

MAINE STATE LEGISLATURE

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(New Draft of S.P. 231, L.D. 593)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1613

S.P. 614

In Senate, May 28, 1985

Reported by Senator Najarian of Cumberland from the Committee on Legal Affairs and printed under Joint Rule 2. Original bill presented by Senator Bustin of Kennebec. Cosponsored by Senator Perkins of Hancock, Representative Rolde of York and Representative Bell of Paris.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

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

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

29 MRSA §1313-A is enacted to read:

§1313-A. Provisions regarding revocation when homicide is alcohol or drug related

1. Report by district attorney. The district attorney shall forward a report to the Secretary of State when any person is convicted of a criminal homicide or adjudicated to have committed a juvenile offense of criminal homicide as the result of his operation of a motor vehicle when:

A. The person was operating under the influence of intoxicating liquor or drugs;

1 B. The person had not attained the legal drink-
2 ing age and was operating a motor vehicle while
3 having .02% or more by weight of alcohol in his
4 blood;

5 C. There was probable cause to believe that the
6 person was operating under the influence of in-
7 toxicating liquor and failed to comply with his
8 duty to submit to and complete a test to deter-
9 mine his blood-alcohol level; or

10 D. There was probable cause to believe that the
11 person had not attained the legal drinking age
12 and was operating a motor vehicle while having
13 .02% or more by weight of alcohol in his blood
14 and failed to comply with his duty to submit to
15 and complete a test to determine his
16 blood-alcohol level.

17 2. Content of report. The report required in
18 subsection 1 shall contain all relevant facts which
19 formed the basis for the conviction of adjudication,
20 including blood-alcohol test results if available.

21 3. Alcohol or drug programs. Upon receipt of
22 the report required in subsection 1, the Secretary of
23 State shall require that the following conditions be
24 met before that person may be licensed or permitted
25 to operate a motor vehicle:

26 A. Satisfactory completion of the Driver Educa-
27 tion and Evaluation Program of the Department of
28 Human Services;

29 B. When required, satisfactory completion of a
30 substance abuse treatment program or rehabilita-
31 tion program approved or licensed by the Depart-
32 ment of Human Services; and

33 C. When required, attendance for 2 years at an
34 after-care program approved by the Department of
35 Human Services.

36 4. Alcohol or drug programs following incarceration-
37 tion. Any of the alcohol or drug programs required
38 in subsection 3 may begin only upon release from a
39 county jail or from a facility operated by the De-

1 partment of Corrections.

2 STATEMENT OF FACT

3 This new draft makes the following changes or
4 corrections from the original bill:

5 1. Requires the district attorney to forward to
6 the Secretary of State a report of persons convicted
7 of criminal homicide when the offense is alcohol re-
8 lated;

9 2. Removes the mandatory requirement of alcohol
10 treatment, rehabilitation or after-care programs
11 which may not be required;

12 3. Removes the restricted license provisions;
13 and

14 4. Provides that any alcohol or drug programs,
15 when required, shall begin only after incarceration
16 is completed.

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