years of suspension
27 and give notice as provided in section 1312-D, subsection 1.

28 The minimum mandatory sentences of this subsection applies only
29 to the original period of suspension imposed by the court or by
30 the Secretary of State, or as extended by the Secretary of State
31 pursuant to section 1312-D, subsection 1-A. The minimum
32 mandatory sentences of this subsection do not apply to any
33 extension of the original suspension, including an extension
34 pursuant to section 1312-B, subsection 2, paragraph C, or former
35 section 1312-C, subsection 4, imposed for the purpose of
36 compelling compliance with conditions for the restoration of a
37 license or right to operate, or to an extension pursuant to
38 section 2241-D for failure to pay a reinstatement fee.

39
40 For the purposes of this subsection, a prior conviction has
41 occurred within a 6-year period if the date of the docket entry
42 by the clerk of a judgment of conviction is 6 years or less from
43 the date of the new conduct that is penalized or for which the
44 penalty is or may be enhanced.

45
46 **Sec. 4. Study.** The State Police shall study the feasibility
47 of installing breath protection devices in motor vehicles as a
48 means of restricting the use of motor vehicles by persons who
49 have been convicted of operating under the influence of alcohol
50 or drugs. For purposes of this study, breath

2 protection devices are devices that make impractical the
3 operation of a motor vehicle if ethyl alcohol is detected in the
4 breath of the operators. The study must evaluate systems in use
5 in other states and identify the feasibility of use in the
6 State. The State Police shall submit a report, including
7 recommendations, to the Joint Standing Committee on Legal Affairs
8 by November 1, 1993.

10 STATEMENT OF FACT

12 This bill requires the State Police to conduct a study of
13 the feasibility of the installation of breath protection devices
14 in the vehicles of persons convicted of operating under the
15 influence of alcohol or drugs. The bill increases the penalties
16 for persons convicted of operating after suspension of license or
17 registration, persons convicted of operating after suspension of
18 license or registration and operating under the influence of
19 alcohol or drugs and persons convicted of injuring another person
20 while operating under the influence of alcohol or drugs.
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