

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1753

S.P. 667

In Senate, May 1, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator THERIAULT of Aroostook
Cosponsored by Representative PARADIS of Augusta, Representative MACOMBER of South Portland and Representative STROUT of Corinth.

STATE OF MAINE

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

An Act to Suspend a Driver's License for Convicted Drug Offenses.

(AFTER DEADLINE)



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

17-A MRSA §1117 is enacted to read:

§1117. Driver's license suspension for drug offenses

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Drug offense" means the possession, distribution, manufacture, cultivation, sale, transfer or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any drug the possession of which is prohibited under this chapter, or the operation of a motor vehicle under the influence of such a drug.

2. Suspension. For the purposes of this subsection "convicted" includes, but is not limited to, conviction of an offense as adjudicated under juvenile proceedings. In the absence of compelling circumstances warranting an exception, the court shall suspend the license, privilege to operate and privilege to apply for and obtain a driver's license of a person convicted of any drug offense.

3. Duration of suspension. Notwithstanding the provisions of Title 29, section 1312-B, subsection 2, paragraphs A and B, a suspension in subsection 2 must be for at least a 6-month period. If the individual has not been issued a license or the license is suspended or revoked at the time the individual is convicted of a drug offense, the court shall order the Secretary of State to commence the 6-month suspension after the individual applies for the issuance of a license or becomes eligible to have a license reinstated following suspension or revocation.

4. Notice; acknowledgment. The court shall inform the individual of the suspension and the individual shall acknowledge this notice in writing on a form provided by the court. The court shall take physical custody of any license issued by this State, another state or foreign country and forward the license, a copy of the sentence and the acknowledgement of notice by mail to the Secretary of State. On receipt of a copy of a court order suspending a person's license, privilege to operate or privilege to apply for and obtain a license, the Secretary of State shall notify the person of the suspension by regular mail or personal service.

STATEMENT OF FACT

This bill requires courts to suspend for 6 months the driver's license of a person convicted of any drug offense.