

# MAINE STATE LEGISLATURE

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June 5, 1975

Linwood F. Ross, Deputy Secretary

State

Leon V. Walker, Jr., Assistant

Attorney General

~~Alfred Thibodeau~~

Mr. Thibodeau has a record of three convictions of driving under the influence on the following dates: January 24, 1964, February 23, 1973 and November 9, 1973. He is under a 3 year suspension for the last conviction and will be eligible for a restoration hearing in November, 1975. However, he has a petition for restoration pending on the ground that his first suspension is more than 10 years old and is no longer a prior conviction.

You ask whether the Secretary of State may act favorably on this petition and restore Mr. Thibodeau's license. The answer is NO.

29 M.R.S.A. § 1312, sub-§10A, para. 7, provides as follows:

"For the purposes of this section, prior convictions . . . shall be considered . . . provided that the prior conviction is within a 10-year period of the date of the last offense."

Mr. Thibodeau's last offense was within 10 years of his first offense, and there is no valid ground upon which the Secretary of State may restore his license.

LW/mf