

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1438

S.P. 466

In Senate, March 11, 1997

**An Act to Increase the Penalty for Operating after License Suspension
and under the Influence.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative McKEE of Wayne.

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

2
3 **Sec. 1. 29-A MRSA §2411, sub-§5, ¶C**, as repealed and replaced
4 by PL 1995, c. 368, Pt. AAA, §8, is amended to read:

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

7
8 (1) A fine of not less than \$1,000, except that if the
9 person failed to submit to a test at the request of a
10 law enforcement officer, a fine of not less than \$1,300;

11
12 (2) A period of incarceration of not less than 30
13 days, except that if the person failed to submit to a
14 test at the request of a law enforcement officer, a
15 period of incarceration of not less than 40 days;

16
17 (3) A court-ordered suspension of a driver's license
18 for a period of 4 years; and

19
20 (4) In accordance with section 2416, a court-ordered
21 suspension of the person's right to register a motor
22 vehicle; and

23
24 (5) Notwithstanding any other provision in this
25 paragraph, in accordance with sections 2421 and 2422, a
26 forfeiture and impoundment of the vehicle driven at the
27 time of the OUI offense, unless suspended by the court;

28
29 **Sec. 2. 29-A MRSA §2412-A, sub-§3, ¶A**, as enacted by PL 1995,
30 c. 368, Pt. AAA, §12, is amended to read:

31
32 A. If the person has a prior conviction for violating this
33 section within a 10-year period and was subject to the
34 minimum mandatory sentences, then the following minimum
35 penalties, which may not be suspended by the court, apply in
36 the event the suspension was for OUI:

37
38 (1) A minimum fine of \$1,000, a term of imprisonment
39 of 30 consecutive days and a suspension of license for
40 not less than one year nor more than 3 years
41 consecutive to the original suspension in the event of
42 one prior conviction;

43
44 (2) A minimum fine of \$2,000, a term of imprisonment
45 of 60 consecutive days and a suspension of license for
46 not less than one year nor more than 3 years
47 consecutive to the original suspension in the event of
48 2 prior convictions; or

2 (3) A minimum fine of \$3,000, a term of imprisonment
4 of 6 months and a suspension of license for not less
6 than one year nor more than 3 years consecutive to the
original suspension in the event of 3 or more prior
convictions. The sentencing class for this offense is
a Class C crime, ; or

8 (4) Notwithstanding any other provision in this
10 paragraph a forfeiture of the vehicle driven at the
12 time of the OUI offense, pursuant to section 2421,
14 unless suspended by the court.

16 SUMMARY

18 This bill adds the penalties of vehicle impoundment and
20 forfeiture to a person having 2 previous OUI offenses within a
10-year period and the penalty of vehicle forfeiture to a person
having a prior conviction of operating a motor vehicle while that
person's license was suspended if convicted again.