

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
105TH LEGISLATURE

HOUSE AMENDMENT " D " 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 written statement under oath of the arrest for operating or attempting to operate a motor vehicle within this State while under the influence 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 breath, the Secretary of State shall order a suspension of the person's license and privilege to operate for 3 months.

3. Review. The person, whose license and privilege to operate is suspended under subsection 2, shall have the right to file a

(Filing No. H-480)

petition in the Superior Court in the county where he resides 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, unless the court so orders.'

Statement of Fact

The purpose of this amendment is to premit 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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