

MAINE STATE LEGISLATURE

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L.D. 41

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 47, L.D. 41, Bill, "An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 29-A MRSA §2472, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Suspension for OUI conviction or certain blood-alcohol level. The Secretary of State shall suspend for a period of at least one year, without preliminary hearing, a juvenile provisional license of a person who:

A. Receives an OUI conviction; or

B. Operates a motor vehicle with ~~a blood-alcohol-level-of 0.02% or more~~ any amount of alcohol in the blood.

Sec. 2. 29-A MRSA §2472, sub-§§4 and 5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

4. Duty to submit to test. A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with ~~a blood-alcohol-level-of 0.02% or more~~ any amount of alcohol in the blood. The provisions of subchapter IV apply, except the suspension must be for a period of one year.

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COMMITTEE AMENDMENT "A" to H.P. 47, L.D. 41

2 5. **Hearing; stay; issues.** If a hearing is requested in
accordance with section 2483, the suspension under subsection 3,
4 paragraph B is stayed pending the outcome of the hearing. The
scope of a hearing must include whether:

6 A. There was probable cause to believe that the person was
under 21 years of age and operated a motor vehicle while
8 ~~having-0.02% or more by weight of alcohol in the blood~~ with
any amount of alcohol in the blood;

10 B. The person operated a motor vehicle ~~while-having-0.02%~~
12 ~~or more by weight of alcohol in the blood~~ with any amount of
alcohol in the blood; and

14 C. The person was under 21 years of age.
16

18 **FISCAL NOTE**

20 Lowering the blood-alcohol threshold for juveniles will
result in additional license suspensions and additional juveniles
22 participating in the Driver Education and Evaluation Programs.
The additional costs to provide the additional programs to
24 certain juveniles can be absorbed by the Office of Substance
Abuse utilizing existing budgeted resources. Fees collected for
26 the Driver Education and Evaluation Programs will increase
General Fund revenue by minor amounts. The additional license
28 suspensions will result in insignificant increases of Highway
Fund revenue from license reinstatement fees.'

30
32 **STATEMENT OF FACT**

34 This amendment replaces the original bill and clarifies that
a person holding a juvenile provisional license may not drive a
36 motor vehicle if there is any amount of alcohol in the person's
blood.
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COMMITTEE AMENDMENT