

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 368

S.P. 156

In Senate, February 5, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

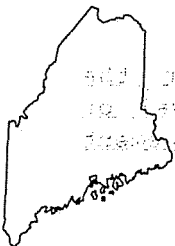
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WEBSTER of Franklin

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Increase the Period of Suspension for Persons Convicted of Operating under the Influence.



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

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Sec. 1. 29 MRSA §1312-B, sub-§2, ¶A, as amended by PL 1989, c. 784, §5, is further amended to read:

A. Except as provided in paragraph B, in the case of a person having no previous convictions of a violation of former section 1312, subsection 10, former section 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 chemical testing under section 1312 within a 6-year period, the fine may 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 days 6 months, which penalties may not be suspended.

Sec. 2. 29 MRSA §1312-B, sub-§2, ¶B, as amended by PL 1989, c. 784, §6, is repealed and the following enacted in its place:

B. In the case of a person having no previous convictions of a violation of former section 1312, subsection 10, former section 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 chemical testing under section 1312 within a 6-year period, the fine may not be less than \$300, the sentence must 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 6 months, which penalties may not be suspended, when the person:

- (1) Was tested as having a blood-alcohol level of 0.15% or more;
- (2) Was driving in excess of the speed limit by 30 miles an hour or more during the operation that resulted in the prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;
- (3) Eluded or attempted to elude an officer, as defined in section 2501-A, subsection 3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;
- (4) Failed to submit to a chemical test for the determination of that person's blood-alcohol level or drug concentration at the request of a law enforcement

2 officer on the occasion that resulted in the
 conviction; or

4 (5) Was, on the occasion that resulted in the
6 conviction, operating or attempting to operate a motor
 vehicle with a passenger under 16 years of age.

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10 **STATEMENT OF FACT**

12 Under current law, when a person is convicted of operating a
14 motor vehicle while under the influence of alcohol or drugs, the
 court suspends the defendant's license for a period of 90 days.
 This bill increases the mandatory suspension period to 6 months.