

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

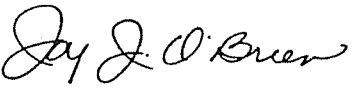
Legislative Document

No. 322

S.P. 165

In Senate, February 22, 1989

Reference to the Committee on Judiciary suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

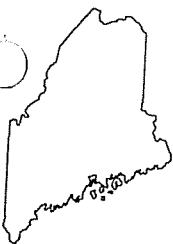
Presented by Senator WEBSTER of Franklin.

Cosponsored by Representative CARROLL of Southwest Harbor, Representative HUTCHINS of Penobscot and Representative HANLEY of Paris.

STATE OF MAINE

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

An Act Concerning the Suspension of Driver's Licenses.



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

3 **Sec. 1. 29 MRSA §1312-B, sub-§1**, as amended by PL 1987, c.
5 791, is further amended to read:

7 **1. Offense.** A person is guilty of a criminal violation
9 under this section if he the person operates or attempts to
11 operate a motor vehicle:

13 **A.** While under the influence of intoxicating liquor or
15 drugs or a combination of liquor and drugs; or

17 **B.** While having 0.08% or more by weight of alcohol in his
19 the person's blood.

21 **Sec. 2. 29 MRSA §1312-B, sub-§2, ¶A**, as repealed and replaced
23 by PL 1985, c. 412, §4, is amended to read:

25 **A.** Except as provided in paragraph B, in the case of a
27 person having no previous convictions of a violation of
29 former section 1312, subsection 10, former section
31 1312-B or this section and having no previous
suspension of license or privilege to operate for
failure to comply with the duty to submit to and
complete a test to determine the level of blood-alcohol
under section 1312 within a 6-year period, the fine
shall not be less than \$300 and the court shall suspend
the defendant's license or permit to operate, right to
operate a motor vehicle and right to apply for and
obtain a license for a period of 90 180 days, which
penalties may not be suspended.

33 **Sec. 3. 29 MRSA §1312-B, sub-§2, ¶B**, as amended by PL 1987, c.
35 791, §19, is further amended to read:

37 **B.** In the case of a person having no previous convictions
39 of a violation of former section 1312, subsection 10, former
41 section 1312-B, or this section and having no previous
43 suspension of license or privilege to operate for failure to
45 comply with the duty to submit to and complete a test to
47 determine the level of blood-alcohol under section 1312
within a 6-year period, the fine shall not be less than
\$300, the sentence shall include a period of incarceration
of not less than 48 hours and the court shall suspend the
defendant's license or permit to operate, right to operate a
motor vehicle and right to apply for and obtain a license
for a period of 90 180 days, which penalties may not be
suspended, when the person:

49 (1) Was tested as having a blood-alcohol level of
51 0.15% or more;

1 (2) Was driving in excess of the speed limit by 30
3 miles an hour or more during the operation which
5 resulted in the prosecution for operating under the
influence or with a blood-alcohol level of 0.08% or
more;

7 (3) Eluded or attempted to elude an officer, as
9 defined in section 2501-A, subsection 3, during the
11 operation which resulted in prosecution for operating
under the influence or with a blood-alcohol level of
0.08% or more; or

13 (4) Failed to submit to a chemical test for the
15 determination of that person's blood-alcohol level, at
the request of a law enforcement officer on the
17 occasion which resulted in the conviction.

19 **Sec. 4. 29 MRSA §1312-D, sub-§1-A,** as amended by PL 1985, c.
412, §6, is repealed and the following enacted in its place:

21 1-A. Additional suspension. The Secretary of State may
23 suspend the license, the right to operate or the right to apply
25 for or obtain a license of any person, including a juvenile,
27 convicted under section 1312-B for an additional period of up to
275 days beyond the suspension periods required under section
1312-B, subsection 2, or up to 185 days beyond the 180 days
required under Title 15, section 3314, subsection 3.

29 Notice of any additional suspension pursuant to this subsection
31 shall be given as provided in subsection 1.

33 **STATEMENT OF FACT**

35 Section 1 of this bill makes technical corrections.

37 Sections 2 and 3 increase the period of license suspension
39 for a first time conviction of operating under the influence of
intoxicating liquor or drugs.

41 Section 4 resolves a conflict by repealing a paragraph
43 intended solely for the violation of former Maine Revised
45 Statutes, Title 29, section 1312-C, but, which in Public Law
1985, chapter 412, section 6, erroneously referenced Title 29,
section 1312-B.