

MAINE STATE LEGISLATURE

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R. 038.

1 L.D. 2297
2 (Filing No. S-398)

3 STATE OF MAINE
4 SENATE
5 113TH LEGISLATURE
6 SECOND REGULAR SESSION

7 . COMMITTEE AMENDMENT " A " to S.P. 885, L.D. 2297,
8 Bill, "AN ACT to Enhance the Effectiveness of the
9 Operating-Under-the-Influence Laws."

10 Amend the bill by striking out everything after
11 the enacting clause and inserting in its place the
12 following:

13 'Sec. 1. 28-A MRSA §2518, as enacted by PL
14 1987, c. 45, Pt. A, §4, is amended to read:

15 §2518. Informal evaluation

16 The joint standing committee of the Legislature
17 having jurisdiction over legal affairs shall conduct
18 ~~an informal evaluation~~ evaluations of this Act, to
19 be completed within 2 years and 4 years of its
20 effective date. The ~~evaluation~~ evaluations shall
21 address the effectiveness of the Act in achieving its
22 stated purposes.

23 Sec. 2. Advisory Commission on the Effectiveness
24 of the Operating-Under-the-Influence Laws. There is
25 established the Advisory Commission on the
26 Effectiveness of the Operating-Under-the-Influence
27 Laws consisting of 14 members. The membership shall
28 be as follows.

- 29 1. Two members shall be selected from the Joint

COMMITTEE AMENDMENT " A " to S.P. 885, L.D. 2297

1 Standing Committee on Legal Affairs, one to be
2 appointed by the Speaker of the House and one to be
3 appointed by the President of the Senate.

4 2. One member shall represent the Department of
5 the Attorney General and shall be appointed by the
6 Attorney General.

7 3. One member shall represent the district
8 attorneys of the State and shall be appointed by a
9 statewide association of district attorneys.

10 4. One member shall represent alcohol and drug
11 abuse treatment providers and shall be appointed by
12 the Maine Association of Substance Abuse Providers.

13 5. One member shall represent the Department of
14 Human Services and shall be appointed by the
15 Commissioner of Human Services.

16 6. One member shall represent the Department of
17 Corrections and shall be appointed by the Commissioner
18 of Corrections.

19 7. One member shall represent the Department of
20 Public Safety and shall be appointed by the
21 Commissioner of Public Safety.

22 8. One member shall represent the Department of
23 the Secretary of State and shall be appointed by the
24 Secretary of State.

25 9. One member shall represent the county sheriffs
26 and shall be appointed by a statewide association of
27 sheriffs.

28 10. One member shall represent the police chiefs
29 and shall be appointed by a statewide association of
30 police chiefs.

31 11. One member shall represent the Maine chapter
32 of the National Council on Alcoholism.

33 12. One member shall represent the Maine chapter
34 of the Mothers Against Drunk Driving.

COMMITTEE AMENDMENT " A " to S.P. 885, L.D. 2297

1 13. One member shall represent alcohol servers
2 and shall be appointed by the Maine Restaurant
3 Association.

4 **Sec. 3. Appointment schedule; notification;**
5 **chairman; meetings.** The appointing authority for
6 each member shall make the required appointment within
7 30 days of the effective date of this section and
8 shall notify the Executive Director of the Legislative
9 Council as soon as the appointment is made. The
10 Executive Director shall convene the first meeting
11 within 45 days of the effective date of this section.
12 The membership of the commission shall elect a
13 chairman from its membership. The commission is
14 authorized to meet 10 times. Support staff shall be
15 provided by the Legislative Council and the
16 departments represented.

17 **Sec. 4. Duties.** The commission shall examine
18 the current operating-under-the-influence laws and
19 their effectiveness in deterring, sanctioning and
20 rehabilitating or treating drunk and drugged driving
21 offenders, and ways to improve current laws. The
22 commission shall examine current information reporting
23 procedures concerning drunk and drugged driving
24 statistics, and ways to improve the current system.
25 In considering improvements to the existing laws, the
26 commission shall examine the use of immediate license
27 suspension for those arrested for operating under the
28 influence and the use of ignition interlock devices,
29 including a review of the use of the devices in other
30 states. The commission shall report its findings and
31 recommendations, together with any suggested
32 legislation, to the Joint Standing Committee on Legal
33 Affairs by January 15, 1990.

34 **Sec. 5. Compensation.** All members of the
35 commission not employed by the Executive Department of
36 State Government shall receive expenses and
37 legislative members shall receive legislative per diem.

38 **Sec. 6. Appropriation.** The following funds are
39 appropriated from the General Fund to carry out the

COMMITTEE AMENDMENT " A " to S.P. 885, L.D. 2297

1 purposes of this Act.

2 1988-89

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4 Advisory Commission on the
5 Effectiveness of the Operating-
6 Under-the-Influence Laws

7 Personal Services \$1,100
8 All Other 6,300

9 Provides funds for the
10 per diem, travel and
11 related expenses of
12 the Advisory
13 Commission on the
14 Effectiveness of the
15 Operating-Under-the
16 -Influence Laws.

17
18 TOTAL \$7,400

19 Emergency clause. In view of the emergency
20 cited in the preamble, sections 2 to 6 of this Act
21 shall take effect when approved.

22 FISCAL NOTE

23 In addition to the General Fund appropriation of
24 \$7,400 in fiscal year 1989 needed to fund the advisory
25 commission, this bill creates future costs to the
26 Legislature. These costs will result from the Joint
27 Standing Committee on Legal Affairs evaluating the
28 Maine Liquor Liability Act 4 years after its effective
29 date.'

30 STATEMENT OF FACT

31 The purpose of the original bill and this
32 amendment is to create a commission to study the
33 effectiveness of the current operating-under-
34 the-influence laws. The commission will report to the
35 114th Legislature in 1990.

COMMITTEE AMENDMENT " A " to S.P. 885, L.D. 2297

18 In addition, this bill, as amended, requires the
19 Joint Standing Committee on Legal Affairs to reexamine
20 the liquor liability laws in another 2 years.
21 Although the review completed this year was helpful,
22 not enough time has passed for reliable statistics to
23 be generated. Another review in 2 years will give the
24 Legislature an opportunity to see if the changes made
25 in 1986 have been effective.

Reported by Senator Kany for the Committee on Legal
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