

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-556)

COMMITTEE AMENDMENT "A" to H.P. 1184, L.D. 1408, Bill, "AN ACT Concerning Probation for Certain Persons Convicted of Driving while Intoxicated."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'29 MRSA §1312-B is enacted to read:

§1312-B. Probation

Notwithstanding any other provision of this subchapter and in addition to any other penalties provided by this subchapter, the court, in sentencing a person for a 2nd violation of this subchapter, may order that the person be placed on probation for a period of up to 2 years and, in sentencing a person for a 3rd violation of this subchapter, may order that the person be placed on probation for a period of up to 3 years. If probation is revoked, the person may be taken into custody to be imprisoned for up to 48 hours. In addition to the conditions of probation found under Title 17-A, section 1204, the court may require that the person placed on probation participate in alcohol and drug treatment counseling programs.'

Statement of Fact

The purpose of this amendment is to give the court another tool for dealing with recurring OUI offenders. The amendment

provides the possibility of periods of probation during which the 2nd or 3rd time violator may be supervised. The court may require as a condition of the probation that the offender participate in treatment or counseling programs. This amendment is necessary so that the probation provision could be consistent with current law or with any changes made in the OUI statutes this session.

Reported by the Minority of the Committee on Judiciary.
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of the House.

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