

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

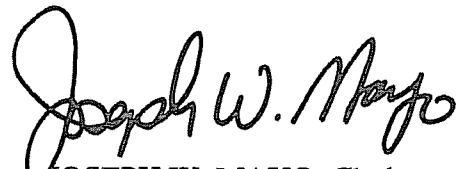
No. 935

H.P. 694

House of Representatives, March 18, 1993

**An Act Concerning Suspension of Registrations under the
Operating-under-the-influence Laws.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LIPMAN of Augusta.
Cosponsored by Representatives: KETTERER of Madison, OTT of York, Senator: CONLEY of
Cumberland.

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

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4 Sec. 1. 29 MRSA §2241-H, first ¶, as amended by PL 1991, c.
436, is further amended to read:

6 In the case of any conviction or adjudication under former
8 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
10 operate a motor vehicle or the right to apply for or obtain a
license is required by law or in any case in which the court
12 suspends a license under section 2305, the court shall inform the
defendant of the suspension and the defendant shall acknowledge
14 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
16 registration certificates and plates issued by the Secretary of
State to any person convicted for a violation of section 1312-B
18 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,
20 paragraph F. Notwithstanding this requirement, if a spouse or
other family member regularly using a vehicle subject to
22 suspension of registration establishes to the satisfaction of the
court that hardship will result from that suspension, the court
24 need not suspend the registration certificates and plates or the
right to register that vehicle. The court, as part of its
26 sentence, unless the defendant appeals and a stay of execution of
the suspension is granted, shall take any license certificate
28 issued by this State from the person convicted or adjudicated or
any license certificate issued by another state, foreign country
30 or province from the person convicted or adjudicated if that
person is residing, domiciled or employed in this State. The
32 court, as part of its sentence, unless the defendant appeals and
a stay of execution of the suspension is granted, may take from
34 the person convicted or adjudicated any license certificate
issued by another state or foreign country or province if the
36 person is not residing, domiciled or employed in this State. At
sentencing, the court, upon reasonable cause shown, may stay the
38 suspensions for a period not to exceed 4 hours from the time of
sentencing. The court may issue such evidence of that stay as it
40 determines necessary. The court shall forward the license
certificate, a copy of the sentence and the acknowledgment of
42 notice by mail to the Secretary of State, and the court shall
order the defendant to return the suspended registration
44 certificate and plates to the Secretary of State, unless hardship
has been established and suspension is therefore not required.
46 The Secretary of State shall return the certificate of
registration and plates to the defendant when the defendant's
48 license and operating and registration privileges have been
restored.

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STATEMENT OF FACT

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6 This bill permits a court to continue the registration of a
vehicle otherwise subject to mandatory suspension of registration
8 for the driver's violation of certain
operating-under-the-influence laws, in cases when a family member
who regularly uses that vehicle can establish hardship from the
10 suspension. Current law allowing the Secretary of State to
transfer the registration to other family members is inadequate
12 in certain cases because insurance will not cover, for example, a
child who registers that vehicle in the child's name if the child
14 is not the owner of the vehicle.