

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1429, L.D. 1940)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2266

H.P. 1656 House of Representatives, February 12, 1988
Reported by Representative MACOMBER from the Committee on
Transportation and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative CONLEY of
Portland.

STATE OF MAINE

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

1 AN ACT to Amend the Notice Provision under the
2 Motor Vehicle Laws.
3

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

6 29 MRSA §2298, as amended by PL 1983, c. 288,
7 is repealed and the following enacted in its place:

8 §2298. Driving by habitual offender when license

1 revoked

2 1. Prohibition; notice. It is unlawful for any
3 person to operate any motor vehicle on a public way,
4 as defined in Title 17-A, section 505, subsection 2,
5 in this State while the revocation prohibiting its
6 operation remains in effect. Any person found to be
7 an habitual offender under this chapter, or former
8 chapter 18, who is thereafter convicted of operating a
9 motor vehicle in this State while the revocation
10 prohibiting operation is in effect shall have
11 committed a Class C crime. No person found to be an
12 habitual offender under this chapter or former chapter
13 18, may operate a motor vehicle on a public way as
14 defined in Title 17-A, section 505, subsection 2, when
15 that person's license, permit or privilege to operate
16 a motor vehicle has been revoked under this chapter,
17 when that person:

18 A. Has received written notice of the revocation
19 from the Secretary of State;

20 B. Has been orally informed of the revocation by
21 a law enforcement officer who is aware of the
22 information as a result of records maintained by
23 the Secretary of State, including those obtainable
24 by telecommunications;

25 C. Has actual knowledge of the revocation; or

26 D. Is a person to whom written notice was sent by
27 ordinary mail at the last-known address shown by
28 the records maintained by the Secretary of State.

29 2. Offense; penalty. Violation of this section
30 is a Class C crime. If the person is defined as an
31 habitual offender under section 2292, subsection 1,
32 and one or more of the convictions or adjudications
33 defining that person as an habitual offender is
34 pursuant to section 2292, subsection 1, paragraph B,
35 the following mandatory minimum penalty, which shall
36 not be suspended, shall be imposed: a minimum term of
37 imprisonment of not less than 60 days. The
38 requirements of Title 15, section 757, of a separate

1 reading of the allegation and a separate trial shall
2 not apply to sentencing pursuant to this provision.
3 Notwithstanding Title 17-A, section 1301, the maximum
4 fine shall be \$5,000. In addition, the Secretary of
5 State shall not grant relief from habitual offender
6 status, pursuant to section 2296, until at least 3
7 years after the original date scheduled for
8 eligibility to apply for relief of that status.

9 3. Presumption of identity. If the name and date
10 of birth of the person being prosecuted under this
11 section are the same as the habitual offender whose
12 privilege to operate has been revoked, then there
13 shall be a presumption that that person is the same
14 person whose license was revoked under this chapter.

15

STATEMENT OF FACT

16 This new draft carries out the intent of the
17 original bill, to require the same notice of license
18 revocation to habitual offenders that is now required
19 for nonhabitual offenders under the Maine Revised
20 Statutes, Title 29, section 2184.

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