

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 989

6  
7 H.P. 758

House of Representatives, March 3, 1983

8 On Motion of Representative Hobbins of Saco referred to the Committee  
9 on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Higgins of Scarborough.  
11 Cosponsor: Representative Davis of Monmouth.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT Relating to Sentences for Operating  
18 Under the Influence.  
19

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

22 29 MRSA §1312-B, sub-§2, as amended by PL 1981,  
23 c. 679, §30, is further amended to read:

24 2. Penalties. The offense defined in subsection  
25 1 is a Class D crime, provided that:

26 A. The fine for any conviction shall not be less  
27 than \$350, which fine shall not be suspended;

28 B. The sentence for any conviction shall include  
29 a period of incarceration of not less than 48  
30 consecutive hours, which sentence shall not be  
31 suspended; and

1 C. Upon conviction, the court shall suspend the  
2 defendant's license or permit to operate, right  
3 to operate a motor vehicle and right to apply for  
4 or obtain a license for a period of 90 days. The  
5 period of suspension shall not be suspended by  
6 the court. The court shall give notice of the  
7 suspension and take physical custody of an  
8 operator's license as provided in section 2241-H.  
9 The Secretary of State may impose an additional  
10 period of suspension as provided in section  
11 1312-D, subsection 1-A, and may extend any period  
12 of suspension until satisfaction of any condi-  
13 tions imposed pursuant to section 1312-D, subsec-  
14 tion 3.

15 The sentence, imposed under paragraph B, shall be  
16 scheduled for serving without regard to the conven-  
17 ience of the defendant and shall be served without  
18 undue delay. The schedule for serving the sentence  
19 imposed under paragraph B may be modified at the  
20 request of the defendant only upon a showing of com-  
21 PELLING need. If the schedule for the serving of the  
22 sentence is delayed to accommodate the defendant's  
23 request, the court shall note the reasons therefor in  
24 the case records.

25 STATEMENT OF FACT

26 The purpose of this bill is to restrict the prac-  
27 tice of judges sentencing drunk drivers to their  
28 mandatory jail terms at times that are convenient to  
29 those drivers. Many OUI offenders have requested  
30 weekend jail terms so as not to interfere with their  
31 jobs. This unnecessary leniency detracts from the  
32 "sting" the conviction for drunk driving is designed  
33 to carry. This bill limits this practice by permit-  
34 ting defendant's wishes to be accommodated only upon  
35 a showing of compelling need. In making an exception  
36 to the general requirement that sentences are to be  
37 served without unreasonable delay, the court will be  
38 required to note the reasons for the favorable treat-  
39 ment in the case records.

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