

MAINE STATE LEGISLATURE

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L.D. 2395

(Filing No. H- 713)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "E" to COMMITTEE AMENDMENT "A " to H.P. 1746, L.D. 2395, Bill, "AN ACT to Strengthen the Drunk Driving Laws."

Amend the amendment in section 3, in the last line (page 2, line 36 in amendment) by inserting after the underlined word "drugs" the following: ', and the court is satisfied that probable cause exists to believe that the operator committed the offense charged'

Further amend the amendment in section 17, in paragraph D, in the 11th line (page 13, line 31 in amendment) by inserting after the underlined word and punctuation "oath." the following: 'The result of a test taken pursuant to this paragraph is not admissible at trial unless the court is satisfied that probable cause exists, independent of such test result, to believe that the operator was under the influence of intoxicating liquor or drugs or had excessive blood-alcohol level.'

Further amend the amendment in section 17, in the last line (page 14, line 3 in amendment) by inserting after the underlined word and punctuation "level." the following: 'If the person shows, after hearing, that he was not under the influence of intoxicating liquor or drugs or that he did not negligently cause the death, then any suspension shall be removed immediately.'

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1 Further amend the amendment in section 22, in
2 subsection 11, lines 7 to 9 (page 18, lines 7 to 9 in
3 amendment) by striking out the following: "shall
4 within 6 years of the date of the conviction be a
5 conditional license,"

6 Further amend the amendment in section 22, in
7 subsection 11, in the 2nd line from the end (page 18,
8 line 11 in amendment) by inserting after the
9 underlined word "liquor" the following: ', for the
10 following periods: On first conviction or
11 adjudication, one year from license reinstatement
12 date; and on a 2nd or subsequent conviction or
13 adjudication, 6 years from date of conviction'

14 Further amend the amendment in section 23, in that
15 part designated "§1312-G." in subsection 2, in the
16 last line (page 19, line 13 in amendment) by inserting
17 after the underlined word and punctuation "apply." the
18 following: 'The court shall nevertheless order the
19 vehicle released to any co-owner who was not the
20 operator if that co-owner was not previously notified
21 of a prior seizure of that vehicle.'

22 Further amend the amendment in section 23, in that
23 part designated "§1312-G." in subsection 5, paragraph
24 G, in the 2nd line (page 22, line 24 in amendment) by
25 inserting after the underlined words "subject to" the
26 underlined word 'documented'

27 Further amend the amendment in section 23, in that
28 part designated "§1312-G." in subsection 5, paragraph
29 G, in lines 3, 4 and 5 (page 22, lines 25 to 27 in
30 amendment) by striking out the underlined words "on
31 file with the Secretary of State or the corresponding
32 officer in the State of registration or title"

33 Further amend the amendment in section 23, in that
34 part designated "§1312-G." in subsection 6, in lines 9
35 to 12 (page 23, lines 14 to 17 in amendment) by
36 striking out the following: ", including the full
37 term of any revocation as habitual offender if the 3rd
38 or subsequent conviction or adjudication was for that
39 offense,"

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1 Further amend the amendment in section 24, in that
2 part designated "§1313-B." in subsection 1, in the 7th
3 line (page 25, line 2 in amendment) by inserting after
4 the following: "1312," the following: 'negligently'

5 Further amend the amendment in section 24, in that
6 part designated "§1313-B." in subsection 5, in the 4th
7 line (page 25, line 37 in amendment) by striking out
8 the underlined word "his" and inserting in its place
9 the underlined words 'the person's negligent'

10 Further amend the amendment in section 24, in that
11 part designated "§1313-B." in subsection 6, in the 4th
12 and 5th lines (page 26, lines 6 and 7 in amendment) by
13 striking out the following: "criminal or civil
14 charges" and inserting in its place the following:
15 'criminal charges or civil infractions'

16 Further amend the amendment in section 24, in that
17 part designated "§1313-B." in subsection 6, in the 6th
18 line (page 26, line 8 in amendment) by striking out
19 the following: "criminal or civil charges" and
20 inserting in its place the following: 'criminal
21 charges or civil infractions'

22 Further amend the amendment in section 24, in that
23 part designated "§1313-B." in subsection 7, in lines 7
24 to 9 (page 26, lines 23 to 25 in amendment) by
25 striking out the following: "proceeding affirmatively
26 determines that that person was not at fault" and
27 inserting in its place the following: 'proceeding
28 determines that that person did not negligently cause
29 the death of the other person'

30 Further amend the amendment in section 29, in that
31 part designated "§2241-J." in subsection 1, in lines
32 5, 6, 7 and 8th lines (page 28, lines 9 to 12 in
33 amendment) by striking out the following: "who has
34 within the previous 6 years been convicted of
35 operating under the influence of intoxicating liquor
36 or drugs, or with an excessive blood-alcohol level"

37 Further amend the amendment in section 29, in that
38 part designated "§2241-J." in subsection 1, paragraph
39 B, in lines 2 and 3 (page 28, lines 18 and 19 in
40 amendment) by striking out the following: "while"

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1 having 0.02%" and inserting in its place the
2 following: 'during the period of the conditional
3 license while having 0.05%'

4 Further amend the amendment in section 29, in that
5 part designated "§2241-J." in subsection 2, in lines 1
6 to 4 (page 28, lines 21 to 24 in amendment) by
7 striking out the following: " , within the previous 6
8 years has been convicted of operating under the
9 influence of intoxicating liquor or drugs or with an
10 excessive blood-alcohol level who"

11 Further amend the amendment in section 29, in that
12 part designated "§2241-J." in subsection 2, in the 6th
13 line (page 28 line 26 in amendment) by inserting after
14 the following: "State," the following: 'during the
15 period of a conditional license,'

16 Further amend the amendment in section 29, in that
17 part designated "§2241-J." in subsection 2, in the
18 10th line (page 28, line 30 in amendment) by striking
19 out the following: "0.02%" and inserting in its place
20 the following: '0.05%' and in the 14th line (page 28,
21 line 34 in amendment) by striking out the following:
22 "0.02%" and inserting in its place the following:
23 '0.05%'

24 Further amend the amendment in section 29, in that
25 part designated "§2241-J." in subsection 3, in
26 paragraph A, in the 7th line (page 29, line 9 in
27 amendment) by striking out the following: "0.02%" and
28 inserting in its place the following: '0.05%'

29 Further amend the amendment in section 29, in that
30 part designated "§2241-J." in subsection 4, in
31 paragraph A, in lines 2 to 5 (page 29, lines 40 and 41
32 and page 30 lines 1 and 2 in amendment) by striking
33 out the following: "has within the previous 6 years
34 been convicted of operating under the influence of
35 intoxicating liquor or drugs, or with an excessive
36 blood-alcohol level" and inserting in its place the
37 following: ' , during the period of a conditional
38 license'

39 Further amend the amendment in section 29, in
40 subsection 4, paragraph A, in the 7th line (page 30,

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1 line 4 in amendment) by striking out the following:
2 "0.02%" and inserting in its place the following:
3 '0.05%' and in the 7th line from the end (page 30,
4 line 12 in amendment) by striking out the following:
5 "0.02%" and inserting in its place the following:
6 '0.05%' and in the 2nd line from the end (page 30,
7 line 17 in amendment) by striking out the following:
8 "0.02%" and inserting in its place the following:
9 '0.05%'

10 Further amend the amendment in section 29, in that
11 part designated "§2241-J." in subsection 8, in
12 paragraph B, in subparagraph (1), in the 2nd line from
13 the end (page 33, line 9 in amendment) by striking out
14 the following: "0.02%" and inserting in its place the
15 following: '0.05%' and in subparagraph (3), in the
16 first line (page 33, line 13 in amendment) by striking
17 out the following: "0.02%" and inserting in its place
18 the following: '0.05%'

19 Further amend the amendment in section 29, in that
20 part designated "§2241-J." in subsection 8, in
21 paragraph B, by striking out all of subparagraph (4)
22 (page 33, lines 15 to 18 in amendment) and inserting
23 in its place the following:

24 '(4) Had a conditional license under section
25 1312-D, subsection 11.'

26 Further amend the amendment in section 29, in that
27 part designated "§2241-J." in subsection 8, paragraph
28 D, in line 4 (page 33, line 40 in amendment) by
29 striking out the following: "had not been so
30 convicted within 6 years of" and inserting in its
31 place the following: 'did not have a conditional
32 license at'

33 Further amend the amendment in section 29, in that
34 part designated "§2241-J." in subsection 8, in
35 paragraph D, in the 7th line (page 34, line 3 in
36 amendment) by striking out the following: "0.02%" and
37 inserting in its place the following: '0.05%'

38 Further amend the bill in section 29 by inserting
39 at the end the following:

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1 suspended; and

2 6. Makes other appropriate technical changes to
3 the amendment.

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Filed by Rep. Priest of Brunswick
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