

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
105TH LEGISLATURE

HOUSE AMENDMENT " B " to H. P. 1027, L. D. 1422, Bill,  
"AN ACT Revising the Implied Consent Law for Operators of Motor  
Vehicles."

Amend said Bill in that part designated "§ 1312." by  
striking out all of subsections 2 and 3 and inserting in place  
thereof the following:

'2. Hearing. If a person under arrest refuses upon the  
request of a law enforcement officer to submit to one of the tests  
as provided in this section, none shall be given. The Secretary of  
State, upon the receipt of a report of the arrest for operating or  
attempting to operate a motor vehicle within this State while his  
mental or physical faculties are impaired by the use of intoxicating  
liquor or while intoxicated by the use of intoxicating liquor and  
that the person had refused to submit to one of the tests shall  
immediately notify the person in writing to appear for a hearing.  
A hearing shall be held by the same procedure as provided in  
section 2241. The scope of such a hearing shall cover the issues  
of whether the person was placed under arrest and whether he refused  
to submit to one of the tests upon the request of a law enforcement  
officer. If it is determined that such person was arrested and did  
refuse to take a chemical test of his blood or urine, the Secretary  
of State shall order a suspension of the person's license and  
privilege to operate, not to exceed 3 months.

3. Review. The person, whose license and privilege to  
operate is suspended under subsection 2, shall have the right to  
file a petition in the Superior Court in the county where he resides

*(Filing No. H-472)*

or in Kennebec County to review the final order of suspension by the Secretary of State by the same procedure as is provided in section 2242. Pending final decision on appeal, the license or privilege to operate shall not be suspended.'

Statement of Fact

The purpose of this amendment is to permit a hearing by the Secretary of State before a suspension of license.

Filed by Mr. Orestis of Lewiston.

Reproduced and distributed under the direction of the Clerk of the House.

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