

MAINE STATE LEGISLATURE

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

(Filing No. H-1039)

HOUSE AMENDMENT "A" to S.P. 696, L.D. 2138, Bill, "AN ACT to Revise the Statute on Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs."

Amend the bill in section 1, subsection 10, by striking out all of paragraphs B and C and inserting in their place the following:

B. Notwithstanding the provisions of Title 17-A, section 4-A, any person who is convicted of a 2nd violation under this section shall be punished by imprisonment for not less than 24 hours or for not more than 6 months. Any term of imprisonment up to and including 48 hours or the first 48 hours of any term of imprisonment of more than 48 hours shall be served consecutively. In addition, such a person shall be punished by a fine of not less than \$250 and not more than \$2,000.

Any term of imprisonment up to and including 48 hours and the first 48 hours of any term of imprisonment of more than 48 hours shall not be suspended unless the court sets forth in detail in writing the reasons why, having regard to the nature and circumstances of the violation and the history and character of the defendant, it is of the opinion that exceptional features of the case justify the imposition of a sentence other than imprisonment.

of subsections → The court shall order such a term of imprisonment up to and including 48 hours to be served at a time that will cause the least disruption to the convicted person's employment and other personal affairs, but that is within 30 days of the date of conviction. Such a term of imprisonment up to and including 48 hours may be served in either a county jail or local lockup, as the court shall direct. The provisions of this paragraph regarding the term of imprisonment up to and including 48 hours 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.

C.

Notwithstanding the provisions of Title 17-A, section 4-A, any person convicted of a 3rd or subsequent violation of this section shall be punished by imprisonment for not less than 48 hours or for not more than 10 months. Any term of imprisonment up to and including 72 hours and the first 72 hours of any term of imprisonment of more than 72 hours shall be served consecutively. In addition, that person shall be punished by a fine of not less than \$500 and not more than \$2,500.

Any term of imprisonment up to and including 72 hours and the first 72 hours of any term of imprisonment of more than

72 hours
/shall not be suspended unless the court sets forth in
detail in writing the reasons why, having regard to the
nature and circumstances of the violation and the history
and character of the defendant, it is of the opinion that
exceptional features of the case justify the imposition
of a sentence other than imprisonment.

The court shall order such a term of imprisonment up to
and including 72 hours to be served at a time that will
cause the least disruption to the convicted person's
employment and other personal affairs, but that is within
30 days of the date of conviction. Such a term of imprison-
ment up to and including 72 hours may be served in either
a county jail or local lockup, as the court shall direct.
The provisions of this paragraph regarding the minimum
term of imprisonment for a 3rd or subsequent conviction
shall apply only if the State alleges 2 or more prior
convictions in accordance with Title 15, section 757;
provided that the certified copy of the prior convictions
from the office of the Secretary of State shall be admitted
in evidence as proof of the prior convictions.'

Statement of Fact

The purpose of this amendment is to clarify the penalty provisions for a 2nd conviction of operating under the influence and to provide minimum penalties for a 3rd or subsequent conviction.

Filed by Mr. McKean of Limestone.

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