

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1408

H. P. 1184

House of Representatives, March 19, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Hobbins of Saco.

STATE OF MAINE

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

AN ACT Concerning Probation for Certain Persons Convicted of Driving while Intoxicated.

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

Sec. 1. 29 MRSA § 1312, sub-§ 10, ¶ B, 2nd ¶, as repealed and replaced by PL 1977, c. 626, § 1, is amended by adding at the end the following:

In addition to the provisions of this paragraph, the court may suspend the execution of any portion of the sentence of imprisonment in excess of 48 hours. If the court suspends any portion of the sentence of imprisonment, the court shall order that a person convicted of a 2nd violation be placed on probation for a period of up to 2 years. If probation is revoked, a person convicted of a 2nd violation shall be taken into custody to serve the unexecuted term of imprisonment. 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 and counseling programs.

Sec. 2. 29 MRSA § 1312, sub-§ 10, ¶ C, 2nd ¶, as repealed and replaced by PL 1977, c. 626, § 1, is further amended by adding at the end the following:

In addition to the provisions of this paragraph, the court may suspend the execution of any portion of the sentence of imprisonment in excess of 48 hours. If the court suspends any portion of the sentence of imprisonment, the court

shall order that a person convicted of a 3rd or subsequent violation be placed on probation for a period of up to 3 years. If probation is revoked, a person convicted of a 3rd or subsequent violation shall be taken into custody to serve the unexecuted term of imprisonment. 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 and counseling programs.

STATEMENT OF FACT

The purposes of this bill are:

1. To allow the courts to address the problems of the alcoholic driver in situations where the court feels that the terms of imprisonment beyond the statutorily-provided minimum term of 48 hours will not provide an adequate deterrence for future OUI violations;
2. To permit the court, within its discretion, to impose long-term periods of probation for 2nd and subsequent OUI convictions; and
3. To insure long-term participation in counseling and treatment programs.