

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

Y
✓
May 4, 1965

Kenneth M. Curtis, Secretary of State

State

Leon V. Walker, Jr., Assistant

Attorney General

In your memo of May 3, 1965, you ask if under 29 M.R.S.A. 1312, you are prohibited from holding a hearing for restoration of a license of a person who has been twice convicted of operating under the influence, except in a case where a person with three convictions has refrained from all use of intoxicating liquors for a period of six years. To rephrase the question to fit the specific case you have in mind, may a person with 4 convictions be granted a hearing for restoration of his license?

The law specifically provides for hearings following first and second convictions. It then provides:

"Upon any subsequent conviction for a similar offense, the license or permit shall terminate and no subsequent license or permit shall be granted to such person, except that a person who has had 3 convictions under this section may petition the Secretary of State for a special license, who, after being satisfied beyond a reasonable doubt that the said petitioner has refrained from all use of intoxicating liquor for a period of 6 years next preceding, may issue a special permit or license conditional upon continued non-use of intoxicating liquor."

This language is unambiguous and clearly provides that a person with four convictions is not entitled to be granted a license or permit. It also, by inference, prohibits your office from hearing a petition by such a person.

Leon V. Walker, Jr.
Assistant Attorney General

LVMJr:8