

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
105TH LEGISLATURE

SENATE AMENDMENT " A " 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
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 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. S-305)

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.

Proposed by Senator:

(Harding)

NAME:

W. J. Harding

COUNTY:

Aroostook

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