

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 599, L.D. 1584, Bill, "An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle"

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

'29 MRSA §2241-H, first ¶, as amended by PL 1989, c. 872, §9, is further amended to read:

In the case of any conviction or adjudication under former section 1312, subsection 10, ~~section 1312-B, 1312-C, 1314~~ or for any offense for which the suspension of a license or the right to operate a motor vehicle or the right to apply for or obtain a license is required by law ~~the court shall also suspend the defendant's right to register a motor vehicle and the registration certificate and plates issued by this State to the defendant for that motor vehicle,~~ or in any case in which the court suspends a license under section 2305, ~~the court may also suspend the defendant's right to register a motor vehicle and the registration certificate and plates issued by this State to the defendant for that motor vehicle,~~ and the court shall inform the defendant of the suspensions suspension and the defendant shall acknowledge this notice in writing on a form to be provided by the court. The court shall suspend the right to register a motor vehicle and all registration certificates and plates issued by the Secretary of State to any person convicted for a violation of section 1312-B who has a previous conviction for a violation of former section 1312, subsection 10; former section 1312-B; or section 1312-B within the 6-year period defined by section 1312-B, subsection 2, paragraph F. The court, as part of its sentence, unless the defendant appeals and a stay of execution of the suspension is granted, shall take any license certificate issued by this State from the person convicted or adjudicated or

2 any license certificate issued by another state, foreign country
3 or province from the person convicted or adjudicated if that
4 person is residing, domiciled or employed in this State. The
5 court, as part of its sentence, unless the defendant appeals and
6 a stay of execution of the suspension is granted, may take from
7 the person convicted or adjudicated any license certificate
8 issued by another state or foreign country or province if the
9 person is not residing, domiciled or employed in this State. At
10 sentencing, the court, upon reasonable cause shown, may stay the
11 suspensions for a period not to exceed 4 hours from the time of
12 sentencing. The court may issue such evidence of that stay as it
13 determines necessary. The court shall forward the license
14 certificate, a copy of the sentence and the acknowledgment of
15 notice by mail to the Secretary of State, and the court shall
16 order the defendant to return the suspended registration
17 certificate and plates to the Secretary of State. The Secretary
18 of State shall return the certificate of registration and plates
19 to the defendant when the defendant's license and operating and
20 registration privileges have been restored.'

22 **STATEMENT OF FACT**

24 This amendment eliminates the requirement that the court
25 suspend the right to register a vehicle of first-time
26 operating-under-the-influence offenders. It retains the
27 requirement for all 2nd and subsequent offenders.
28

Reported by Senator Gauvreau for the Committee on Judiciary.
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