

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1236, Bill, "An Act Concerning Continuances Requested by Petitioners in Hearings for Operating under the Influence"

Amend the bill in section 1 in paragraph A in the 4th line from the end (page 1, line 25 in L.D.) by striking out the following: "unless the petitioner shows good cause,"

Further amend the bill in section 1 in paragraph A in the last line (page 1, line 28 in L.D.) by striking out the following: "petitioner." and inserting in its place the following: 'petitioner, except that, if the petitioner is unable to attend the hearing due to circumstances beyond the petitioner's control, the Secretary of State may continue, one time only, the stay of suspension. The petitioner must submit to the Secretary of State a written request for delay, or an electronically transmitted facsimile of a written request for delay, stating the circumstances, at least 24 hours before the scheduled hearing.'

Further amend the bill in section 2 in paragraph G in subparagraph (1) in the 4th line from the end (page 2, line 4 in L.D.) by striking out the following: "unless the petitioner shows good cause,"

Further amend the bill in section 2 in paragraph G in subparagraph (1) in the last line (page 2, line 7 in L.D.) by striking out the following: "petitioner." and inserting in its place the following: 'petitioner, except that, if the petitioner is unable to attend the hearing due to circumstances beyond the petitioner's control, the Secretary of State may continue, one time only, the stay of suspension. The petitioner must submit to the Secretary of State a written request for delay, or an

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2 electronically transmitted facsimile of a written request for
3 delay, stating the circumstances, at least 24 hours before the
4 scheduled hearing.'

6 Further amend the bill in section 3 in paragraph A in the
7 4th line from the end (page 2, line 43 in L.D.) by striking out
8 the following: "unless the petitioner shows good cause,"

10 Further amend the bill in section 3 in paragraph A in the
11 last line (page 2, line 46 in L.D.) by striking out the
12 following: "petitioner." and inserting in its place the
13 following: 'petitioner, except that, if the petitioner is unable
14 to attend the hearing due to circumstances beyond the
15 petitioner's control, the Secretary of State may continue, one
16 time only, the stay of suspension. The petitioner must submit to
17 the Secretary of State a written request for delay, or an
18 electronically transmitted facsimile of a written request for
19 delay, stating the circumstances, at least 24 hours before the
20 scheduled hearing.'

22 Further amend the bill by inserting before the statement of
23 fact the following:

24 **FISCAL NOTE**

26 This bill could result in a slight delay in the receipt of
27 Highway Fund revenues from \$25 reinstatement fees collected by
28 the Division of Motor Vehicles. However, the potential delay is
29 expected to even out over the long run and have a negligible
30 impact on Highway Fund revenues for the biennium.'

34 **STATEMENT OF FACT**

36 This amendment limits the situations in which the Secretary
37 of State may, at the request of a petitioner, continue an
38 administrative hearing with a stay of suspension to those in
39 which the petitioner is unable to attend the scheduled hearing
40 due to circumstances beyond the petitioner's control. The
41 amendment also permits a person to electronically send a
42 facsimile of a written request for delay to the Secretary of
43 State.

44 This amendment also adds a fiscal note to the bill.

Reported by Senator Mills for the Committee on Legal Affairs.
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