

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1066

S.P. 389

In Senate, March 28, 1995

**An Act Authorizing the Immediate Suspension of a Driver's License
upon Arrest for a Repeat OUI Offense.**

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HATHAWAY of York.
Cosponsored by Representative: AULT of Wayne.

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

4 **Sec. 1. 29-A MRSA §2463 is enacted to read:**

6 **§2463. Immediate suspension for subsequent OUI offenses**

8 **1. Probable cause needed; surrender of license.** If a law
10 enforcement officer has probable cause to believe that a person
12 has committed an OUI offense and that within the past 6 years
14 that person has been convicted of another OUI offense or has had
16 a license suspended pursuant to section 2451, 2452 or 2453, that
person's license is immediately suspended for the period set
forth in section 2453, subsection 6. At the request of the law
enforcement officer, the person shall surrender the license to
the law enforcement officer.

18 **2. Report.** The law enforcement officer shall send to the
Secretary of State a report as provided in section 2481,
subsections 1 and 2, together with the person's license.

20 **3. Review by Secretary of State.** The Secretary of State
22 shall review the information contained in the report and uphold
24 or vacate the suspension. Upon determining that a person is
subject to license suspension, the Secretary of State shall
26 immediately notify the person, in writing, that the license has
been suspended. The notice must conform to the requirements set
forth in section 2482.

28 **4. Determination final.** The determination of the Secretary
30 of State is final unless a hearing is requested and held pursuant
to sections 2483 and 2484.

32 **STATEMENT OF FACT**

34
36 The purpose of this bill is to provide maximum safety for
38 all persons who travel on or otherwise use the public ways by
removing immediately from public ways those persons who have
40 shown themselves to be an extreme safety hazard by committing a
2nd or subsequent operating-under-the-influence offense, while
42 ensuring that a person whose license is automatically suspended
pursuant to this bill is afforded due process of law.