

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 41

H.P. 47

House of Representatives, January 12, 1995

An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator LORD of York and
Representatives: BUCK of Yarmouth, BUNKER of Kossuth Township, CAMPBELL of Holden, CROSS of Dover-Foxcroft, MAYO of Bath, McELROY of Unity, NASS of Acton, REED of Dexter, TUTTLE of Sanford, VOLENIK of Sedgwick, Senators: AMERO of Cumberland, PENDEXTER of Cumberland.

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

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3 **Sec. 1. 29-A MRSA §2472, sub-§3**, as enacted by PL 1993, c.
4 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

10 A. Receives an OUI conviction; or

11 B. Operates a motor vehicle ~~with a blood alcohol level of~~
12 ~~0.02% or more~~ while under the influence of alcohol.

13 **Sec. 2. 29-A MRSA §2472, sub-§3-A** is enacted to read:

14 **3-A. Under the influence of alcohol; defined.** For the
15 purposes of this section, "under the influence of alcohol" means
16 having any level of alcohol in the blood.

17 **Sec. 3. 29-A MRSA §2472, sub-§§4 and 5**, as enacted by PL 1993,
18 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

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

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

29 A. There was probable cause to believe that the person was
30 under 21 years of age and operated a motor vehicle while
31 ~~having 0.02% or more by weight of alcohol in the blood~~ under
32 the influence of alcohol;

33 B. The person operated a motor vehicle while ~~having 0.02%~~
34 ~~or more by weight of alcohol in the blood~~ under the
35 influence of alcohol; and

36 C. The person was under 21 years of age.

STATEMENT OF FACT

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4 This bill makes it unlawful for a person under 21 years of
age to operate a motor vehicle while having any alcohol in the
blood.