

MAINE STATE LEGISLATURE

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LEGAL AFFAIRS

Reported by: Senator Hall of Piscataquis

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**STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 669, L.D. 1837, Bill, "An Act to Subject Motorists with Prior Out-of-state Operating-under-the-influence Convictions to the Sentencing Provisions of the State's Operating-under-the-influence Laws"

Amend the bill in section 3 in paragraph C in the 6th line from the end (page 2, line 26 in L.D.) by striking out the following: "shall" and inserting in its place the following: '~~shall~~ must'

Further amend the bill in section 4 in paragraph D in the 6th line (page 2, line 41 in L.D.) by striking out the following: "shall" and inserting in its place the following: '~~shall~~ may' and in the 7th line (page 2, line 42 in L.D.) by striking out the following: "shall" and inserting in its place the following: '~~shall~~ must'

Further amend the bill in section 5 in paragraph H in subparagraph (1) in the last line (page 3, line 7 in L.D.) by inserting after the following: "subsection 10" the following: ', of former section 1312-B'

Further amend the bill in section 5 in paragraph H by striking out all of subparagraph (4) and inserting in its place the following:

COMMITTEE AMENDMENT

2 '(4) A conviction in the tribal court of the Penobscot
 4 Nation, a court of the United States or a court of a
 6 state that is not a party to the driver license compact
 8 in chapter 7, subchapter III, provided that the
 10 punishment for the offense includes the possibility of
 12 incarceration, whether or not actually imposed on that
 14 occasion, and the elements of the offense as provided
 16 in the law of that jurisdiction include operation or
 attempted operation of a motor vehicle while
 intoxicated, impaired or under the influence of
 intoxicating liquor or drugs, or a combination of
 liquor or drugs, or with a blood-alcohol level
 sufficient for conviction under the laws of that
 jurisdiction.'

18 Further amend the bill by inserting after section 5 the
 following:

20 '**Sec. 6. 29 MRSA §1312-B, sub-§2-A**, as amended by PL 1989, c.
 22 872, §6, is further amended to read:

24 **2-A. Aggravated punishment category.** If the State pleads
 26 and proves that the actor, while operating a motor vehicle in
 28 violation of this section, ~~the actor~~ in fact caused serious
 30 bodily injury as defined in Title 17-A, section 2, subsection 23,
 32 to another person or in fact caused the death of another person,
 the sentencing class for the offense in subsection 1 is a Class C
 crime. The minimum penalties specified in subsection 2 apply,
 but the minimum period of suspension is 18 months unless a longer
 minimum period otherwise applies.

34 If the State pleads and proves that the actor, while operating a
 36 motor vehicle in violation of this section, ~~the actor~~ had been
 38 previously convicted of 3 or more violations of former section
 40 1312, subsection 10, former section 1312-B or this section
 42 previous convictions of operating under the influence of
 intoxicating liquor or drugs, or a combination of liquor or
 drugs, or with an excessive blood-alcohol level within a 6-year
 period, the sentencing class for the offense in subsection 1 is a
 Class C crime. The minimum penalties specified in subsection 2
 apply, but the minimum fine is \$1,000.'

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

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FISCAL NOTE

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6 This bill allows sentencing provisions to include
8 convictions in other jurisdictions resulting in mandatory jail
10 sentences at county jails. The average daily cost per offender
in a county jail is \$69.92. The additional costs to the counties
for housing individuals sentenced under this new provision are
not reimbursed by the State.

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The Judicial Department may require additional General Fund
appropriations to cover increased indigent defense costs. The
amounts can not be estimated at this time. The collection of
additional fines may also increase General Fund revenue by minor
amounts.'

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STATEMENT OF FACT

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The amendment makes technical corrections and makes the
Maine Revised Statutes, Title 29 consistent with the proposed
changes in the original bill.

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The amendment provides that prior
operating-under-the-influence convictions rendered by the
Penobscot Tribal Court may also be considered in sentencing for
subsequent state operating-under-the-influence convictions.

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The amendment also adds a fiscal note to the bill.