

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 799

S.P. 261.

In Senate, March 4, 1993

**An Act to Strengthen the Laws Prohibiting Driving under the Influence  
of Alcohol or Drugs.**

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Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WEBSTER of Franklin.

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

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**Sec. 1. 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 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 6 months, which penalties may not be suspended.

**Sec. 2. 29 MRSA §1312-B, sub-§2, ¶B,** as repealed and replaced by PL 1991, c. 377, §18, is amended to read: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 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, 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~~ 6 months. These penalties may not be suspended when the person:

- (1) Was tested as having a blood-alcohol level of 0.15% or more;
- (2) Was driving in excess of the speed limit by 30 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;
- (3) Eluded or attempted to elude an officer, as defined in section 2501-A, subsection 3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;
- (4) Failed to submit to a chemical test for the determination of that person's blood-alcohol level or drug concentration at the request of a law enforcement

2 officer on the occasion that resulted in the conviction; or

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

8 **Sec. 3. 29 MRSA §1312-B, sub-§2 ¶C**, as amended by PL 1989, c. 784, §7, is further amended to read:

10 C. In the case of a person having one previous conviction  
12 of a violation of former section 1312, subsection 10, former  
14 section 1312-B or this section, or having at least one  
16 previous suspension for failure to comply with the duty to  
18 submit to and complete chemical testing to determine the  
20 level of blood-alcohol or drug concentration under section  
22 1312 within a 6-year period, the fine may not be less than  
24 \$500, 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~~ 3 years, which penalties  
may not be suspended.

26 **Sec. 4. 29 MRSA §1312-B, sub-§2, ¶D**, as repealed and replaced  
by PL 1985, c. 412, §4, is amended to read:

28 D. In the case of a person having 2 or more previous  
30 convictions of violations of former section 1312, subsection  
32 10, former section 1312-B or this section, within a 6-year  
34 period, the fine shall may not be less than \$750, the  
36 sentence shall must include a period of incarceration of not  
less than 30 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 2 5 years, which penalties may not be  
suspended.

40 **STATEMENT OF FACT**

42 Under current law, when a person is convicted of operating a  
44 motor vehicle while under the influence of alcohol or drugs, the  
46 court suspends the defendant's license for a period of 90 days.  
48 This bill increases the mandatory suspension period to 6 months.  
The bill also changes the mandatory suspension for a 2nd  
conviction from one year to 3 years and for 2 or more previous  
convictions from 2 years to 5 years.