

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1645, L.D. 2278, Bill, "An Act to Amend the Definition of Public Way"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 29 MRSA §530, sub-§1, ¶A, as enacted by PL 1977, c. 692, §3, is amended to read:

A. ~~No A~~ resident of the State shall may not operate a motor vehicle on any way or parking area unless licensed by the State to operate that motor vehicle. ~~No A~~ license shall may not be issued until the Secretary of State is satisfied that the applicant is a proper person to receive it. For the purposes of this section, the term "parking area" means any area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

Sec. 2. 29 MRSA §2184, sub-§1, as amended by PL 1987, c. 791, §25, is further amended to read:

1. **Offense; penalty.** ~~No A~~ person may not operate a motor vehicle on any public way or parking area in this State at a time when ~~his~~ that person's license or permit to operate, ~~his~~ right to operate or ~~his~~ right to apply for or obtain a license or permit has been suspended or revoked, except for a revocation as an habitual offender under chapter 18-A or former chapter 18, when that person:

A. Has received written notice of a suspension or revocation pursuant to section 1312-D, subsection 1, or section 2241-H or other written notice from the Secretary of State;

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2 B. Has been orally informed of the suspension or revocation
by a law enforcement officer who is aware of the information
4 as a result of records maintained by the Secretary of State,
including those obtainable by telecommunications;

6 C. Has actual knowledge of his the suspension or revocation;

8 D. Is a person to whom written notice was sent by ordinary
mail at the last known address shown by the records
10 maintained by the Secretary of State; or

12 E. Has failed to appear in court pursuant to any notice or
order specified in section 2301-A.

14 For the purposes of this section, the term "parking area" means
16 any area designed for use as access or parking for patrons and
customers of establishments to which the public is invited.

18 Violation of this section is a Class D crime, provided that,
20 notwithstanding Title 17-A, section 1301, the maximum fine shall
be is \$2,500.

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FISCAL NOTE

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The Judicial Department anticipates some additional cases to
be filed as the result of the expanded definition, which would
increase the work load of District Court clerks and judges. The
additional costs associated with an increased number of filings
resulting from this bill can be absorbed within the available
resources of the Judicial Department.'

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STATEMENT OF FACT

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This amendment replaces the bill.

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The amendment applies to persons who have no driver's
license or whose license and right to drive have been suspended.
Current law prohibits these people from operating on any public
way, but it does not cover parking lots and fast-food restaurant
or other drive-up lanes. This amendment broadens the scope of
the law to cover those areas designed for use as access or
parking for patrons and customers of establishments, commercial
or otherwise, to which the public is invited.