

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 310

S. P. 130

In Senate, February 9, 1977

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

MAY M. ROSS, Secretary

Presented by Senator Greeley of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services.

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

29 MRSA § 1312, sub-§ 10, ¶ A, 1st 3 paragraphs, as last amended by PL 1975, c. 770, § 153, are repealed and the following enacted in their place:

Whoever shall operate or attempt to operate a motor vehicle within this State while under the influence of intoxicating liquor or drugs, upon conviction for a first offense, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both; and whoever is convicted of a 2nd or subsequent offense shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 6 months, or by both.

The imposition of a fine or sentence for a person convicted of a 2nd or subsequent offense under this section shall not be suspended and probation shall not be granted, except that a fine or sentence may be suspended and probation granted when as a condition of probation the offender is required to participate in an alcohol treatment or rehabilitation program.

Upon receipt of an attested copy of the court record of such conviction the license or permit and privilege to operate of such person shall be immediately suspended and in case of a conviction of a first violation of this section, the license or permit and privilege to operate shall not be reinstated by the Secretary of State prior to 30 days from the date of suspension and until such time as the Secretary of State has received written notice that the rehabilitation program under the auspices of the Department of Human Services has

been satisfactorily completed, in which case the Secretary of State shall have the authority to issue a restricted license or permit to such person; except after 2 months he may petition the Secretary of State for hearing and, if after hearing the Secretary of State has determined that the public safety will not be endangered by issuing a new license or restoration of right to operate, the Secretary of State may, after 4 months, restore the license and privilege to operate a motor vehicle, with or without conditions or restrictions and under such terms as he may deem advisable, having in mind the safety of the public and the welfare of the petitioner. The Secretary of State shall also have the authority to issue a restricted license or permit to any person whose license or permit and privilege to operate a motor vehicle in this State has been suspended for a first refusal under subsection 2 provided such person has satisfactorily completed the rehabilitation program referred to in this section. Such license shall not be issued prior to 30 days from the date of suspension. The Department of Human Services is authorized to charge a registration fee not to exceed \$30 to participants in the rehabilitation program which shall be applied by him for defraying the expenses of the program.

STATEMENT OF FACT

The primary intent of this bill is to transfer the driver rehabilitation program for operating under the influence offenders administered under the auspices of the Secretary of State, to the Department of Human Services where it is felt such a program can be better served.

This bill further rewrites the first 3 paragraphs of Title 29, section 1312, subsection 10, paragraph A into a more logical sequence as it relates to the operating under the influence offender without removing or changing the application of the existing law.