

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 71, L.D. 99, Bill, "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 29 MRSA §7 is enacted to read:

§7. Prior convictions

For the purposes of this Title, a prior conviction has occurred within the period of time specified if the date of the new conduct or failure to act that is penalized or for which the penalty is or may be enhanced is within the stated period from the date of a docket entry of judgment of conviction.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 29 MRSA §2241, sub-§4, as enacted by PL 1989, c. 866, Pt. B, §19 and affected by §26, is amended to read:

4. **Notice of suspension or revocation.** Notice of any suspension or revocation ordered or issued under this Title must be sent by regular mail or served in hand. Written notice is sufficient if sent by regular mail to the last known name and address provided by the person, as required by section 546, to the Secretary of State or, in the case of a person who has not applied for or who has not been issued a Maine operator's license, to the last address shown by the records maintained by the Secretary of State. The notice must also state that the license will not be reinstated and the person may not operate a motor vehicle before payment of the reinstatement fee as required under section 2241-D.'

2 Further amend the bill in section 3 by striking out all of
3 subsection 2 (page 2, lines 25 to 39 in L.D.) and inserting in
4 its place the following:

6 '2. Offense; penalty. Violation of this section is:

8 A. A Class D crime if:

10 (1) The person has no previous convictions for
11 operating after revocation within the previous 5 years;
12 and

14 (2) The person has no previous convictions for
15 violating section 1312-B within the previous 5 years;
16 and

18 B. A Class C crime if:

20 (1) The person has one or more previous convictions
21 for operating after revocation within the previous 5
22 years; or

24 (2) The person has one or more previous convictions
25 for violating section 1312-B within the previous 5
26 years.

28 The Secretary of State may not grant relief from habitual
29 offender status under section 2296 until at least 3 years after
30 the original date scheduled for eligibility to apply for relief
31 of that status.'

32 Further amend the bill by renumbering the sections to read
33 consecutively.

36 Further amend the bill by inserting at the end before the
37 statement of fact the following:

38 **FISCAL NOTE**

40 The Department of the Secretary of State, Division of Motor
41 Vehicles, will absorb, within budgeted resources, the costs
42 associated with providing notice to individuals whose licenses
43 have been suspended or revoked that they may not operate a motor
44 vehicle before the reinstatement fee has been paid.'

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STATEMENT OF FACT

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Sections 1 and 2 in the original bill are retained. This amendment:

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1. Adds a section to the Maine Revised Statutes, Title 29 to provide a general definition for prior convictions within a specific time period;

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2. Requires that the Secretary of State's notice that a person's license is suspended or revoked must state that a reinstatement fee must be paid before the person may legally drive again;

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3. Revises the penalties for operating after revocation for habitual offenders. The first offense of operating after revocation is a Class D crime, unless the person has been convicted of operating under the influence or operating with an excessive blood-alcohol level within the past 5 years. All 2nd and subsequent operating-after-revocation offenses, and first offenses in which the person has at least one operating-under-the-influence conviction, remain Class C crimes; and

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4. Adds a fiscal note to the bill.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the House
(5/8/91) (Filing No. H-279)