

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1902

S. P. 614

Office of the Secretary of the Senate

The Committee on Judiciary suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24, and 1,700 ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Collins of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Revise the Statute on Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an inconsistency between 2 bills enacted by the Legislature has made it impossible to carry out the legislative intent with regard to mandatory driver education courses for persons convicted of operating a motor vehicle while under the influence of liquor or drugs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

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

29 MRSA § 1312, sub-§ 10, ¶ A, 3rd ¶, as amended by PL 1977, c. 438 and as repealed and replaced by PL 1977, c. 498, § 1, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

During the last session, the Legislature passed 2 bills dealing with the offense of operating under the influence of liquor. One made the driver education course mandatory

for first offenders. Another was a more extensive revision of the law, which inadvertently made the course optional again. Although the intent of the legislature was clear, the 2nd bill was passed later and the effect is that the course is still optional.

This bill repeals the wording which makes the course optional.