

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

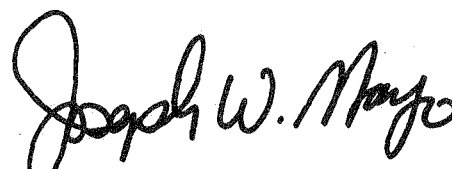
No. 1870

H.P. 1321

House of Representatives, May 12, 1997

**An Act to Amend Criminal OUI Penalties Concerning Suspension of a
Motor Vehicle Driver's License.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell. (By Request)
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: COLWELL of Gardiner, SAXL of Bangor, WATSON of Farmingdale.

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

2
4 **Sec. 1. 29-A MRSA §1603, sub-§2**, as amended by PL 1995, c. 368, Pt. AAA, §2, is further amended to read:

6 **2. Suspension of license or registration following OUI convictions.** On receipt of an attested copy of the court record of an OUI conviction when the person has been previously convicted within a 10-year period of OUI, the Secretary of State may not reinstate the person's license until the person gives proof of financial responsibility, except that, until June 29, 2002, for a person convicted of a violation of OUI before June 29, 1995, this subsection applies only when a prior offense or offenses were committed within the previous 6 years. The period of suspension under this subsection may not be less than the original period of suspension imposed for the conviction.

18 **Sec. 2. 29-A MRSA § 2402**, as amended by PL 1995, c. 368, Pt. AAA, §6, is further amended to read:

20 **§2402. Calculating prior convictions**

22 For purposes of this chapter, a prior conviction or action has occurred within the 10-year period, or within the 6-year period, if the date of the action or the date of the docket entry of conviction is 10 years or less from the date of the new conduct, or 6 years or less from the date of the new conduct, as the case may be.

30 **Sec. 3. 29-A MRSA §2411, sub-§5-C** is enacted to read:

32 **5-C. Exception.** Notwithstanding the penalties set out in subsection 5, for a person convicted of a violation of operating under the influence before June 29, 1995, the minimum penalties set out in subsection 5, paragraphs A to D apply only when a prior offense or offenses were committed within the previous 6 years.

38 This subsection is repealed June 29, 2002.

40 **Sec. 4. 29-A MRSA §2412-A, sub-§3-A** is enacted to read:

42 **3-A. Exception.** Notwithstanding the minimum fines set forth in subsection 3, for a person convicted of a violation of OUI before June 29, 1995, the minimum fines set out in subsection 3, paragraph A apply only when a prior offense or offenses were committed within the previous 6 years. For purposes of this subsection, a prior conviction or suspension has occurred within a 6-year period if the date of the suspension or the docket entry of a judgment of conviction by the clerk is 6 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.

2 This subsection is repealed June 29, 2002.

4 **Sec. 5. 29-A MRSA §2416, sub-§1**, as amended by PL 1995, c.
368, Pt. AAA, §13, is further amended to read:

6 **1. Required registration suspension; return of certificate**
8 **and plates.** The court shall suspend the right to register a
10 motor vehicle and all registration certificates and plates issued
12 by the Secretary of State to any person convicted for a violation
14 of section 2411 who has a previous conviction for OUI within the
16 10-year period defined-by described in section 2402, except that,
18 until June 29, 2002, for a person convicted of a violation of OUI
20 before June 29, 1995, the court shall suspend the right to
22 register a motor vehicle and all registration certificates and
24 plates issued by the Secretary of State to any person convicted
26 for a violation of section 2411 who has a previous conviction for
28 OUI within the 6-year period described in section 2402. The
30 Secretary of State shall return the certificate of registration
32 and plates to the defendant when the defendant's license and
34 registration privileges have been restored.

22 **Sec. 6. 29-A MRSA §2451, sub-§3-A** is enacted to read:

24 **3-A. Exception.** Notwithstanding the minimum periods of
26 suspension set out in subsection 3, for a person convicted of a
28 violation of OUI before June 29, 1995, the minimum periods of
30 suspension set out in subsection 3 apply only when a prior
32 offense or offenses were committed within the previous 6 years.

30 This subsection is repealed June 29, 2002.

32 **Sec. 7. 29-A MRSA §2452, sub-§3**, as amended by PL 1995, c.
34 368, Pt. AAA, §18, is further amended to read:

36 **3. Suspend for at least 6 years.** Suspend for a period of
38 at least 6 years the school bus operator endorsement of any
40 person convicted of a 2nd or subsequent OUI violation within a
42 10-year period as defined-by described in section 2402, except
44 that, until June 29, 2002, for a person convicted of a violation
46 of OUI before June 29, 1995, the Secretary of State shall suspend
48 for a period of at least 6 years the school bus operator
50 endorsement of any person convicted of a 2nd or subsequent OUI
52 violation within a 6-year period as described in section 2402.

46 **Sec. 8. 29-A MRSA §2487**, as amended by PL 1995, c. 368, Pt.
48 AAA, §23, is further amended to read:

48 **§2487. Proof of financial responsibility**

50 A person with an OUI conviction within the 10-year period as
52 defined-by described in section 2402 may not have a license

reinstated until that person has complied with the financial responsibility provisions of section 1605, except that, until June 29, 2002, for a person convicted of a violation of OUI before June 29, 1995, a person with an OUI conviction within the 6-year period as described in section 2402 may not have a license reinstated until that person has complied with the financial responsibility provisions of section 1605.

Sec. 9. 29-A MRSA §2503, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. No alternative means of transportation is available; and

Sec. 10. 29-A MRSA §2503, sub-§1, ¶C, as amended by PL 1995, c. 368, Pt. AAA, §25, is further amended to read:

C. The Except as provided in paragraph D, the petitioner has not, within 10 years, been under suspension for an OUI offense or pursuant to section 2453; and

Sec. 11. 29-A MRSA §2503, sub-§1, ¶D is enacted to read:

D. For a petitioner convicted of a violation of OUI before June 29, 1995, the petitioner has not, within 6 years, been under suspension for an OUI offense or pursuant to section 2453.

This paragraph is repealed June 29, 2002.

Sec. 12. 29-A MRSA §2506, as amended by PL 1995, c. 368, Pt. AAA, §26, is further amended to read:

§2506. Conditional license

A license issued by the Secretary of State to a person with an OUI conviction must be issued on the condition that the person not operate a motor vehicle after having consumed intoxicating liquor for the following periods from the license reinstatement date: on first conviction, one year; and on a 2nd or subsequent conviction, 10 years, except that, until June 29, 2002, for a person who is convicted of a violation of OUI before June 29, 1995, on a 2nd or subsequent conviction, 6 years. The provisions of section 2457 apply.

SUMMARY

Effective June 29, 1995, the Legislature changed from 6 to 10 years the time period for which prior convictions of OUI offenses would be used to increase penalties.

2 This bill provides that a person who had a conviction prior
to the effective date of that change is subject to the 6-year
rather than the 10-year provision.