

MAINE STATE LEGISLATURE

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L.D. 1647

Date: 3-22-16

(Filing No. S- 426)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " B " to S.P. 672, L.D. 1647, Bill, "An Act Relating to Penalties for Drug Offenses"

Amend the bill in section 1 in §1125 in subsection 1 in the first line (page 1, line 5 in L.D.) by inserting after the following: "order" the following: 'in the absence of compelling circumstances warranting an exception,'

Amend the bill in section 1 in §1125 in subsection 2 in the 3rd line (page 1, line 9 in L.D.) by inserting after the following: "order" the following: 'in the absence of compelling circumstances warranting an exception,'

Amend the bill in section 2 in paragraph A in subparagraph (2) in the first line (page 1, line 17 in L.D.) by inserting after the following: "days" the following: 'If the court finds compelling circumstances warranting an exception to the 180-day suspension period, the court shall order suspension of the person's driver's license for 150 days'

Amend the bill by inserting after section 2 the following:

'Sec. 3. 29-A MRSA §2451, sub-§3, ¶A, as repealed and replaced by PL 2015, c. 329, Pt. A, §17, is amended to read:

A. One hundred ~~forty~~ eighty days, if the person has one OUI conviction within a 10-year period. If the court finds compelling circumstances warranting an exception to the 180-day suspension period, the court shall order a suspension period of 150 days;

Amend the bill by inserting after section 3 the following:

'Sec. 4. 29-A MRSA §2508, sub-§1, ¶A-1, as enacted by PL 2013, c. 389, §3 and affected by §7, is amended to read:

A-1. The license of a person with one OUI offense may be reinstated after 30 days of the suspension period has run if the person has installed for a period of ~~150~~ 180 days or the length of time remaining for a suspension imposed pursuant to section 2411, subsection 5, paragraph A, subparagraph (2), whichever is shorter, an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. If the 180-day period applies to the person and the court finds compelling

COMMITTEE AMENDMENT

ROFS

1 circumstances warranting an exception to the 180-day period, the court shall order a
2 period of 150 days.

3 **Sec. 5. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **SECRETARY OF STATE, DEPARTMENT OF**

6 **Administration - Motor Vehicles 0077**

7 Initiative: Provides a one-time allocation for computer programming.

| | | | |
|----|---------------------------|----------------|----------------|
| 8 | HIGHWAY FUND | 2015-16 | 2016-17 |
| 9 | All Other | \$0 | \$5,568 |
| 10 | | | |
| 11 | HIGHWAY FUND TOTAL | <u>\$0</u> | <u>\$5,568</u> |
| 12 | | | |

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
14 section number to read consecutively.

15 **SUMMARY**

16 This amendment is one of 2 minority reports of the committee. The bill increases the
17 driver's license suspension period from 150 days to 180 days for a person who is
18 convicted of operating under the influence and who has no previous operating under the
19 influence convictions within the prior 10 years. The bill imposes a license suspension
20 period or period of ineligibility for a license of 6 months for a person who is convicted of
21 a drug crime under the Maine Revised Statutes, Title 17-A, chapter 45, except for such a
22 crime under section 1116. This amendment makes the change from 150 to 180 days in 2
23 other provisions of operating under the influence law. The amendment adds to several
24 provisions of the bill an exception based on compelling circumstances found by the court.
25 In the case of a drug conviction under Title 17-A, chapter 45, this exception could negate
26 the suspension completely. In the case of an operating under the influence conviction,
27 this exception could decrease the suspension period to 150 days.

28 This amendment adds an allocation for the cost of computer programming
29 necessitated by the changes made to the bill.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**



127th MAINE LEGISLATURE

LD 1647

LR 2649(03)

An Act Relating to Penalties for Drug Offenses

Fiscal Note for Bill as Amended by Committee Amendment 'B' (S-426)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

| | FY 2015-16 | FY 2016-17 | Projections FY 2017-18 | Projections FY 2018-19 |
|-----------------------------------|------------|-------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$0 | (\$22,500) | (\$22,500) | (\$22,500) |
| Highway Fund | \$0 | (\$121,932) | (\$127,500) | (\$127,500) |
| Appropriations/Allocations | | | | |
| Highway Fund | \$0 | \$5,568 | \$0 | \$0 |
| Revenue | | | | |
| General Fund | \$0 | \$22,500 | \$22,500 | \$22,500 |
| Highway Fund | \$0 | \$127,500 | \$127,500 | \$127,500 |

Correctional and Judicial Impact Statements

Increases workload with no effect on fines or fees

Fiscal Detail and Notes

The bill includes a one-time Highway Fund allocation to the Department of Secretary of State of \$5,568 in fiscal year 2016-17 for computer programming charges. The bill would increase the number of driver's license restorations, increasing General Fund and Highway Fund revenue by \$22,500 and \$127,500, respectively, beginning in fiscal year 2016-17.