

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 646

H.P. 476

House of Representatives, February 11, 2003

**An Act To Allow the Secretary of State To Issue Restricted Licenses
for Work Purposes for Drivers with 2 or Fewer Operating-under-
the-Influence Convictions**

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CARR of Lincoln.
Cosponsored by Senator STANLEY of Penobscot and
Representatives: COLLINS of Wells, NORBERT of Portland.

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

4 **Sec. 1. 29-A MRSA §2501-A** is enacted to read:

6 **§2501-A. Restricted license for multiple OUI offender**

8 **1. Eligibility.** Unless otherwise provided by law, the Secretary of State may issue a restricted license to a person with 2 or fewer OUI convictions if:

10 **A. Two-thirds of the suspension period ordered by the court has passed; and**

12 **B. The Secretary of State has received notice that the person:**

14 **(1) Has committed no motor vehicle offenses since the imposition of the suspension;**

16 **(2) Has completed an alcohol and drug program as defined in section 2401, subsection 1; and**

18 **(3) For the most recent OUI violation:**

20 **(a) Had not refused the chemical testing required by section 2521; and**

22 **(b) Pled guilty to the charge of OUI.**

24 **2. Restrictions.** A restricted license issued pursuant to subsection 1 is subject to the following conditions and restrictions:

26 **A. Use is limited to traveling to and from a treatment program or to employment for the remaining term of the original suspension; and**

28 **B. Any other conditions or restrictions the Secretary of State considers advisable for the safety of the public and the welfare of the operator.**

30 **SUMMARY**

32 **This bill gives the Secretary of State discretion to issue a**
34 **restricted license to a person who has been convicted of**
36 **criminally operating under the influence 2 or fewer times. The**
38 **restricted license is not available until 2/3 of the suspension**
40 **period has passed and the Secretary of State has received notice**
42 **that the person has committed no motor vehicle offenses since the**

2 imposition of the suspension; has completed an alcohol and drug
program as defined in the Maine Revised Statutes, Title 29-A,
4 section 2401, subsection 1; and, for the most recent OUI
conviction, the person did not refuse a breath or other test and
6 pled guilty to the OUI charge.

8 Restrictions on the license must include that the license
may be used only for travel to and from a treatment program or to
10 employment for the remaining term of the original suspension. The
Secretary of State may also consider any other conditions or
12 restrictions advisable for the safety of the public or welfare of
the operator.