

# MAINE STATE LEGISLATURE

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(Filing No. H-731)

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A", to H.P. 1362, L.D. 1667, Bill, "AN ACT Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs."

Amend the amendment in section 1 in subsection 10 by striking out all of paragraph F and inserting in its place the following:

F. In alleging a prior conviction under this section, Title 15, section 757, shall not apply. When a person is convicted for violation of this section, the clerk of courts shall obtain and shall furnish to the court, prior to the imposition of sentence on that person, a criminal history report on that person from the State Bureau of Investigation setting forth all available information on convictions which are considered to be prior offenses for the purposes of this section, if any, of that person and the disposition of each prosecution. This report, as furnished to the court, shall not contain information of prior criminal prosecutions, if any, of that person in which that person was found not guilty by the court or jury. Each report furnished to the court pursuant to this section shall be certified as authentic by the Director of the State Bureau of Investigation or his designee and any report so certified shall be prima facie evidence that the contents of the report represent

the record of prior offenses of the defendant.

< Prior to the imposition of sentence, any report  
< — furnished to a court under this section shall be made  
< — available to the defendant and his counsel for inspection.

Statement of Fact

The purpose of this amendment is to provide that the clerk of courts, prior to the sentencing of a person for operating a vehicle under the influence of liquor or drugs, will furnish the court with a certified copy of that person's prior conviction record. The report will be obtained from the State Bureau of Investigation and will be prima facie evidence of the defendant's prior conviction record.

Filed by Mrs. Locke of Sebec.

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