

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 727

H. P. 637 House of Representatives, February 9, 1981
Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carrier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning the Suspension of a Drivers License for Operating a Motor Vehicle under the Influence of Alcohol or Refusing to Submit to a Blood or Breath Analysis.

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

Sec. 1. 29 MRSA § 1312, sub-§ 2, 2nd sentence, as repealed and replaced by PL 1979, c. 701, § 32, is repealed and the following enacted in its place:

The Secretary of State, upon the receipt of a written statement under oath of the arrest of a person for operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor and that the person had revoked his consent by refusing to submit to a chemical test to determine his blood-alcohol level by analysis of his blood or breath, shall immediately notify the person, in writing, as provided in section 2241, that his license or permit and his privilege to operate have been suspended. The written statement shall be sent to the Secretary of State within 72 hours of the arrest of the person, excluding Saturdays, Sundays and holidays.

Sec. 2. 29 MRSA § 1312, sub-§ 10-A, ¶ A, sub-¶ (1), as enacted by PL 1977, c. 626, § 2, is amended to read:

(1) In case of a first conviction, ~~30~~ 60 days;

Sec. 3. 29 MRSA § 1312, sub-§ 10-A, ¶ D, as enacted by PL 1977, c. 626, § 2, is amended to read:

D. The Secretary of State may also issue a restricted license or permit to any person whose license or permit has been suspended ~~for a first refusal~~ under subsection 2 ~~if the conditions of issuing after a first conviction are met by the person:~~

- (1) Prior to the expiration of the minimum suspension period, the license or permit authorizes the person to drive only to and from his place of employment; or**
- (2) If the conditions of issuing after a first conviction are met by the person.**

STATEMENT OF FACT

The purposes of this bill are:

1. To require that a written statement that a person has refused to submit to a blood or breath test under the operating under the influence statutes must be sent to the Secretary of State within 72 hours of the arrest;
2. To increase the minimum period of license suspension for a first conviction from 30 to 60 days; and
3. To permit the Secretary of State to issue restricted licenses to persons for a first refusal to submit to a blood or breath test to enable the person to drive to and from work.