

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 FIRST REGULAR SESSION  
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4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

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6 Legislative Document

No. 820

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8 S.P. 332

In Senate, February 28, 1985

9 Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
10 Referred to the Committee on Legal Affairs. Sent down for concurrence  
and ordered printed.

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

Presented by President Pray of Penobscot.

12 Cosponsored by Senator Usher of Cumberland, Representative Crowley  
of Stockton Springs and Representative Masterman of Milo.

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13 STATE OF MAINE  
14

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15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FIVE  
17

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18 AN ACT to Establish Age 21 Years as the  
19 Legal Age to Purchase or Consume Alcoholic  
20 Beverages and to Deter Drinking and  
21 Driving by Minors.  
22

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23 Emergency preamble. Whereas, Acts of the Legis-  
24 lature do not become effective until 90 days after  
25 adjournment unless enacted as emergencies; and

26 Whereas, prompt raising of the legal age for the  
27 purchase, transportation, possession or consumption  
28 of alcoholic beverages to age 21 years will reduce  
29 alcohol related highway deaths in Maine; and

30 Whereas, in the judgment of the Legislature,  
31 these facts create an emergency within the meaning of  
32 the Constitution of Maine and require the following  
33 legislation as immediately necessary for the preser-  
34 vation of the public peace, health and safety; now,  
35 therefore,

1 Be it enacted by the People of the State of Maine as  
2 follows:

3 Sec. 1. 28 MRSA §2, sub-§11, as amended by PL  
4 1977, c. 23, §1, is further amended to read:

5 11. Minor. "Minor" ~~shall mean~~ means a person who  
6 has not attained his ~~20th~~ 21st birthday.

7 Sec. 2. 28 MRSA §201, as amended by PL 1983, c.  
8 79, §1, is further amended to read:

9 §201. Eligibility

10 No license may be issued to any natural person  
11 unless ~~such~~ that person is at least ~~20~~ 21 years of  
12 age and is a citizen of the United States and of this  
13 State. A part-time license, as authorized by law,  
14 may be issued to any natural person who is at least  
15 ~~20~~ 21 years of age and is a citizen of the United  
16 States. No license may be issued to a partnership or  
17 to an association unless all persons having an inter-  
18 est therein are at least ~~20~~ 21 years of age and are  
19 citizens of the United States and of this State. A  
20 part-time license, as authorized by law, may be is-  
21 sued to a partnership or association if all persons  
22 having an interest therein are at least ~~20~~ 21 years  
23 of age and are citizens of the United States. No li-  
24 cense may be issued to any corporation unless it  
25 shall be incorporated under the laws of this State or  
26 authorized to transact business in this State. No li-  
27 cense may be issued to a corporation any of the prin-  
28 cipal officers of which would not personally be eli-  
29 gible for a liquor license because such officer had  
30 had a license for sale of liquor revoked. No person,  
31 who is not at the time of the offense the holder of a  
32 liquor license, convicted of violating any of the  
33 laws of this State or the United States with respect  
34 to manufacture, transportation, importation, posses-  
35 sion or sale of intoxicating liquor may be granted a  
36 license for sale of liquor for a period of 5 years  
37 from the date of such conviction, and no person who  
38 sells liquor of a greater alcoholic content than au-  
39 thorized by his license may be considered the holder  
40 of a license for the purposes of this sentence. No  
41 clerk, servant or agent of a licensee, who is con-

1 victed of sale of liquor on Sunday, may himself be  
2 granted a license for sale of liquor for a period not  
3 exceeding 5 years from the date of such conviction.  
4 No person whose license for sale of liquor expires  
5 pending an appeal from conviction of a violation of  
6 law forbidding sale of intoxicating liquor on Sunday,  
7 by himself or his clerk, servant or agent, on his li-  
8 censed premises, may, after subsequent final convic-  
9 tion of himself, clerk, servant or agent be eligible  
10 for a liquor license for a period not exceeding 5  
11 years from the date of such final conviction. No li-  
12 cense may be issued in which any law enforcement of-  
13 ficial benefits financially either directly or indi-  
14 rectly.

15 Sec. 3. 28 MRSA §303, as amended by PL 1983, c.  
16 81, is further amended to read:

17 §303. Credit sales; sales to certain persons re-  
18 stricted

19 No licensee by himself, clerk, servant or agent  
20 ~~shall~~ may sell or offer to sell any liquor except for  
21 cash, excepting credits extended by a hotel or club  
22 to bona fide registered guests or members; and ex-  
23 cepting credits extended by a hotel or class A res-  
24 taurant to the holder of a credit card which autho-  
25 rizes such holder to charge goods or credits. No  
26 right of action ~~shall~~ may exist to collect claims for  
27 credits extended contrary to this section. Nothing  
28 herein contained ~~shall~~ may prohibit a licensee from  
29 giving credit to a purchaser for the actual price  
30 charged for packages or original containers as a  
31 credit on any sale, or from paying the amount actual-  
32 ly charged for packages or original containers.

33 No licensee by himself, clerk, servant or agent  
34 ~~shall~~ may sell, offer to sell or furnish any liquor  
35 to any person on a passbook or store order, or re-  
36 ceive from any person any goods, wares, merchandise  
37 or other articles in exchange for liquor, except only  
38 such packages or original containers as were origi-  
39 nally purchased from such licensee by the person re-  
40 turning the same. No licensee, by himself, clerk,  
41 servant or agent entitled to sell malt liquor or ta-  
42 ble wine not to be consumed on the premises, ~~shall~~  
43 may sell, furnish, give or deliver such malt liquor

1 or table wine to any person visibly intoxicated, to  
2 any mentally ill person, to a known habitual drunk-  
3 ard, to any pauper, to persons of known intemperate  
4 habits or to any minor under the age of ~~20~~ 21 years.  
5 No licensee by himself, clerk, servant or agent ~~shall~~  
6 may sell, furnish, give, serve or permit to be served  
7 any liquor to be consumed on the premises to any per-  
8 son visibly intoxicated, to any mentally ill person,  
9 to a known habitual drunkard, to any pauper, to per-  
10 sons of known intemperate habits or to any minor un-  
11 der the age of ~~20~~ 21 years. Any licensee who accepts  
12 an order or receives payment for liquor from a minor  
13 shall be considered as in violation of this para-  
14 graph.

15 Any person under the age of ~~20~~ 21 years who pur-  
16 chases any intoxicating liquor or any person under  
17 the age of ~~20~~ 21 years who consumes any intoxicating  
18 liquor or has on his or her person any intoxicating  
19 liquor in any on-sale premises, or who presents or  
20 offers to any licensee, his agent or employee any  
21 written or oral evidence of age which is false,  
22 fraudulent or not actually his own, for the purpose  
23 of ordering, purchasing, attempting to purchase or  
24 otherwise procuring or attempting to procure, the  
25 serving of any intoxicating liquor, or who has any  
26 intoxicating liquor in his possession except in the  
27 scope of his or her employment on any street or high-  
28 way, or in any public place or in any automobile,  
29 commits a civil violation for which a forfeiture may  
30 be adjudged of no less than \$100 nor more than \$300  
31 for the first offense; not less than \$200 nor more  
32 than \$500 for the 2nd offense; and \$500 for the 3rd  
33 and subsequent offenses. If a minor is charged with  
34 illegal possession under this section, he may not be  
35 charged with illegal transportation. No minor may be  
36 charged with more than one offense under this section  
37 in any given instance wherein the same set of facts  
38 is involved.

39 Sec. 4. 28 MRSA §1001, as amended by PL 1977, c.  
40 23, §§7 and 8, is further amended to read:

41 §1001. Transportation restricted

42 No person under the age of ~~20~~ 21 years ~~shall~~ may  
43 knowingly transport or knowingly permit to be trans-

1 ported any intoxicating liquor in a motor vehicle under  
2 his control except in the scope of his or her employ-  
3 ment, or at the request of his or her parent or  
4 guardian.

5 If a minor is charged with illegal transportation  
6 under this section, he may not be charged with illegal  
7 possession.

8 No person under the age of ~~20~~ 21 years shall ~~may~~  
9 be convicted of any offense under this section if in-  
10 toxicating liquors are found outside the passenger or  
11 driver's section of a motor vehicle under his control  
12 unless said person has actual knowledge of the pres-  
13 ence of said liquors. The trunk or locked glove com-  
14 partment of any vehicle shall not be construed under  
15 this section to be within the passenger or driver's  
16 section thereof.

17 Any violation of this section shall be a traffic  
18 infraction.

19 Sec. 5. ~~28~~ MRSA §1060, first ¶, as repealed and  
20 replaced by PL 1981, c. 506, §2, is amended to read:

21 Any resident of the State or nonresident in the  
22 State ~~20~~ 21 years of age or over may make application  
23 to the Secretary of State for an official state  
24 nondriver identification card under Title 5, section  
25 89, upon a form provided by the Secretary of State.  
26 The application form shall include, directly above  
27 the signature line, the following notice to the ap-  
28 plicant: "I understand that false statements made on  
29 this form are punishable by law. Knowingly supplying  
30 false information on this form is a Class D offense  
31 under Title 17-A, punishable by confinement of up to  
32 one year or by monetary fine of up to \$500, or by  
33 both." The Secretary of State, upon receipt of an ap-  
34 plication and such supporting documents and informa-  
35 tion as he may require, shall issue an identification  
36 card to the applicant bearing his photograph, togeth-  
37 er with his name, address, date of birth and such  
38 other information and identification as he may deem  
39 necessary. The identification card issued under this  
40 section shall not be valid until signed by the appli-  
41 cant. The fee for an identification card shall be \$2.

1           Sec. 6. 29 MRSA §2241-G, sub-§1, as enacted by  
2 PL 1983, c. 478, is amended to read:

3           1. Licensee 21 years of age and older. The original  
4 state license issued to a new applicant ~~20~~ 21  
5 years of age and older shall be a provisional license  
6 for a period of one year following the date of issue  
7 and shall remain in force as a nonprovisional license  
8 to the next normal expiration date. If a person is  
9 convicted of or adjudicated to have committed a motor  
10 vehicle moving violation while in possession of a  
11 provisional license on the first offense, the license  
12 shall be suspended for 30 days. If he is convicted  
13 of or adjudicated to have committed a 2nd moving violation,  
14 his license shall be suspended for 60 days  
15 and if he is convicted of or adjudicated to have committed  
16 a 3rd moving violation, the license shall be  
17 suspended to the 2nd birthday next following the date  
18 of issue or for 90 days, whichever shall be the  
19 longer period of time. In these cases, a hearing may  
20 be requested of the Secretary of State, and the Secretary  
21 of State shall afford the provisional licensee  
22 opportunity for hearing as soon as practicable after  
23 receipt of the request. Upon the hearing, the Secretary  
24 of State, for good cause shown, may continue,  
25 modify or rescind the suspension. This subsection  
26 shall not prevail when a person is convicted of or  
27 adjudicated to have committed an offense which carries  
28 a suspension or revocation period greater than  
29 that prescribed in this subsection.

30           Sec. 7. 29 MRSA §2241-G, sub-§2, as amended by  
31 PL 1983, c. 850, §4, is further amended to read:

32           2. Licensee under 21 years of age. The original  
33 license or any renewal license issued to an applicant  
34 under ~~20~~ 21 years of age shall be a provisional license  
35 for a period of one year following the date of  
36 issue or until the licensee attains the age of ~~20~~ 21  
37 years of age, whichever occurs last. Upon expiration  
38 of the provisionary term, the license shall remain in  
39 force as a nonprovisional license to the next normal  
40 expiration date. Any license issued by any other jurisdiction  
41 to a person who has not yet attained the  
42 age of ~~20~~ 21 years shall be construed to be a provisional  
43 license for the purpose of operating a motor  
44 vehicle within this State.

1 A. During the first year from the date of issue  
2 of the provisional license, if a person is con-  
3 victed of or adjudicated to have committed a mo-  
4 tor vehicle moving violation, on the first of-  
5 fense, the license shall be suspended for 30  
6 days. If he is convicted of or adjudicated to  
7 have committed a 2nd moving violation, his li-  
8 cense shall be suspended for 60 days and if he is  
9 convicted of or adjudicated to have committed a  
10 3rd moving violation, the license shall be sus-  
11 pended to the 2nd birthday next following the  
12 date of issue or for 90 days, whichever shall be  
13 the longer period of time. In these cases, a  
14 hearing may be requested of the Secretary of  
15 State, and the Secretary of State shall afford  
16 the provisional licensee opportunity for hearing  
17 as soon as practicable after receipt of the re-  
18 quest. Upon the hearing, the Secretary of State,  
19 for good cause shown, may continue, modify or re-  
20 scind the suspension. This paragraph shall not  
21 prevail when a person is convicted of or adjudi-  
22 cated to have committed an offense which carries  
23 a suspension or revocation period greater than  
24 that prescribed in this paragraph.

25 B. Except where a longer period of suspension is  
26 otherwise provided by law, the Secretary of State  
27 shall suspend for a period of one year, without  
28 preliminary hearing, the provisional license of  
29 any person who has not attained his ~~20th~~ 21st  
30 birthday:

31 (1) As to whom there is received a record  
32 of conviction or adjudication for violation  
33 of section 1312-B or 1312-C or Title 15,  
34 section 3103, subsection 1, paragraph F; or

35 (2) As to whom he determines has operated  
36 or attempted to operate a motor vehicle  
37 while having 0.02% or more by weight of al-  
38cohol in his blood.

39 C. Any person not having attained his ~~20th~~ 21st  
40 birthday who operates or attempts to operate a  
41 motor vehicle within this State shall have the  
42 duty to submit to a test to determine his  
43 blood-alcohol level by analysis of his blood or



1 breath, if there is probable cause to believe he  
2 has operated or attempted to operate a motor ve-  
3 hicle while having 0.02% or more by weight of al-  
4 cohool in his blood. The provisions of section  
5 1312 shall apply, except that in all cases proba-  
6 ble cause shall be to believe that the person was  
7 operating or attempting to operate a motor vehi-  
8 cle while having 0.02% or more by weight of alco-  
9 hol in his blood and that the person had not at-  
10 tained his ~~20th~~ 21st birthday, and except that  
11 suspension for failing to comply with the duty to  
12 submit to the test shall be for a period of one  
13 year.

14 D. The Secretary of State shall make the deter-  
15 mination of suspension as follows:.

16 (1) The Secretary of State shall suspend  
17 the provisional license of any person who  
18 has not attained his ~~20th~~ 21st birthday, and  
19 the right to apply for or obtain a license  
20 of any such person upon his determination  
21 that the person operated or attempted to op-  
22 erate a motor vehicle with 0.02% or more by  
23 weight of alcohol in the blood. The suspen-  
24 sion shall be for a period of one year and  
25 shall continue until satisfaction of any  
26 conditions imposed pursuant to paragraph I  
27 or O.

28 (2) The Secretary of State shall make a de-  
29 termination on the basis of the information  
30 required in paragraph E and this determina-  
31 tion shall be final unless a hearing is re-  
32 quested and held. If a hearing is held, the  
33 Secretary of State shall review the matter  
34 and make a final determination on the basis  
35 of evidence received at the hearing.

36 (3) The determination of these facts by the  
37 Secretary of State is independent of the de-  
38 termination of the same or similar facts in  
39 the adjudication of any civil or criminal  
40 charges arising out of the same occurrence.  
41 The disposition of those civil or criminal  
42 charges shall not affect any suspension un-  
43 der this section. Statements made by the li-

1 censee at the hearing before the Secretary  
2 of State shall not be introduced by the  
3 State in its case in chief in any prosecu-  
4 tion for violation of section 1312-B, 1312-C  
5 or Title 15, section 3103, subsection 1,  
6 paragraph F, arising out of the same occur-  
7 rence.

8 E. A law enforcement officer shall forward a re-  
9 port to the Secretary of State as follows.

10 (1) A law enforcement officer who had prob-  
11 able cause to believe any person who had not  
12 attained his ~~20th~~ 21st birthday was operat-  
13 ing or attempting to operate a motor vehicle  
14 with 0.02% or more by weight of alcohol in  
15 the blood shall immediately forward to the  
16 Secretary of State a report, under oath of  
17 all information relevant to the enforcement  
18 action, including information which ade-  
19 quately identifies the person, a statement  
20 of the officer's grounds for belief that the  
21 person committed the offense of operating or  
22 attempting to operate a motor vehicle while  
23 having 0.02% or more by weight of alcohol in  
24 the blood, and a certificate under section  
25 1312, subsection 8, of the result of any  
26 blood-alcohol test by a self-contained  
27 breath-alcohol testing apparatus which was  
28 conducted and which shows the presence of  
29 0.02% or more by weight of alcohol in the  
30 blood.

31 (2) The report required in this subsection  
32 shall be made on forms supplied by or ap-  
33 proved by the Secretary of State.

34 (3) If the blood-alcohol test was not ana-  
35 lyzed by a law enforcement officer, the per-  
36 son who analyzed the results shall cause a  
37 copy of his certificate under section 1312,  
38 subsection 8, to be sent to the Secretary of  
39 State.

40 F. The notice of suspension by the Secretary of  
41 State shall be made as follows.

1 (1) Upon receipt of the information re-  
2 quired in paragraph E, the Secretary of  
3 State shall make the determination described  
4 in paragraph D. If the Secretary of State  
5 determines that the person is subject to li-  
6 cense suspension, he shall immediately issue  
7 a notice of suspension.

8 (2) The notice of suspension shall be sent  
9 by regular mail to the person at the last  
10 known address on record at the Division of  
11 Motor Vehicles, or to the address provided  
12 in the report of the law enforcement officer  
13 if that address differs from the address of  
14 record.

15 (3) The notice of suspension shall clearly  
16 specify the reason and statutory grounds for  
17 the suspension, the effective date of the  
18 suspension, the right of the person to re-  
19 quest a hearing, the procedure for request-  
20 ing a hearing and the date by which that re-  
21 quest for a hearing shall be made. The no-  
22 tice of suspension shall also clearly state  
23 that a copy of the report of the law en-  
24 forcement officer under paragraph E, subpar-  
25 agraph (1), and a copy of the blood-alcohol  
26 test certificate under paragraph E, subpara-  
27 graph (1) or (3), will be provided to the  
28 person upon request to the Secretary of  
29 State.

30 G. Effective date and period of suspension.

31 (1) Any suspension imposed shall be effec-  
32 tive on a specified date not less than 10  
33 days after the mailing of the notification  
34 of suspension by the Secretary of State. If  
35 a person whose license is suspended desires  
36 to have a hearing, he shall so notify the  
37 Secretary of State, in writing, within 10  
38 days from the effective date of the suspen-  
39 sion. The suspension shall be stayed for 10  
40 days from the effective date of the suspen-  
41 sion. If, within 10 days from the effective  
42 date of the suspension, the Secretary of  
43 State is notified, in writing, of a request

1 for a hearing, the suspension shall be  
2 stayed until a hearing is held and a deci-  
3 sion is issued. The Secretary of State shall  
4 conduct a hearing and issue a decision with-  
5 in 30 days from the date of receipt of a  
6 written request for hearing. Failure by the  
7 Secretary of State to conduct a hearing and  
8 issue a decision within the 30-day period  
9 shall result in an extension of the stay of  
10 the Secretary of State's suspension order  
11 until such time as a hearing is conducted  
12 and a decision issued. Notwithstanding this  
13 subsection, there shall be no stay of sus-  
14 pension during the period of any delay of  
15 hearing which is caused or requested by the  
16 petitioner.

17 (2) When a person's license is suspended  
18 under this section and is also suspended af-  
19 ter having been adjudicated or convicted on  
20 charges arising out of the same occurrence  
21 for a violation of section 1312-B or 1312-C  
22 or Title 15, section 3103, subsection 1,  
23 paragraph F, the period of time his license  
24 has been suspended under this section prior  
25 to the adjudication or conviction shall be  
26 deducted from the period of time of any  
27 court-imposed suspension ordered pursuant to  
28 section 1312-B or 1312-C or Title 15, sec-  
29 tion 3103, subsection 1, paragraph F.

30 H. Upon receipt by the Secretary of State of a  
31 petition for a work-restricted license by any  
32 person whose license or right to operate a motor  
33 vehicle has been suspended pursuant to paragraph  
34 B, subparagraph (2), the Secretary of State may  
35 stay the suspension during the statutory period  
36 and issue a work-restricted license. The issuance  
37 of such a license shall be conditioned upon a  
38 showing by the petitioner by clear and convincing  
39 evidence that such a license is necessary to op-  
40 erate a motor vehicle between the residence and a  
41 place of employment or to operate a motor vehicle  
42 in the scope of employment, or both, as deter-  
43 mined by the Secretary of State and that no al-  
44 ternative means of transportation is available.

1 I. Following the expiration of 1/2 of the total  
2 period of suspension imposed pursuant to para-  
3 graph B, the Secretary of State may issue a pro-  
4 visional license, subject to the conditions, re-  
5 strictions or terms he deems advisable, to the  
6 person if the Secretary of State receives written  
7 notice that the person has satisfactorily com-  
8 pleted the alcohol educational program of the De-  
9 partment of Human Services and, when required,  
10 has satisfactorily completed an alcohol treatment  
11 or rehabilitation program approved or licensed by  
12 the department.

13 J. A person who has received notice of suspen-  
14 sion may request a hearing as follows.

15 (1) Any person who has received a notice of  
16 suspension under this section may make a  
17 written request for a review of the determi-  
18 nation of the Secretary of State at a hear-  
19 ing.

20 (2) The request for hearing shall be made  
21 within 10 days from the effective date of  
22 the suspension. If a written request for a  
23 hearing is made after such date and the Sec-  
24 retary of State finds that the person was  
25 unable to make a timely request due to lack  
26 of actual notice of the suspension or due to  
27 factors of physical incapacity, the Secre-  
28 tary of State shall waive the period of lim-  
29 itation, reopen the matter and grant the  
30 hearing request, except, in such a case, a  
31 stay of suspension pending the hearing shall  
32 not be granted.

33 K. The hearing and notice shall be as follows.

34 (1) The hearing and notice shall be as pro-  
35 vided in section 2241, subsection 3.

36 (2) The scope of the hearing shall include  
37 whether, by a preponderance of the evidence:

38 (a) There was probable cause to be-  
39 lieve that the person had not attained  
40 his ~~20th~~ 21st birthday and that the

1 person was operating or attempting to  
2 operate a motor vehicle while having  
3 0.02% or more by weight of alcohol in  
4 his blood;

5 (b) The person operated or attempted  
6 to operate a motor vehicle;

7 (c) At such time the person had 0.02%  
8 or more by weight of alcohol in his  
9 blood; and

10 (d) At such time the person had not  
11 attained his ~~20th~~ 21st birthday.

12 (3) A certificate duly signed and sworn to  
13 pursuant to section 1312, subsection 8,  
14 shall be prima facie proof of facts stated  
15 therein and that the person taking a speci-  
16 men of blood or breath was authorized by  
17 section 1312, subsection 6, that the equip-  
18 ment, chemicals and other materials used in  
19 the taking of the blood specimen or a breath  
20 sample were of a quality appropriate for the  
21 purpose of producing reliable test results,  
22 that any equipment, chemicals or materials  
23 required by section 1312, subsection 6, to  
24 be approved by the Department of Human Ser-  
25 vices were in fact approved, that the sample  
26 tested by the person certified under section  
27 1312, subsection 6, was in fact the same  
28 sample taken and that the percentage by  
29 weight of alcohol in the blood was, at the  
30 time the blood or breath sample was taken,  
31 as stated in the certificate.

32 (4) If it is determined after hearing that  
33 there was not the requisite probable cause  
34 for blood-alcohol test administration or  
35 that the person had attained his ~~20th~~ 21st  
36 birthday at the time of operation or at-  
37 tempted operation or that the person did not  
38 operate or attempt to operate a motor vehi-  
39 cle while having 0.02% or more by weight of  
40 alcohol in his blood, the suspension shall  
41 be removed immediately and the Secretary of  
42 State shall delete any record of the suspen-  
43 sion.

1 (5) Any person whose license is suspended  
2 under this section on the basis of a  
3 blood-alcohol test may, within 30 days after  
4 receipt of the decision, appeal to the Supe-  
5 rior Court for judicial review as provided  
6 in Title 5, sections 11001 to 11008. If the  
7 court rescinds the suspension, it shall also  
8 order the Secretary of State to delete any  
9 record of the suspension.

10 L. Any suspension pursuant to this section or  
11 license reissued after suspension pursuant to  
12 paragraph I may extend beyond the person's ~~20th~~  
13 21st birthday to allow for completion of the to-  
14 tal suspension period or to continue the period  
15 of conditions, restrictions or terms imposed on a  
16 license reissued pursuant to paragraph I.

17 M. The Secretary of State may promulgate whatev-  
18 er rules are necessary to carry out the purposes  
19 of this section.

20 N. In the event that a person who has not at-  
21 tained his ~~20th~~ 21st birthday is determined to  
22 have operated or attempted to operate a motor ve-  
23 hicle while having 0.10% or more of alcohol in  
24 the blood such that both this subsection and sec-  
25 tion 1311-A apply, this section shall govern to  
26 the exclusion of section 1311-A.

27 O. Following the expiration of the total period  
28 of suspension imposed pursuant to paragraph B,  
29 the Secretary of State may issue a provisional  
30 license, subject to the conditions, restrictions  
31 or terms he deems advisable, to the person if the  
32 Secretary of State has received or when he re-  
33 ceives written notice that the person has satis-  
34 factorily completed the alcohol educational pro-  
35 gram of the Department of Human Services and,  
36 when required, has satisfactorily completed an  
37 alcohol treatment or rehabilitation program ap-  
38 proved or licensed by the department.

39 **Sec. 8. Transition.** A person who has attained  
40 the age of 20 years prior to April 1, 1985, is hereby  
41 granted all of the rights accorded by this Act to  
42 persons who are 21 years of age or older.

