

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-719)

COMMITTEE AMENDMENT " A " to H.P. 1122, L.D. 1340, Bill,
"AN ACT to Reduce Traffic Accidents and Fatalities by Providing
for the Establishment of Education and Treatment Programs for
Persons Convicted of Operating under the Influence of Alcohol."

Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT to Provide for
the Evaluation, Counseling and Referral to Treatment of
Alcoholics and Alcohol Abusers Arrested for Class C, D and
E Offenses.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

Sec. 1. 17-A MRSA §1207 is enacted to read:

§1207. Alcoholism evaluation, counseling and treatment

After a conviction under Title 29, section 1312, or any
other Class C, D or E criminal offense in which the court makes
a determination that the defendant was under the influence of
alcohol at the time of the crime, the court may continue the
case for sentencing for a maximum of 14 days. During this
period, the court may request and shall receive a presentence
report conducted by an alcoholism counselor trained and experienced
in the recognition, prevention and treatment of alcohol abuse.
The report shall state the history, extent and seriousness of
the person's use of alcohol.

If the court finds that the person habitually lacks self-

control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted, the court may place the person on probation and impose as a condition of probation that the person successfully complete a driver education program or an alcoholism treatment program approved by the Office of Alcoholism and Drug Abuse Prevention.

In order to qualify for probation, the offender shall cooperate in any presentence investigation. Alcoholism treatment programs utilized by the court under this section shall include any public or private in patient or out patient program, facility, hospital, self-help group or other organization or service certified by the Office of Alcoholism and Drug Abuse Prevention as appropriate and beneficial for the purposes of this section. The Office of Alcoholism and Drug Abuse Prevention shall prepare and publish annually a list of all alcoholism treatment programs and facilities approved for treatment under this section. Such list shall be available upon request to members of the public. The Office of Alcoholism and Drug Abuse Prevention shall furnish each court in the State and the Secretary of State with a current copy of the list.

When, as a result of proceedings held under sections 1205 and 1206, the court revokes the probation of any person convicted under Title 29, section 1312, the court shall forthwith notify the Secretary of State in writing of such

failure, and the Secretary of State shall immediately and without further hearing suspend any license or permit to operate a motor vehicle which may have been restored.

When, as the result of proceedings held under sections 1205 and 1206, the court does not revoke probation but still finds that a person convicted under Title 29, section 1312, has inexcusably failed to comply with a requirement imposed as a condition of probation, the court shall forthwith notify the Secretary of State in writing of such failure.

Upon termination of a period of probation of a person convicted under Title 29, section 1312, and discharge of the convicted person under ~~4~~ section 1202, the court shall forthwith notify the Secretary of State in writing of such termination and discharge.

Sec. 2. 22 MRSA §7125 is enacted to read:

§7125. Evaluation of driver education and treatment programs

The Director of the Office of Alcoholism and Drug Abuse Prevention shall prepare biennially for the Legislature a thorough evaluation of the driver education and treatment programs established under Title 29, section 1312. The evaluation shall include an examination of the costs, effectiveness, benefits, burdens, social impact and other relevant aspects of the programs. Any legislative extension, modification or discontinuance shall take into consideration the results of the evaluation.'

Statement of Fact

According to the recent report "Crime in Maine," well over 50% of all arrests made in 1976 were alcohol related; including 8,200 arrests for drunken driving, 2,500 arrests for disorderly conduct, 1,350 liquor law arrests and 900 arrests for assault. The number of alcohol related crimes committed is much higher than the number of actual arrests.

Despite the fact that the criminal justice system serves as a locator and identifier of problem drinkers, very few of the thousands of persons convicted every year for alcohol related offenses are evaluated and referred to counseling or treatment. Judges and prosecutors recognize the relationship between alcohol and crime but they lack the resources to refer defendants to treatment programs. This / ^{amendment} would provide the district courts with a limited ability to attack alcohol abuse and crime by assigning alcoholism counselors to the district courts. These counselors would conduct presentence evaluations, perform alcoholism counseling and make referrals to other treatment programs when appropriate.

Implementation of this program would require 12 alcoholism counselors at an estimated cost of \$172,200 for 1977-78 and \$236,200 for 1978-79. Allocation of these funds is contingent upon passage of L.D. 857.

Reported by the Committee on Human Resources.

Reproduced and distributed under the direction of the Clerk of the House.
6/20/77

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