

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND TWELFTH LEGISLATURE
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5 Legislative Document

No. 419

6
7 S.P. 152

In Senate, February 5, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Perkins of Hancock.

Cosponsored by Senator Carpenter of Aroostook, Senator Bustin of
Kennebec and Senator Sewall of Lincoln.

11
12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Habitual Offender Law.
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19 Be it enacted by the People of the State of Maine as
20 follows:

21 Sec. 1. 29 MRSA §2296-B, sub-§1, as enacted by
22 PL 1983, c. 503, is amended to read:

23 1. Petition. A person whose license to operate
24 a motor vehicle has been revoked as an habitual of-
25 fender, pursuant to section 2293, 2296, 2296-A or
26 2298, may petition the Secretary of State for a
27 work-restricted license.

28 Sec. 2. 29 MRSA §2296-B, sub-§3, as enacted by
29 PL 1983, c. 503, is amended to read:

30 3. Revocation; procedure. The Secretary of
31 State shall revoke, without preliminary hearing, the
32 work-restricted license of any person who is adjudi-
33 cated or convicted of any violation of this Title
34 committed during the period when a work-restricted

1 license has been issued or who violates any restric-
2 tion or condition contained on the license. Upon
3 revocation of the work-restricted license, the stay
4 of revocation issued pursuant to this section shall
5 be vacated immediately. Any habitual offender whose
6 work-restricted license has been revoked shall have
7 the right to a hearing in accordance with procedures
8 and presumptions set forth in sections 2294 and 2297.
9 No stay of revocation may be issued pending any re-
10 quested hearing. If, after the hearing, the Secretary
11 of State or his deputy finds that the person is not
12 the same person named in the transcript or abstract,
13 the revocation shall be stayed and a work-restricted
14 license shall be reissued, but, if the Secretary of
15 State finds that the person is the same person named
16 in the transcript or abstract, the revocation shall
17 be invoked. An habitual offender who is adjudicated
18 or convicted of any violation of this Title committed
19 during the period when a work-restricted license has
20 been issued shall not be entitled to any further re-
21 lief during the remaining term of the revocation.

22 Sec. 3. 29 MRSA §2296-B, sub-§4, as enacted by
23 PL 1983, c. 503, is repealed and the following en-
24 acted in its place:

25 4. Eligibility. If one or more of the convic-
26 tions or adjudications which defined a person as an
27 habitual offender is pursuant to section 2292, sub-
28 section 1, paragraph B, a person is not eligible for
29 a license under this section unless the Secretary of
30 State has received written notice that the person has
31 satisfactorily completed the alcohol educational pro-
32 gram of the Department of Human Services and, when
33 required, has satisfactorily completed an alcohol
34 treatment or rehabilitation program approved or li-
35 censed by the department. The license shall contain
36 the condition that the person abstain from the use of
37 intoxicating liquor.

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STATEMENT OF FACT

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This bill broadens the revocation of license provisions under the habitual offender laws and provides that habitual offenders for operating under the influence shall not be eligible for work restricted licenses unless the person has successfully completed an alcohol educational, treatment or rehabilitation program.

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