

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 99

H.P. 71

House of Representatives, December 31, 1990

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

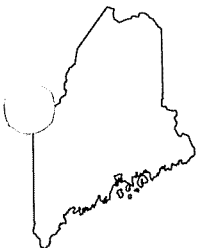
Presented by Representative RICHARDS of Hampden.

Cosponsored by Representative HASTINGS of Fryeburg, Senator CONLEY of Cumberland and Representative O'DEA of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Amend the Penalties for Habitual Offenders and Operating
After Suspension.**



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

2
4 **Sec. 1. 29 MRSA §2184, sub-§1**, as amended by PL 1989, c. 822,
6 §2; c. 866, Pt. B, §16 and affected by §26 and amended by c. 891,
8 Pt. A, §10, is repealed and the following enacted in its place:

10 1. Offense; penalty. A person may not operate a motor
12 vehicle on any public way or parking area in this State at a time
14 when that person's license or permit to operate, right to operate
16 or right to apply for or obtain a license or permit has been
18 suspended or revoked when that person:

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

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

36 C. Has actual knowledge of the suspension or revocation;

38 D. Is a person to whom written notice was sent in
40 accordance with section 2241, subsection 4; or

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

46 This section does not apply to a person whose license or permit
48 to operate, right to operate or right to apply for or obtain a
50 license or permit has been revoked as an habitual offender under
 chapter 18-A or former chapter 18.

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.

Violation of this section is a Class E crime.

Sec. 2. 29 MRSA §2298, sub-§1, as amended by PL 1989, c. 866,
 Pt. B, §22 and affected by §26, is further amended to read:

1. Prohibition; notice. It is unlawful for any person to
operate any motor vehicle on a public way, as defined in Title
17-A, section 505, subsection 2, in this State while the
revocation prohibiting its operation remains in effect. Any
person found to be an habitual offender under this chapter, or
former chapter 18, who is thereafter convicted of operating a
motor vehicle in this State while the revocation prohibiting

operation is in effect shall ~~have committed~~ commits a Class-C
crime as defined in subsection 2. No A person found to be an
habitual offender under this chapter or former chapter 18, may
not operate a motor vehicle on a public way as defined in Title
17-A, section 505, subsection 2, when that person's license,
permit or privilege to operate a motor vehicle has been revoked
under this chapter, when that person:

A. Has received written notice of the revocation from the
Secretary of State;

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

C. Has actual knowledge of the revocation; or

D. Is a person to whom written notice was sent in
accordance with section 2241, subsection 4.

Sec. 3. 29 MRSA §2298, sub-§2, as enacted by PL 1987, c. 591,
is repealed and the following enacted in its place:

2. Offense; penalty. Violation of this section is a Class
D crime except that violation of this section is a Class C crime
if at the time of the offense the person has 2 prior convictions
for violating this section within a 5-year period.

For the purposes of this section, a prior conviction has occurred
within the 5-year period if the date of docket entry of a
judgment of conviction is 5 years or less from the date of the
new conduct which is penalized or for which the penalty is or may
be enhanced.

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

STATEMENT OF FACT

Extraordinary amounts of time and money are spent indicting,
convicting and incarcerating motor vehicle habitual offenders and
persons who operate while their operator's licenses are suspended
or revoked. This bill reduces the expenditure of those resources
by making 2 major changes.

First, the crime of operating after suspension is made a
Class E crime. The Legislature amended this section of the law

2 twice last year, once to cover "parking areas" and once to reduce
the crime to a Class E crime, but with the possibility of a
4 higher fine. This amendment to the Maine Revised Statutes, Title
29, section 2184, subsection 4, retains the parking lot coverage,
6 and makes operating after suspension a Class E crime with no
allowance for a larger fine.

8 Second, this bill reduces the crime of operating while an
habitual offender from a Class C crime to a Class D crime.
10 Starting with the third violation, however, operating while an
habitual offender is a Class C crime.

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