

MAINE STATE LEGISLATURE

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L.D. 904

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DATE: March 14, 1996 (Filing No. S-478)

INLAND FISHERIES AND WILDLIFE

Reported by: The Minority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B " to S.P. 323, L.D. 904, Bill, "An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Penalties for Operating a Snowmobile or All-terrain Vehicle while under the Influence of Alcohol or Other Drugs'

Further 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. 12 MRSA §7077-A, sub-§1-A is enacted to read:

1-A. Hunting while under the influence of intoxicating liquor or other drugs. Notwithstanding any other provision of this Part, a person convicted of hunting while under the influence of intoxicating liquor or other drugs in violation of section 7406, subsection 3 is not eligible to obtain a license to hunt in this State for a period of 5 years from the date of conviction.

Sec. 2. 12 MRSA §7827, sub-§9, as repealed and replaced by PL 1991, c. 443, §34, is amended to read:

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2 9. Operating a snowmobile on another persons's private
property while under the influence of intoxicating liquor or
4 other drugs. A person ~~is-guilty-of-a-Class-E-crime~~ commits the
crime of operating a snowmobile on another person's private
6 property while under the influence of intoxicating liquor or
other drugs if that person operates or attempts to operate any a
snowmobile on private property owned by another person:

8
10 A. While under the influence of intoxicating liquor or
other drugs or a combination of liquor and other drugs; or

12 B. While having 0.08% or more by weight of alcohol in that
14 person's blood.

16 Operating a snowmobile on another person's private property while
under the influence of intoxicating liquor or other drugs is a
Class E crime.

18 Sec. 3. 12 MRSA §7827, sub-§9-B is enacted to read:

20 9-B. Operating a snowmobile on public property while under
the influence of intoxicating liquor or other drugs. A person
22 commits the crime of operating a snowmobile on public property
while under the influence of intoxicating liquor or other drugs
24 if that person operates or attempts to operate a snowmobile on
26 public property:

28 A. While under the influence of intoxicating liquor or
other drugs or a combination of liquor and other drugs; or

30 B. While having 0.08% or more by weight of alcohol in that
32 person's blood.

34 Operating a snowmobile on public property while under the
influence of intoxicating liquor or other drugs is a Class D
36 crime. For the purposes of this subsection, the term "public
property" means any property owned by a municipality or the State
38 or any privately owned land having a snowmobile trail constructed
or maintained using public funds.

40 Sec. 4. 12 MRSA §7857, sub-§10, as repealed and replaced by PL
42 1991, c. 443, §37, is amended to read:

44 10. Operating an ATV on another person's private property
while under the influence of intoxicating liquor or other drugs.
46 A person ~~is-guilty-of-a-Class-E-crime~~ commits the crime of
operating an ATV on another person's private property while under

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2 the influence of intoxicating liquor or other drugs if that
person operates or attempts to operate any ATV:

4 A. While under the influence of intoxicating liquor or
6 other drugs or a combination of liquor and other drugs; or

8 B. While having 0.08% or more by weight of alcohol in that
person's blood.

10 Operating an ATV on another person's private property while under
12 the influence of intoxicating liquor or other drugs is a Class E
crime.

14 Sec. 5. 12 MRSA §7857, sub-§10-B is enacted to read

16 10-B. Operating an ATV on public property while under the
18 influence of intoxicating liquor or other drugs. A person
commits the crime of operating an ATV on public property while
20 under the influence of intoxicating liquor or other drugs if that
person operates or attempts to operate an ATV:

22 A. While under the influence of intoxicating liquor or
24 other drugs or a combination of liquor and other drugs; or

26 B. While having 0.08% or more by weight of alcohol in that
person's blood.

28 Operating an ATV on public property while under the influence of
30 intoxicating liquor or other drugs is a Class D crime. For the
purposes of this subsection, the term "public property" means any
32 property owned by a municipality or the State or any privately
owned land having a snowmobile trail constructed or maintained
34 using public funds.'

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

38 **FISCAL NOTE**

40 This bill may increase prosecutions for Class D crimes. If
42 a jail sentence is imposed, the additional costs to the counties
are estimated to be \$83.70 per day per prisoner. These costs are
44 not reimbursed by the State. The number of prosecutions that may
result in a jail sentence and the resulting costs to the county
46 jail system are expected to be insignificant.

48 This bill may reduce prosecutions for Class E crimes. If
jail sentences are reduced, the savings to the counties are
50 estimated to be \$83.70 per day per prisoner. These savings do

2 not affect reimbursement by the State. The reduction in the
number of prosecutions that would have resulted in a jail
4 sentence and the resulting savings to the county jail system are
expected to be insignificant.

6 The additional workload, administrative costs and indigent
defense costs associated with the minimal number of net new cases
8 filed in the court system can be absorbed within the budgeted
resources of the Judicial Department. The collection of
10 additional fines may also increase General Fund revenue by minor
amounts.

12 The ineligibility of certain hunters convicted of hunting
14 while intoxicated from obtaining future hunting licenses may
result in insignificant reductions of General Fund revenue from
16 hunting fees.'

18 STATEMENT OF FACT

20 This amendment is the minority report of the Joint Standing
22 Committee on Inland Fisheries and Wildlife. The amendment
replaces the bill and changes the title of the bill.

24 The amendment prohibits a person convicted of hunting while
26 under the influence of alcohol or other drugs from obtaining a
license to hunt for 5 years after the date of conviction.

28 The amendment decriminalizes operating a snowmobile or an
30 all-terrain vehicle on the operator's own land while under the
influence of intoxicating alcohol or other drugs. The amendment
32 makes operating a snowmobile or an all-terrain vehicle on another
person's land while under the influence of intoxicating alcohol
34 or other drugs a Class E crime. The amendment makes operating a
snowmobile or an all-terrain vehicle on public land, or trails
36 maintained using public funds, while under the influence of
intoxicating alcohol or other drugs a Class D crime.

38 The amendment also adds a fiscal note to the bill.