

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

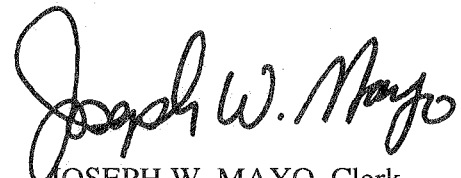
No. 545

H.P. 400

House of Representatives, January 28, 1997

An Act to Enhance the Penalty for Operating a Motor Vehicle after Habitual Offender Revocation When the Actor Has Had a Prior Conviction for Operating after Revocation or Operating under the Influence within the Previous 10 Years.

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


JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.

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

4 **Sec. 1. 29-A MRSA §2557, sub-§2, ¶¶A and B,** as affected by PL
6 1995, c. 65, Pt. A, §153 and amended by Pt. C, §14 and affected
8 by §15, are further amended to read:

10 A. A Class D crime if:

12 (1) The person has no conviction for operating after
14 revocation under this section or under former Title 29,
16 section 2298 within the previous 5 10 years; and

18 (2) The person has no conviction for violating section
20 2411 or former Title 29, section 1312-B within the
22 previous 5 10 years; and

24 B. A Class C crime if:

26 (1) The person has one or more convictions for
28 operating after revocation under this section or under
30 former Title 29, section 2298 within the previous 5 10
32 years; or

34 (2) The person has one or more convictions for
36 violating section 2411 or former Title 29, section
38 1312-B within the previous 5 10 years.

SUMMARY

30 This bill changes the sentencing classification for
32 operating a motor vehicle after habitual offender revocation from
34 a Class D crime to a Class C crime if the offender has been
36 convicted of one or more habitual offender offenses or
operating-under-the-influence, or OUI, offenses within the
previous 10 years instead of the current 5-year time frame. This
bill puts the habitual offender law in line with the criminal OUI
law that extended the time period for previous OUI offenses from
6 years to 10 years.