

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1616

H.P. 1070

House of Representatives, April 15, 2025

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### **An Act to Eliminate Requirements for Drivers to Surrender Their Physical Driver's Licenses During a Temporary Suspension**

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Submitted by the Secretary of State pursuant to Joint Rule 204.

Received by the Clerk of the House on April 11, 2025. Referred to the Committee on  
Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Rlt B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CRAFTS of Newcastle.

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

2       **Sec. 1. 15 MRSA §3314, sub-§3**, as amended by PL 1995, c. 65, Pt. A, §48 and  
3       affected by §153 and Pt. C, §15, is further amended to read:

4       **3. Disposition for violation of section 3103, subsection 1, paragraph E or F.** When  
5       a juvenile has been adjudicated as having committed the juvenile crime under section 3103,  
6       subsection 1, paragraph E or F, the court may impose any of the dispositional alternatives  
7       contained in subsection 1. Any incarceration that is imposed may be part of a disposition  
8       pursuant to subsection 1, paragraph F or H. Any incarceration in a detention facility must  
9       be in a facility designated in subsection 1, paragraph H.

10       A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's  
11       license or permit to operate a motor vehicle, right to operate a motor vehicle or right to  
12       apply for or obtain a license must be suspended by the court for a period of 180 days.  
13       The period of suspension may not be suspended by the court. The court shall give  
14       notice of the suspension ~~and take physical custody of an operator's license or permit~~ as  
15       provided in Title 29-A, section 2434. The court shall immediately transmit a certified  
16       abstract of the suspension to the Secretary of State. A further suspension may be  
17       imposed by the Secretary of State pursuant to Title 29-A, section 2451, subsection 3.

18       **Sec. 2. 15 MRSA §3314, sub-§3-A**, as corrected by RR 2009, c. 2, §36 and  
19       amended by PL 2021, c. 669, §5, is further amended by amending the first blocked  
20       paragraph to read:

21       The court shall give notice of suspension ~~and take physical custody of an operator's license~~  
22       ~~or permit~~ as provided in Title 29-A, section 2434. The court shall immediately forward the  
23       operator's license and a certified abstract of suspension to the Secretary of State.

24       **Sec. 3. 15 MRSA §3314, sub-§3-B**, as enacted by PL 2005, c. 328, §13, is amended  
25       to read:

26       **3-B. Operator's license suspension for drug trafficking.** If a juvenile uses a motor  
27       vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other  
28       authorized penalties, suspend the juvenile's operator's license, permit, privilege to operate  
29       a motor vehicle or right to apply for or obtain a license for a period not to exceed one year.  
30       A suspension may not begin until after any period of incarceration is served. If the court  
31       suspends a juvenile's operator's license, permit, privilege to operate a motor vehicle or right  
32       to apply for or obtain a license, the court shall notify the Secretary of State of the suspension  
33       ~~and the court shall take physical custody of the juvenile's operator's license.~~ The Secretary  
34       of State may not reinstate the juvenile's operator's license, permit, privilege to operate a  
35       motor vehicle or right to apply for or obtain a license unless the juvenile demonstrates that  
36       after having been released and discharged from any period of incarceration that may have  
37       been ordered, the juvenile has served the period of suspension ordered by the court.

38       **Sec. 4. 17-A MRSA §1103, sub-§6**, as enacted by PL 1993, c. 674, §2, is amended  
39       to read:

40       **6.** If a person uses a motor vehicle to facilitate the trafficking of a scheduled drug, the  
41       court may, in addition to other authorized penalties, suspend the person's driver's license,  
42       permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a  
43       period not to exceed 5 years. A suspension may not begin until after any period of

1 incarceration is served. If the court suspends a person's driver's license, permit, privilege  
2 to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the  
3 Secretary of State of the suspension ~~and the court shall take physical custody of the person's~~  
4 ~~license~~. The Secretary of State may not reinstate the person's driver's license, permit,  
5 privilege to operate a motor vehicle or right to apply for or obtain a license unless the person  
6 demonstrates that, after having been released and discharged from any period of  
7 incarceration that may have been ordered, the person has served the period of suspension  
8 ordered by the court.

9 **Sec. 5. 17-A MRSA §1104, sub-§3**, as enacted by PL 1993, c. 674, §4, is amended  
10 to read:

11 **3.** If a person uses a motor vehicle to facilitate the trafficking or furnishing of a  
12 counterfeit drug, the court may, in addition to other authorized penalties, suspend the  
13 person's driver's license, permit, privilege to operate a motor vehicle or right to apply for  
14 or obtain a license for a period not to exceed 5 years. A suspension may not begin until  
15 after any period of incarceration is served. If the court suspends a person's driver's license,  
16 permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the  
17 court shall notify the Secretary of State of the suspension ~~and the court shall take physical~~  
18 ~~custody of the person's license~~. The Secretary of State may not reinstate the person's  
19 driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain  
20 a license unless the person demonstrates that, after having been released and discharged  
21 from any period of incarceration that may have been ordered, the person has served the  
22 period of suspension ordered by the court.

23 **Sec. 6. 17-A MRSA §1105-A, sub-§2**, as enacted by PL 2001, c. 383, §119 and  
24 affected by §156, is amended to read:

25 **2.** If a person uses a motor vehicle to facilitate the aggravated trafficking in a  
26 scheduled drug, the court may, in addition to other authorized penalties, suspend the  
27 person's driver's license or permit or privilege to operate a motor vehicle or right to apply  
28 for or obtain a license for a period not to exceed 5 years. A suspension may not begin until  
29 after any period of incarceration is served. If the court suspends a person's driver's license  
30 or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the  
31 court shall notify the Secretary of State of the suspension ~~and the court shall take physical~~  
32 ~~custody of the person's license or permit~~. The Secretary of State may not reinstate the  
33 person's driver's license or permit or privilege to operate a motor vehicle or right to apply  
34 for or obtain a license unless the person demonstrates that, after having been released and  
35 discharged from any period of incarceration that may have been ordered, the person has  
36 served the period of suspension ordered by the court.

37 **Sec. 7. 17-A MRSA §1105-B, sub-§3**, as enacted by PL 2001, c. 383, §119 and  
38 affected by §156, is amended to read:

39 **3.** If a person uses a motor vehicle to facilitate the aggravated trafficking in or  
40 furnishing of a counterfeit drug, the court may, in addition to other authorized penalties,  
41 suspend the person's driver's license or permit, privilege to operate a motor vehicle or right  
42 to apply for or obtain a license for a period not to exceed 5 years. A suspension may not  
43 begin until after any period of incarceration is served. If the court suspends a person's  
44 driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain  
45 a license, the court shall notify the Secretary of State of the suspension ~~and the court shall~~

1 ~~take physical custody of the person's license or permit.~~ The Secretary of State may not  
2 reinstate the person's driver's license or permit, privilege to operate a motor vehicle or right  
3 to apply for or obtain a license unless the person demonstrates that, after having been  
4 released and discharged from any period of incarceration that may have been ordered, the  
5 person has served the period of suspension ordered by the court.

6 **Sec. 8. 17-A MRSA §1105-C, sub-§2,** as enacted by PL 2001, c. 383, §119 and  
7 affected by §156, is amended to read:

8 2. If a person uses a motor vehicle to facilitate the aggravated furnishing of a scheduled  
9 drug, the court may, in addition to other authorized penalties, suspend the person's driver's  
10 license or permit, privilege to operate a motor vehicle or right to apply for or obtain a  
11 license for a period not to exceed 5 years. A suspension may not begin until after any  
12 period of incarceration is served. If the court suspends a person's driver's license or permit,  
13 privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall  
14 notify the Secretary of State of the suspension ~~and the court shall take physical custody of~~  
15 ~~the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's  
16 license or permit, privilege to operate a motor vehicle or right to apply for or obtain a  
17 license unless the person demonstrates that, after having been released and discharged from  
18 any period of incarceration that may have been ordered, the person has served the period  
19 of suspension ordered by the court.

20 **Sec. 9. 17-A MRSA §1105-D, sub-§2,** as enacted by PL 2001, c. 383, §119 and  
21 affected by §156, is amended to read:

22 2. If a person uses a motor vehicle to facilitate the aggravated cultivating of marijuana,  
23 the court may, in addition to other authorized penalties, suspend the person's driver's license  
24 or permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a  
25 period not to exceed 5 years. A suspension may not begin until after any period of  
26 incarceration is served. If the court suspends a person's driver's license or permit, privilege  
27 to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the  
28 Secretary of State of the suspension ~~and the court shall take physical custody of the person's~~  
29 ~~license or permit.~~ The Secretary of State may not reinstate the person's driver's license or  
30 permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless  
31 the person demonstrates that, after having been released and discharged from any period of  
32 incarceration that may have been ordered, the person has served the period of suspension  
33 ordered by the court.

34 **Sec. 10. 17-A MRSA §1106, sub-§5,** as enacted by PL 1993, c. 674, §6, is amended  
35 to read:

36 5. If a person uses a motor vehicle to facilitate the unlawful furnishing of a scheduled  
37 drug, the court may, in addition to other authorized penalties, suspend the person's driver's  
38 license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license  
39 for a period not to exceed 5 years. A suspension may not begin until after any period of  
40 incarceration is served. If the court suspends a person's driver's license, permit, privilege  
41 to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the  
42 Secretary of State of the suspension ~~and the court shall take physical custody of the person's~~  
43 ~~license.~~ The Secretary of State may not reinstate the person's driver's license, permit,  
44 privilege to operate a motor vehicle or right to apply for or obtain a license unless the person  
45 demonstrates that, after having been released and discharged from any period of

1 incarceration that may have been ordered, the person has served the period of suspension  
2 ordered by the court.

3 **Sec. 11. 17-A MRSA §1118-A, sub-§2**, as enacted by PL 2015, c. 485, §3, is  
4 amended to read:

5 **2.** If a person uses a motor vehicle to facilitate the aggravated illegal importation of a  
6 scheduled drug, the court may, in addition to other authorized penalties, suspend the  
7 person's driver's license or permit or privilege to operate a motor vehicle or right to apply  
8 for or obtain a license for a period not to exceed 5 years. A suspension may not begin until  
9 after any period of incarceration is served. If the court suspends a person's driver's license  
10 or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the  
11 court shall notify the Secretary of State of the suspension ~~and the court shall take physical~~  
12 ~~custody of the person's license or permit.~~ The Secretary of State may not reinstate the  
13 person's driver's license or permit or privilege to operate a motor vehicle or right to apply  
14 for or obtain a license unless the person demonstrates that, after having been released and  
15 discharged from any period of incarceration that may have been ordered, the person has  
16 served the period of suspension ordered by the court.

17 **Sec. 12. 17-A MRSA §1124, sub-§3**, as enacted by PL 2015, c. 346, §7, is amended  
18 to read:

19 **3.** If a person uses a motor vehicle to facilitate the unlawful operation of a  
20 methamphetamine laboratory, the court may, in addition to other authorized penalties,  
21 suspend the person's driver's license or permit or privilege to operate a motor vehicle or  
22 right to apply for or obtain a license for a period not to exceed 5 years. A suspension may  
23 not begin until after any period of incarceration is served. If the court suspends a person's  
24 driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain  
25 a license, the court shall notify the Secretary of State of the suspension ~~and the court shall~~  
26 ~~take physical custody of the person's license or permit.~~ The Secretary of State may not  
27 reinstate the person's driver's license or permit or privilege to operate a motor vehicle or  
28 right to apply for or obtain a license unless the person demonstrates that, after having been  
29 released and discharged from any period of incarceration that may have been ordered, the  
30 person has served the period of suspension ordered by the court.

31 **Sec. 13. 28-A MRSA §2053, sub-§1**, as amended by PL 1995, c. 65, Pt. A, §80  
32 and affected by §153 and Pt. C, §15, is further amended by amending the first blocked  
33 paragraph to read:

34 The court shall immediately forward ~~the license~~ to the Secretary of State ~~together with~~ the  
35 record of adjudication on the form furnished for reporting convictions and adjudications  
36 for violations of Title 29-A.

37 **Sec. 14. 28-A MRSA §2053, sub-§1-A**, as enacted by PL 2001, c. 160, §2, is  
38 amended by amending the first blocked paragraph to read:

39 The court shall immediately forward ~~the operator's license~~ to the Secretary of State ~~together~~  
40 ~~with~~ the record of adjudication on the form furnished for reporting convictions and  
41 adjudications for violations of Title 29-A.

42 **Sec. 15. 29-A MRSA §2102, sub-§1-B**, as enacted by PL 2009, c. 493, §2, is  
43 repealed.

1       **Sec. 16. 29-A MRSA §2102, sub-§1-C**, as enacted by PL 2009, c. 493, §2, is  
2 repealed.

3       **Sec. 17. 29-A MRSA §2102, sub-§1-D**, as enacted by PL 2009, c. 493, §2, is  
4 repealed.

5       **Sec. 18. 29-A MRSA §2102, sub-§1-E**, as enacted by PL 2009, c. 493, §2, is  
6 repealed.

7       **Sec. 19. 29-A MRSA §2102, last ¶**, as amended by PL 2009, c. 493, §2, is further  
8 amended to read:

9       Violation of subsection 1, 1-A, ~~1-B~~, ~~1-D~~ or 3 is a strict liability crime as defined in  
10 Title 17-A, section 34, subsection 4-A.

11       **Sec. 20. 29-A MRSA §2411, sub-§5-A**, as amended by PL 2017, c. 99, §1, is  
12 further amended to read:

13       **5-A. Notice and custody.** The court shall give notice of a license suspension ~~and shall~~  
14 ~~take physical custody of the driver's license, except when the defendant demonstrates that~~  
15 ~~the defendant's license was previously restored by the Secretary of State following an~~  
16 ~~administrative suspension under section 2453 or 2453-A for operating under the influence~~  
17 ~~based on the same facts and circumstances giving rise to the court-ordered suspension.~~

18       **Sec. 21. 29-A MRSA §2412-A, sub-§4, ¶A**, as enacted by PL 1995, c. 368, Pt.  
19 AAA, §12, is amended to read:

20       A. The court shall give notice of the suspension ~~and shall take physical custody of an~~  
21 ~~operator's license or permit~~ as provided in section 2434.

22       **Sec. 22. 29-A MRSA §2413, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
23 affected by Pt. B, §5, is amended to read:

24       **5. Notice.** The court shall give notice of the suspension ~~and take physical custody of~~  
25 ~~a driver's license~~ as provided in section 2434.

26       **Sec. 23. 29-A MRSA §2434, sub-§3**, as amended by PL 2015, c. 158, §3, is further  
27 amended to read:

28       **3. Physical custody of license.** ~~Unless the defendant appeals and a stay of execution~~  
29 ~~of the suspension is granted, the court shall take physical custody of a license issued by this~~  
30 ~~State or another state, foreign country or province if that person is residing or employed in~~  
31 ~~this State. The court may take physical custody of a license issued by another state, foreign~~  
32 ~~country or province if the person is not residing or employed in this State. If the court is~~  
33 ~~unable to take physical custody of the license at the time of sentencing, either because the~~  
34 ~~suspension has been stayed pursuant to subsection 4 or for any other reason, the license is~~  
35 ~~void at such time as is specified in the court order.~~

36       **Sec. 24. 29-A MRSA §2434, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
37 affected by Pt. B, §5, is amended to read:

38       **5. Forward documents to Secretary of State.** The court shall forward ~~the license~~, a  
39 copy of the sentence and the acknowledgement of notice to the Secretary of State.

40       **Sec. 25. 29-A MRSA §2434, sub-§7**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
41 affected by Pt. B, §5, is repealed.

**Sec. 26. 29-A MRSA §2434, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**8. Commencement of suspension.** Notwithstanding section 2482, subsection 4, the period of suspension commences immediately on announcement of sentence. Two additional days of suspension must be added for each day after the license surrender day that a person fails to surrender the license to the court.

**Sec. 27. 29-A MRSA §2434, sub-§10**, as amended by PL 2003, c. 452, Pt. Q, §88 and affected by Pt. X, §2, is further amended to read:

**10. Failure to sign acknowledgment of notice or surrender license.** A person commits a Class E crime if that person:

A. Refuses to sign the acknowledgment of notice; ~~or,~~

~~B. Without good cause, fails to surrender a license within the period of suspension.~~

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 28. 29-A MRSA §2485, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 29. 29-A MRSA §2606**, as amended by PL 2005, c. 606, Pt. A, §13, is further amended to read:

## §2606. Enforcement of suspension

**1. Confiscation of license, certificate or plates.** If a law enforcement officer, in the course of stopping or detaining a motor vehicle, obtains a suspended license or certificate of registration, or a license issued by another state, foreign country or province when that person's license or certificate of registration is under suspension, the officer shall confiscate that license, the certificate or plates and transmit the confiscated items together with a report of the circumstances to the Secretary of State.

**2. Investigation.** On request of the Secretary of State, notification of the suspension must be served, and the certificate, ~~license~~ or plates must be confiscated. If the ~~license~~, certificate or plates can not be confiscated, an investigation must be undertaken by the sheriff of the county in which that person resides, by a state or local law enforcement officer or by an employee of the Secretary of State.

~~**3. Confiscation of suspended licenses.** The Secretary of State shall take reasonable actions to confiscate suspended licenses.~~

## SUMMARY

This bill eliminates requirements for an individual whose license has been temporarily suspended to surrender the individual's physical driver's license to allow the individual to keep the individual's primary identity documentation in the individual's possession. The bill also eliminates provisions establishing crimes and traffic infractions associated with display or possession of a suspended driver's license.