

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1237

6
7 H.P. 956

House of Representatives, March 17, 1983

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Hobbins of Saco.

12 STATE OF MAINE
13

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

17 AN ACT to Amend the Habitual Offender
18 Law.
19

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

22 29 MRSA §2296-B is enacted to read:

23 §2296-B. Petition for review; work restricted license

24 Any person whose license to operate a motor vehi-
25 cle has been revoked as an habitual offender pursuant
26 to section 2293 may petition the Secretary of State
27 for a work-restricted license.

28 Upon receipt of the petition and a showing of the
29 records as maintained in the files of the Division of
30 Motor Vehicles that none of the offenses which
31 brought the petitioner under the habitual offender

1 law were alcohol-related offenses, the Secretary of
2 State may stay the revocation during the statutory
3 revocation period and issue a work-restricted li-
4 cence. When making a determination, the Secretary of
5 State may consider the petitioner's need for a
6 work-restricted license.

7 The Secretary of State shall revoke, without pre-
8 liminary hearing, the work-restricted license of any
9 person who is adjudicated or convicted of any viola-
10 tion of this Title committed during the period when a
11 work-restricted license has been issued. Upon revoca-
12 tion of the work-restricted license, the stay of
13 revocation issued pursuant to this section shall be
14 vacated immediately. Any habitual offender whose
15 work-restricted license has been revoked shall have
16 the right to a hearing in accordance with procedures
17 and presumptions set forth in sections 2294 and 2297.
18 No stay of revocation may be issued pending any
19 requested hearing. If, after the hearing, the Secre-
20 tary of State or his deputy finds that the person is
21 not the same person named in the transcript or ab-
22 stract, the revocation shall be stayed and a
23 work-restricted license shall be reissued, but, if
24 the Secretary of State finds that the person is the
25 same person named in the transcript or abstract, the
26 revocation shall be invoked. An habitual offender who
27 is adjudicated or convicted of any violation of this
28 Title committed during the period when a
29 work-restricted license has been issued shall not be
30 entitled to any further relief during the remaining
31 term of the revocation.

32 STATEMENT OF FACT

33 This bill provides that the Secretary of State
34 may stay the statutory license revocation period of a
35 person defined as an habitual offender and issue a
36 work-restricted license. If the person to whom the
37 work-restricted license is issued is convicted or ad-
38 judicated of a motor vehicle violation during the
39 term of the work-restricted license, the revocation
40 will be reinstated.

41 This bill does not include a work-restricted li-
42 cense to be issued to a person defined as an habitual

1 offender if any of the offenses which brought the
2 person under the habitual offender law were
3 alcohol-related offenses.

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