

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 915

S.P. 334

In Senate, March 21, 1995

An Act to Increase the Authorized Penalties for Multiple OUI Offenders.

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

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator MILLS of Somerset.
Cosponsored by Senators: GOLDTHWAIT of Hancock, O'DEA of Penobscot, RAND of
Cumberland, Representative: JONES of Bar Harbor.

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

Sec. 1. 29-A MRSA §2411, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. While having a blood-alcohol level of ~~0.08%~~ 0.07% or more.

Sec. 2. 29-A MRSA §2411, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Penalties. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a ~~6-year~~ 10-year period:

(1) A fine of not less than \$300;

(2) A court-ordered suspension of a driver's license for a period of 90 days; and

(3) A period of incarceration of not less than 48 hours, when the defendant:

(a) Was tested as having a blood-alcohol level of ~~0.15% or more~~ greater than 0.14%;

(b) Was exceeding the speed limit by 30 miles per hour or more;

(c) Eluded or attempted to elude an officer;

(d) Failed to submit to a test at the request of a law enforcement officer; or

(e) Was operating with a passenger under 16 years of age;

B. For a person having one previous OUI offense within a ~~6-year~~ 10-year period:

(1) A fine of not less than \$500;

(2) A period of incarceration of not less than 7 days;

(3) A court-ordered suspension of a driver's license for a period of one year; and

(4) In accordance with section 2416, a court-ordered

2 suspension of the person's right to register a motor
 vehicle;

4 C. For a person having 2 previous OUI convictions within a
 6-year 10-year period:

6 (1) A fine of not less than \$750;

8 (2) A period of incarceration of not less than 30 days;

10 (3) A court-ordered suspension of a driver's license
12 for a period of 2 years; and

14 (4) In accordance with section 2416, a court-ordered
16 suspension of the person's right to register a motor
 vehicle;

18 D. For a person having 3 or more OUI convictions within a
20 6-year 10-year period the offense is a Class C crime. The
 minimum penalties specified in paragraph C apply, but the
 minimum fine is \$1,000; and

22 E. For a person sentenced under paragraph B, C or D, the
24 court shall order the defendant to participate in the
 alcohol and drug program for multiple offenders. The court
26 may waive the multiple offender intervention program under
 Title 5, section 20073, subsections 4 and 5, if the court
28 finds that the defendant has completed a residential alcohol
 or drug treatment program, or its equivalent, subsequent to
30 the date of the offense.

32 In the determination of an appropriate sentence, failure to
 submit to a test is an aggravating factor.

34 In addition to any other penalty, the court may suspend the
36 driver's license of a person for up to 2 years if convicted of a
38 Class D OUI offense and up to 10 years if convicted of a Class C
 OUI offense.

40 The court shall give notice of the suspension and take physical
 custody of the driver's license.

42 The Secretary of State may impose an additional period of
44 suspension under section 2451, subsection 3, or may extend a
46 period of suspension until satisfaction of any conditions imposed
 pursuant to chapter 23, subchapter III, article 4.

48 **Sec. 3. 29-A MRSA §2455, sub-§1, ¶A, as enacted by PL 1993, c.**
50 **683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:**

 A. The person was operating under the influence of

2 intoxicating liquor or drugs, or with a blood-alcohol level
of 0.08% 0.07% or greater;

4 **Sec. 4. 29-A MRSA §2456, sub-§1, ¶B**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 B. While having a blood-alcohol level of 0.08% 0.07% or
8 more; or

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STATEMENT OF FACT

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14 This bill lowers the allowable blood-alcohol level from
0.08% to 0.07% for OUI offenders and increases the authorized
penalties for multiple OUI offenders.