

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 931, L.D. 2386, Bill, "An Act to Rescind Changes in the Driver Education Evaluation Program"

Amend the bill by striking out everything after the title and before the enacting clause.

Further amend the bill by inserting after section 10 the following:

Sec. 11. 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 \$400 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, which penalties may not be suspended.

Sec. 12. 29 MRSA §1312-B, sub-§2, ¶B, as repealed and replaced by PL 1991, c. 377, §18 is amended to read:

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

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2 comply with the duty to submit to and complete chemical  
testing under section 1312 within a 6-year period, the fine  
4 may not be less than \$300 \$400, the sentence must include a  
period of incarceration of not less than 48 hours and the  
6 court shall suspend the defendant's license or permit to  
operate, right to operate a motor vehicle and right to apply  
8 for and obtain a license for a period of 90 days. These  
penalties may not be suspended when the person:

10 (1) Was tested as having a blood-alcohol level of  
0.15% or more;

12 (2) Was driving in excess of the speed limit by 30  
14 miles an hour or more during the operation that  
resulted in the prosecution for operating under the  
16 influence or with a blood-alcohol level of 0.08% or  
more;

18 (3) Eluded or attempted to elude an officer, as  
20 defined in section 2501-A, subsection 3, during the  
operation that resulted in prosecution for operating  
22 under the influence or with a blood-alcohol level of  
0.08% or more;

24 (4) Failed to submit to a chemical test for the  
26 determination of that person's blood-alcohol level or  
drug concentration at the request of a law enforcement  
28 officer on the occasion that resulted in the  
conviction; or

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

34 **Sec. 13. 29 MRSA §1312-B, sub-§2, ¶C, as amended by PL 1989,**  
36 **§784, sub-§7, is further amended to read:**

38 C. In the case of a person having one previous conviction  
of a violation of former section 1312, subsection 10, former  
40 section 1312-B or this section, or having at least one  
previous suspension for failure to comply with the duty to  
42 submit to and complete chemical testing to determine the  
level of blood-alcohol or drug concentration under section  
44 1312 within a 6-year period, the fine may not be less than  
\$500 \$575, the sentence shall must include a period of  
46 incarceration of not less than 7 days and the court shall  
suspend the defendant's license or permit to operate, right

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2 to operate a motor vehicle and right to apply for and obtain  
a license for a period of one year, which penalties may not  
be suspended.'

4  
6 Further amend the bill by striking out all of the emergency  
clause.

8 Further amend the bill by renumbering the sections to read  
consecutively.

10  
12 Further amend the bill by inserting at the end before the  
statement of fact the following:

14 **FISCAL NOTE**

16 The reductions to the fee structure in the Driver Education  
and Evaluation Program will be offset by an increase in the  
18 minimum fine for persons convicted of operating under the  
influence. There will be no net effect on General Fund revenue.'

20  
22 **STATEMENT OF FACT**

24 This amendment represents the majority report of the Joint  
Standing Committee on Human Resources.

26  
28 The amendment makes up the loss of General Fund revenue in  
the bill by increasing the minimum fines for persons convicted of  
operating under the influence. The amendment also removes the  
30 emergency preamble and clause and adds a fiscal note to the bill.

Reported by a Majority for the Committee on Human Resources.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(3/24/92) (Filing No. S-673)