

MAINE STATE LEGISLATURE

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OK
R. of S.

L.D. 2386

(Filing No. S-674)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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 the title and substituting the following:

'An Act to Reduce the Fees in the Safety Training Operating Under the Influence Program'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Sec. 1. 5 MRSA §20076-A, sub-§3, ¶A, as enacted by PL 1991, c. 622, Pt. Y, §8, is amended to read:

A. The office may charge a registration fee, not to exceed \$425 ~~\$350~~, to clients for the program. This fee must be transferred to the General Fund. The office may waive all or part of the fee for clients who provide sufficient evidence of inability to pay.

Sec. 2. 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.

COMMITTEE AMENDMENT

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2 **Sec. 3. 29 MRSA §1312-B, sub-§2, ¶B**, as repealed and replaced
4 by PL 1991, c. 377, §18 is amended to read:

6 B. In the case of a person having no previous convictions
8 of a violation of former section 1312, subsection 10, former
10 section 1312-B or this section and having no previous
12 suspension of license or privilege to operate for failure to
14 comply with the duty to submit to and complete chemical
16 testing under section 1312 within a 6-year period, the fine
may not be less than \$300 ~~\$400~~, 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 90 days. These
penalties may not be suspended when the person:

18 (1) Was tested as having a blood-alcohol level of
20 0.15% or more;

22 (2) Was driving in excess of the speed limit by 30
24 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;

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

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

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

44 **Sec. 4. 29 MRSA §1312-B, sub-§2, ¶C**, as amended by PL 1989,
§784, sub-§7, is further amended to read:

46 C. In the case of a person having one previous conviction
48 of a violation of former section 1312, subsection 10, former
section 1312-B or this section, or having at least one
50 previous suspension for failure to comply with the duty to
submit to and complete chemical testing to determine the

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level of blood-alcohol or drug concentration under section 1312 within a 6-year period, the fine may not be less than \$500 ~~\$575~~, the sentence shall must include a period of incarceration of not less than 7 days 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 one year, which penalties may not be suspended.

FISCAL NOTE

The reduction in the registration fee charged to clients in the Safety Training Operating Under the Influence Program will be offset by an increase in the minimum fine for persons convicted of operating under the influence. There will be no net effect on General Fund revenue.'

STATEMENT OF FACT

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

The amendment replaces the original bill. It maintains changes made to the Safety Training Operating Under the Influence Program in Public Law 1991, chapter 622, except that it lowers program fees to what they were prior to enactment of Public Law 1991, chapter 622 and makes up the resulting loss to the General Fund with increases in fines for persons convicted of operating under the influence. The amendment removes the emergency preamble and emergency clause and adds a fiscal note to the bill.

Reported by the Minority for the Committee on Human Resources.
Reproduced and Distributed Pursuant to Senate Rule 12.
(3/24/92) (Filing No. S-674)

COMMITTEE AMENDMENT