

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1004

H. P. 742

House of Representatives, February 19, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bernier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Increasing Penalties for Operating a Motor Vehicle While under
the Influence of Intoxicating Drugs.**

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

Sec. 1. R. S., T. 29, § 1312, sub-§ 11, ¶ A, amended. The 2nd paragraph of paragraph A of subsection 11 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 439 of the public laws of 1969, is amended to read as follows:

The license and privilege to operate motor vehicles of any person convicted of violating paragraph A of this subsection **by the use of intoxicating liquor** for the first time shall be suspended for 3 months immediately by the Secretary of State upon receipt of an attested copy of the court record, without further hearing.

Sec. 2. R. S., T. 29, § 1312, sub-§ 11, ¶ A, amended. Paragraph A of subsection 11 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 439 of the public laws of 1969, is amended by inserting after the 2nd paragraph the following new paragraph:

The license and privilege to operate motor vehicles of any person convicted of violating paragraph A of this subsection by the use of drugs for the first time shall be revoked or suspended for a period of one year immediately by the Secretary of State upon receipt of an attested copy of the court record, without further hearing.

Sec. 3. R. S., T. 29, § 1312, sub-§ 11, ¶ A, amended. The 4th paragraph of paragraph A of subsection 11 of section 1312 of Title 29 of the Revised

Statutes, as repealed and replaced by section 1 of chapter 439 of the public laws of 1969, is amended to read as follows:

Any person convicted of a 2nd violation of paragraph A of this subsection shall have his license and privilege to operate a motor vehicle in this State suspended in the manner provided for a period of one year **for use of intoxicating liquor and for a period of 2 years for use of intoxicating drugs**, provided that after the expiration of 6 months from the date of such suspension, he may petition the Secretary of State for a license or permit and the Secretary of State, after hearing and after his determination that public safety will not be endangered by issuing a new license, may issue such license or permit, with or without conditions thereto attached.

Sec. 4. R. S., T. 29, § 1312, sub-§ 11, ¶ A, amended. The 5th paragraph of paragraph A of subsection 11 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 439 of the public laws of 1969, is amended to read as follows:

Any person convicted of a 3rd or subsequent violation of paragraph A of this subsection shall not be licensed again or permitted to operate a motor vehicle in this State for 2 years **for use of intoxicating liquor and for a period of 3 years for use of intoxicating drugs** from the date of suspension, except that one year from the date of such suspension, he may petition the Secretary of State for a restoration of his license or permit and after hearing the Secretary of State may issue a license or permit to the petitioner, with or without conditions and restrictions and under such terms as he may deem equitable, having in mind the safety of the public and the welfare of the petitioner and his immediate dependents.

STATEMENT OF FACT

Drug addicts are a menace on the highway both to themselves as well as to others, and the purpose of this bill is to increase penalties for operating a motor vehicle while under the influence of intoxicating drugs.