

# MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. H-857)  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" 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 subsection 10 in paragraph A in the first line by striking out the underlined word "Any" and inserting in its place the following: 'Notwithstanding the provisions of Title 17-A, section 4-A, any'

Further amend the Amendment in subsection 10 in paragraph B in the 2nd line by striking out the underlined figure "4" and inserting in its place the underlined figure and letter '4-A'

Further amend the Amendment in subsection 10 in paragraph B in the 3rd paragraph by inserting at the end after the punctuation the following: 'The provisions of this paragraph regarding the minimum term of imprisonment for a 2nd conviction shall apply only if the State alleges the prior conviction in accordance with Title 15, section 757; provided that the certified copy of the prior conviction from the office of the Secretary of State shall be admitted in evidence as proof of the prior conviction.'

Further amend the Amendment in subsection 10 in paragraph C by striking out in the first line the underlined word "Any" and inserting in its place the following: 'Notwithstanding the provisions of Title 17-A, section 4-A, any'

Amend the Amendment in subsection 10 by inserting after paragraph E the following:

'F. After making an arrest for a violation of this section, the arresting officer shall investigate to determine whether the arrested person has any prior convictions under this section. As part of his investigation, the arresting officer shall make the necessary inquiries of the Secretary of State. If the arresting officer determines that the arrested person has a prior conviction, he shall cause to be issued a complaint for a 2nd < \_\_\_\_\_ > violation in accordance with paragraph B.'

Further amend the Amendment in subsection 10 by by relettering paragraph F to be paragraph G and by striking out all of the first underlined sentence and inserting in its place the following: 'Except for the purpose specified in paragraph B, it shall not be necessary to comply with the procedures set out in Title 15, section 757, to establish prior convictions under this section.'

Statement of Fact

The purposes of this amendment are:

1. To correct errors in House Amendment "A".
2. To provide that the original bill will conform to the requirement of the criminal code.

3. To better insure that a guilty defendant's prior conviction record will be known to the court so that the defendant can be properly sentenced according to the provisions of the original bill.

Filed by Mrs. Locke of Sebec.

Reproduced and distributed under the direction of the Clerk  
of the House.  
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