

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)

(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1144

S. P. 391

In Senate, March 3, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Shute of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Use of Previous Convictions under
the Implied Consent Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after the Legislature adjourns unless enacted as emergencies; and

Whereas, the Supreme Judicial Court held, on September 1, 1970, that under the wording of Title 29, section 1312, as repealed and replaced by section 1 of chapter 439 of the public laws of 1969, effective October 1, 1969, only the number of convictions a person had received under this new law could be considered in determining the length of license suspension thereunder; and

Whereas, it is vitally necessary for highway safety that legislation be enacted to take effect immediately providing that convictions prior to October 1, 1969, shall be considered in determining the length of suspension under said section 1312; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 29, § 1312, sub-§ 11, ¶ D, additional. Subsection 11 of section 1312 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 439 of the public laws of 1969, is amended by adding a paragraph D to read as follows:

D. For the purposes of paragraphs **A** and **B**, prior convictions of operating or attempting to operate while under the influence of intoxicating liquor or drugs, operating or attempting to operate while impaired by the use of intoxicating liquor or drugs or operating or attempting to operate while intoxicated by the use of intoxicating liquor or drugs, shall be considered prior convictions regardless of the date of such conviction.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this Act is reflected in the emergency preamble.