

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2096

6  
7 H.P. 1582

House of Representatives, February 17, 1984

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
9 Reference to the Committee on Transportation. Ordered printed and sent  
up for concurrence.

EDWIN H. PERT, Clerk

10 Presented by Representative Bost of Orono.

Cosponsors: Representative Benoit of So. Portland, Senator Hayes of  
Penobscot and Representative Diamond of Bangor.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Require All Drivers Under the  
18 Age of 20 Years to Complete an Approved  
19 Defensive Driving Course.  
20

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

23 29 MRSA §2241-G, sub-§2, as enacted by PL 1983,  
24 c. 478, is amended to read:

25 2. Licensee under 20 years of age. The original  
26 license or any renewal license issued to an applicant  
27 under 20 years of age shall be a provisional license  
28 for a period of one year following the date of issue  
29 or until the licensee attains the age of 20 years of  
30 age, whichever occurs last. Upon expiration of the  
31 provisionary term, the license shall remain in force  
32 as a nonprovisional license to the next normal expi-  
33 ration date. Any license issued by any other juris-  
34 diction to a person who has not yet attained the age

1 of 20 years shall be construed to be a provisional  
2 license for the purpose of operating a motor vehicle  
3 within this State. All drivers under the age of 20  
4 years shall complete a defensive driving course as  
5 approved by the Secretary of State within one year of  
6 the issuance of an initial license. Failure to do so  
7 may result in loss of license. All drivers under the  
8 age of 20 years holding a valid driver's license on  
9 September 1, 1984, shall be exempt from this licens-  
10 ing requirement.

11 A. During the first year from the date of issue  
12 of the provisional license, if a person is con-  
13 victed of or adjudicated to have committed a mo-  
14 tor vehicle moving violation, on the first of-  
15 fense, the license shall be suspended for 30  
16 days. If he is convicted of or adjudicated to  
17 have committed a 2nd moving violation, his li-  
18 cense shall be suspended for 60 days and if he is  
19 convicted of or adjudicated to have committed a  
20 3rd moving violation, the license shall be sus-  
21 pended to the 2nd birthday next following the  
22 date of issue or for 90 days, whichever shall be  
23 the longer period of time. In these cases, a  
24 hearing may be requested of the Secretary of  
25 State, and the Secretary of State shall afford  
26 the provisional licensee opportunity for hearing  
27 as soon as practicable after receipt of the re-  
28 quest. Upon the hearing, the Secretary of State,  
29 for good cause shown, may continue, modify or re-  
30 scind the suspension. This paragraph shall not  
31 prevail when a person is convicted of or adjudi-  
32 cated to have committed an offense which carries  
33 a suspension or revocation period greater than  
34 that prescribed in this paragraph.

35 B. The Secretary of State shall suspend for a  
36 minimum period of one year, without preliminary  
37 hearing, the provisional license of any person  
38 under 20 years of age:

39 (1) As to whom there is received a record  
40 of conviction or adjudication for violation  
41 of section 1312-B or 1312-C or Title 15,  
42 section 3103, subsection 1, paragraph F; or

1                   (2) As to whom there is received the result  
2                   of a test to determine his blood-alcohol  
3                   level which shows the presence of 0.02% or  
4                   more by weight of alcohol in his blood.

5                   Any person not having attained the age of 20  
6                   years who operates or attempts to operate a motor  
7                   vehicle within this State shall, in addition to  
8                   the requirements of section 1312, have the duty  
9                   to submit to a test to determine his  
10                  blood-alcohol level by analysis of his blood or  
11                  breath, if there is probable cause to believe he  
12                  has operated or attempted to operate a motor ve-  
13                  hicle while having 0.02% or more by weight of al-  
14                  cohol in his blood. The provisions of section  
15                  1312 shall apply, except that in all cases prob-  
16                  able cause shall be to believe that the person  
17                  was operating or attempting to operate a motor  
18                  vehicle while having 0.02% or more by weight of  
19                  alcohol in his blood and that the suspension for  
20                  failing to comply with the duty to submit to the  
21                  test shall be for a period of one year.

22                  The provisions of section 1312, subsection 6,  
23                  shall apply, except that probable cause shall be  
24                  to believe that the person was operating or at-  
25                  tempting to operate a motor vehicle while having  
26                  0.02% or more by weight of alcohol in his blood.

27                  The Secretary of State, upon receipt of both a  
28                  written statement under oath from a law enforce-  
29                  ment officer that the officer had probable cause  
30                  to believe that a person was operating or at-  
31                  tempting to operate a motor vehicle while having  
32                  0.02% or more by weight of alcohol in his blood  
33                  and the result of a blood-alcohol test taken un-  
34                  der this section which shows the presence of  
35                  0.02% or more by weight of alcohol in his blood,  
36                  and which is certified pursuant to section 1312,  
37                  subsection 8, shall immediately notify the per-  
38                  son, in writing, as provided in section 2241,  
39                  that his provisional license has been suspended.  
40                  The suspension shall be for a period of one year.  
41                  The written statement shall be sent to the Secre-  
42                  tary of State, within 72 hours of receipt by the  
43                  officer, of the results of the test, excluding  
44                  Saturdays, Sundays and holidays, provided that if

1 the statement is not sent within this time peri-  
2 od, the Secretary of State shall nevertheless im-  
3 pose the suspension upon receipt, unless the de-  
4 lay has prejudiced the person's ability to pre-  
5 pare for or participate in the hearing. If a  
6 person, whose license is so suspended, desires to  
7 have a hearing, he shall so notify the Secretary  
8 of State in writing within 10 days from the ef-  
9 fective date of the suspension. The suspension  
10 shall remain in effect pending the hearing.

11 The scope of the hearing shall cover whether  
12 there was probable cause to believe that the  
13 person was operating or attempting to operate a  
14 motor vehicle while having 0.02% or more by  
15 weight of alcohol in his blood. If it is deter-  
16 mined after the hearing that there was not proba-  
17 ble cause to believe that the person was operat-  
18 ing or attempting to operate a motor vehicle  
19 while having 0.02% or more by weight of alcohol  
20 in his blood, the suspension shall be removed im-  
21 mediately and the Secretary of State shall delete  
22 any record of the suspension.

23 Any person whose provisional license is suspended  
24 under this section on the basis of a  
25 blood-alcohol test shall have the right to file a  
26 petition in the Superior Court in the county  
27 where he resides, or in Kennebec County, to re-  
28 view the order of suspension by the Secretary of  
29 State by the same procedure as is provided in  
30 section 2242. If the court rescinds the suspen-  
31 sion, it shall also order the Secretary of State  
32 to delete any record of the suspension.

33 C. Any suspension issued under paragraph B shall  
34 run concurrently with any suspension ordered by  
35 a court upon conviction or adjudication of any  
36 violation of section 1312-B or 1312-C or Title  
37 15, section 3103, subsection 1, paragraph F.

38 D. Following the expiration of 1/2 of the total  
39 period of suspension imposed pursuant to para-  
40 graph B, the Secretary of State may issue a pro-  
41 visional license, subject to the conditions, re-  
42 strictions or terms he deems advisable, to the  
43 person if he receives written notice that the

1 person has satisfactorily completed the alcohol  
2 education program of the Department of Human Ser-  
3 vices and, when required, has satisfactorily com-  
4 pleted an alcohol treatment or rehabilitation  
5 program approved or licensed by the department.

6 E. Any suspension pursuant to paragraph B or  
7 provisional license reissued after suspension  
8 pursuant to paragraph D may extend beyond the  
9 person's 20th birthday to allow for completion of  
10 the total suspension period or to continue the  
11 period of conditions, restrictions or terms im-  
12 posed on a license reissued pursuant to paragraph  
13 D.

14 F. The Secretary of State may promulgate what-  
15 ever rules are necessary to carry out the pur-  
16 poses of this section.

17 STATEMENT OF FACT

18 The purpose of this bill is to require all per-  
19 sons under the age of 20 years who obtain a driver's  
20 license after September 1, 1984, to complete a  
21 defensive driving course which will include substance  
22 abuse education. Teenagers are grossly  
23 overrepresented in substance abuse type accidents  
24 when compared to the rest of the driving population.  
25 The Revised Statutes, Title 23, section 4208, autho-  
26 rizes the Department of Public Safety to charge a  
27 registration fee of \$15 to participants of the  
28 defensive driving course to cover the cost of admin-  
29 istration, audio-visual equipment, texts, student  
30 workbooks, etc., for conducting the courses, there-  
31 fore, with this program being self-sufficient there  
32 is no fiscal note attached to this bill.

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