

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1513

H. P. 1257

House of Representatives, March 29, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Higgins of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide a Mandatory Fine of \$250 for Persons Convicted of Operating a Motor Vehicle under the Influence of Alcohol or Drugs.

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

Sec. 1. 29 MRSA § 1312, sub-§ 10, ¶ A, as repealed and replaced by PL 1977, c. 626, § 1, is amended to read:

A. Notwithstanding the provisions of Title 17, section 4-A, any person who, while under the influence of intoxicating liquor or drugs, operates or attempts to operate a motor vehicle within this State shall be punished, on his first conviction, by a fine of not less than \$250 and not more than \$1,000 ~~or~~. **In addition, the persons may be punished** by imprisonment for not more than 90 days ~~or by both~~. **Any fine imposed under this paragraph shall not be suspended. The court shall also order that a person, on his first conviction, shall complete the driver education evaluation program offered by the Department of Human Services.**

Sec. 2. 29 MRSA § 1312, sub-§ 10, ¶ B, as repealed and replaced by PL 1977, c. 626, § 1, is amended by adding at the end a new paragraph to read:

In addition to any other fine or imprisonment imposed pursuant to this paragraph, the court shall order that a person who is convicted of a 2nd violation under this section shall be placed on probation for one year, which term of probation shall not be suspended.

Sec. 3. 29 MRSA § 1312, sub-§ 10, ¶C, as repealed and replaced by PL 1977, c. 626, § 1, is amended by adding at the end a new paragraph to read:

In addition to any other fine or imprisonment imposed pursuant to this paragraph, the court shall order that a person who is convicted of a 3rd or subsequent violation under this section shall be placed on probation for 5 years, which term of probation shall not be suspended.

STATEMENT OF FACT

The purposes of this bill are:

1. To establish a mandatory minimum fine of \$250 for a first conviction for operating a motor vehicle while under the influence of liquor or drugs and to provide that these persons must attend the driver education evaluation program offered by the Department of Human Services;
2. To provide a one-year period of probation for persons convicted a 2nd time of operating a motor vehicle under the influence of liquor or drugs; and
3. To provide a 5-year period of probation for persons convicted a 3rd or subsequent time of operating a motor vehicle under the influence of liquor or drugs.