

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 593

6
7 S.P. 231

In Senate, February 19, 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 Bustin of Kennebec.

Cosponsored by Senator Perkins of Hancock, Representative Rolde of York and Representative Bell of Paris.

11
12 STATE OF MAINE
13

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

17 AN ACT Requiring Treatment and Rehabilitation
18 as a Condition for License Restoration
19 when Convicted of Alcohol or Drug Related
20 Vehicular Homicide.
21

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

24 29 MRSA §1313-A is enacted to read:

25 §1313-A. Provisions regarding revocation when homi-
26 cide is alcohol or drug related

27 1. Alcohol or drug programs. When any person is
28 convicted of a criminal homicide or adjudicated to
29 have committed a juvenile offense of criminal
30 homocide as the result of his operation of a motor
31 vehicle while under the influence of intoxicating li-
32 quor or drugs, the following conditions shall be met
33 before that person may be licensed or permitted to
34 operate a motor vehicle:

1 A. Completion of an alcohol or drug education
2 and evaluation program of the Department of Human
3 Services;

4 B. Completion of the requirements of an alcohol
5 or drug treatment or rehabilitation program rec-
6 ommended by the Department of Human Services;

7 C. Attendance for 2 years at an after-care pro-
8 gram approved by the Department of Human Ser-
9 vices; and

10 D. Certification by the Department of Human Ser-
11 vices, at the end of the 5-year revocation period
12 provided in section 1313, that the person no
13 longer has an alcohol or drug abuse problem.

14 2. Restricted license. The Secretary of State
15 may issue a temporary restricted license to a person
16 whose license has been revoked under section 1313,
17 because of a conviction or adjudication described in
18 subsection 1, upon the person's completion of the re-
19 quirement of subsection 1, paragraph C. The tempo-
20 rary license shall be restricted to purposes of
21 travel by the person to or from alcohol, drug or med-
22 ical treatment and to or from employment. Any li-
23 cence issued under this subsection shall be revoked
24 if:

25 A. The person's license is suspended under sec-
26 tion 1311-A, 1312-B, 1312-C, 2241-G or Title 15,
27 section 3103, subsection 1, paragraph F;

28 B. The person is convicted of any offense in
29 which a motor vehicle was used or is adjudicated
30 guilty of any traffic infraction; or

31 C. The person is convicted of any offense in-
32 volving alcohol or drugs or adjudicated guilty of
33 any civil violation involving alcohol or drugs.
34

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STATEMENT OF FACT

2 A person convicted of either a criminal or traf-
3 fic violation of operating under the influence of al-
4 cohol or drugs is required to complete an alcohol ed-
5 ucation program and, when indicated, to complete a
6 treatment or rehabilitation program before his li-
7 cense may be reissued. If a person is convicted of
8 vehicular manslaughter which took place while he was
9 under the influence of alcohol or drugs, there is no
10 requirement for education, treatment and rehabilita-
11 tion. There is also no requirement for incarceration
12 tion. There is a 5-year license revocation.

13 The bill requires that the following conditions
14 be met before a license may be issued to such a per-
15 son.

16 1. The same conditions as required of someone
17 convicted of driving under the influence of alcohol
18 or drugs with the addition of a provision for drug
19 education, where appropriate.

20 2. Participation in a 2-year period of after-
21 care.

22 3. Certification at the end of the 5-year revo-
23 cation that the individual no longer has an alcohol
24 or drug abuse problem.

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