

MAINE STATE LEGISLATURE

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(Emergency)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2297

S.P. 885 In Senate, February 18, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.
Reference to the Committee on Legal Affairs suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator KANY of Kennebec.

Cosponsored by Representative ALLEN of Washington,
Representative PRIEST of Brunswick, Representative JALBERT of
Lisbon.

STATE OF MAINE

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

1 AN ACT to Enhance the Effectiveness of the
2 Operating-Under-the-Influence Laws.
3

4 Emergency preamble. Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, serious concern exists about the
8 effectiveness of the current
9 operating-under-the-influence laws; and

1 Whereas, there has never been an approach to
2 improve the operating-under-the-influence laws through
3 cooperation of all branches of the government; and

4 Whereas, no other attempts have satisfactorily
5 addressed all aspects of deterrence, punishment and
6 rehabilitation or treatment of drunk and drugged
7 driving offenders; and

8 Whereas, in the judgment of the Legislature, these
9 facts create an emergency within the meaning of the
10 Constitution of Maine and require the following
11 legislation as immediately necessary for the
12 preservation of the public peace, health and safety;
13 now, therefore,

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

16 29 MRS A §1319 is enacted to read:

17 §1319. Advisory Commission on the Effectiveness of the
18 Operating-Under-the-Influence Laws

19 1. Commission. There is established the Advisory
20 Commission on the Effectiveness of the
21 Operating-Under-the-Influence Laws consisting of 15
22 members. The membership shall be as follows.

23 A. Two members shall be selected from the joint
24 standing committee of the Legislature having
25 jurisdiction over legal affairs, one to be
26 appointed by the Speaker of the House and one to
27 be appointed by the President of the Senate.

28 B. One member shall represent the Department of
29 the Attorney General and shall be appointed by the
30 Attorney General.

31 C. One member shall represent the district
32 attorneys of the State and shall be appointed by a
33 statewide association of district attorneys.

34 D. Three members shall represent the judiciary,

- 1 one to be appointed by the Chief Justice of the
2 Supreme Judicial Court, one to be appointed by the
3 Chief Justice of the Superior Court and one to be
4 appointed by the Chief Judge of the District Court.
- 5 E. One member shall represent the Department of
6 Human Services and shall be appointed by the
7 Commissioner of Human Services.
- 8 F. One member shall represent the Department of
9 Corrections and shall be appointed by the
10 Commissioner of Corrections.
- 11 G. One member shall represent the Department of
12 Public Safety and shall be appointed by the
13 Commissioner of Public Safety.
- 14 H. One member shall represent the Department of
15 the Secretary of State and shall be appointed by
16 the Secretary of State.
- 17 I. One member shall represent the county sheriffs
18 and shall be appointed by a statewide association
19 of sheriffs.
- 20 J. One member shall represent the police chiefs
21 and shall be appointed by a statewide association
22 of police chiefs.
- 23 K. One member shall represent the Maine chapter
24 of the National Council on Alcoholism.
- 25 L. One member shall represent the Maine chapter
26 of the Mothers Against Drunk Driving.
- 27 2. Appointment schedule; notification; chairman.
28 The appointing authority for each member shall make
29 the required appointment within 30 days of the
30 effective date of this section and shall notify the
31 Executive Director of the Legislative Council as soon
32 as the appointment is made. The executive director
33 shall convene the first meeting within 45 days of the
34 effective date of this section. The membership of the
35 commission shall elect a chairman from its
36 membership. Support staff shall be provided by the
37 Legislative

1 Council, the courts and the departments represented.

2 3. Duties. The commission shall examine the
3 current operating-under-the-influence laws and their
4 effectiveness in deterring, sanctioning and
5 rehabilitating or treating drunk and drugged driving
6 offenders, and ways to improve the current laws. The
7 commission shall examine current information reporting
8 procedures concerning drunk and drugged driving
9 statistics, and ways to improve the current system.
10 The commission shall report its findings and
11 recommendations, together with any suggested
12 legislation, to the joint standing committee of the
13 Legislature having jurisdiction over legal affairs by
14 February 15, 1989.

15 Emergency clause. In view of the emergency
16 cited in the preamble, this Act shall take effect when
17 approved.

18 STATEMENT OF FACT

19 The purpose of this bill is to create a commission
20 to study the effectiveness of the current
21 operating-under-the-influence laws. The commission
22 will report to the 114th Legislature in 1989.

23 The commission will be made up of 15 members
24 representing the joint standing committee of the
25 Legislature having jurisdiction over legal affairs,
26 the judiciary, Department of Human Services,
27 Department of Corrections, Department of Public Safety
28 and Secretary of State, district attorneys, sheriffs,
29 chiefs of police, National Council on Alcoholism and
30 Mothers Against Drunk Driving. The commission shall
31 examine the laws and the extent
32 operating-under-the-influence offenders are deterred,
33 punished and rehabilitated or treated. The commission
34 shall also look at the information reporting system.

35 The commission shall report its findings and
36 recommendations to the joint standing committee of the
37 Legislature having jurisdiction over legal affairs no
38 later than February 15, 1989.

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