

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1231

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H.P. 876

House of Representatives, April 6, 1995

**An Act to Provide for a 10-Year License Suspension of Any Person  
Having 4 or More Operating-under-the-influence Convictions.**

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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 GERRY of Auburn.  
Cosponsored by Representatives: DAVIDSON of Brunswick, DEXTER of Kingfield,  
KILKELLY of Wiscasset, Senator: PARADIS of Aroostook.

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

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

6 D. For a person having 3 ~~ex-more~~ OUI convictions within a  
8 6-year period, the offense is a Class C crime. The minimum  
10 penalties specified in paragraph C apply, but the minimum  
12 fine is \$1,000; and

14 **Sec. 2. 29-A MRSA §2411, sub-§5, ¶¶D-1 and D-2** are enacted to  
16 read:

18 D-1. For a person having 4 OUI convictions within a 6-year  
20 period, the offense is a Class C crime. The period of  
22 incarceration required by paragraph C applies, the minimum  
24 fine is \$1,000 and court-ordered suspension of a driver's  
26 license is for a period of 10 years;

D-2. For a person having 5 or more OUI convictions, the  
28 provisions of paragraph D-1 apply, except the driver's  
30 license suspension is permanent; and

32 **Sec. 3. 29-A MRSA §2411, sub-§5, ¶E**, as enacted by PL 1993, c.  
34 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36 E. For a person sentenced under paragraph B, C ~~or~~, D, D-1  
38 or D-2, the court shall order the defendant to participate  
40 in the alcohol and drug program for multiple offenders. The  
42 court may waive the multiple offender intervention program  
44 under Title 5, section 20073, subsections 4 and 5, if the  
46 court finds that the defendant has completed a residential  
48 alcohol or drug treatment program, or its equivalent,  
subsequent to the date of the offense.

**Sec. 4. 29-A MRSA §2452, sub-§§1 to 3**, as enacted by PL 1993,  
c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

**1. Permanent revocation.** Permanently revoke the school bus  
operator endorsement of any person convicted of OUI who operated  
a school or private school activity bus during the commission of  
the offense or who receives 5 or more OUI convictions;

**2. Suspend for at least 3 years.** Suspend for a period of  
at least 3 years the school bus operator endorsement of any  
person convicted of a first OUI violation. The person whose  
school bus operator endorsement has been suspended for a first  
OUI violation may petition the Secretary of State to restore the  
endorsement after one year of the suspension has been completed.

2 The petition must include a recommendation from the school  
superintendent that the endorsement be restored. The Secretary  
4 of State may grant the petition with any conditions, restrictions  
or terms determined to be in the interest of highway safety; and

6 **3. Suspend for at least 6 years.** Suspend for a period of  
at least 6 years the school bus operator endorsement of any  
8 person convicted of a 2nd or subsequent 3rd OUI violation within  
a 6-year period as defined by section 2402+; and

10 **Sec. 5. 29-A MRSA §2452, sub-§4** is enacted to read:

12 **4. Suspend for at least 10 years.** Suspend for a period of  
14 at least 10 years the school bus operator endorsement of any  
person convicted of a 4th OUI violation within a 6-year period.

16 This subsection does not apply to a person sentenced under  
18 section 2411, subsection 5, paragraph D-1 or D-2.

20 **STATEMENT OF FACT**

22 This bill requires the sentencing court or the Secretary of  
24 State to suspend for 10 years the driver's license of a person  
convicted of a 4th OUI within a 6-year period. Persons convicted  
26 of 5 OUI violations, regardless of the period of time, must have  
their license permanently suspended.