

# MAINE STATE LEGISLATURE

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My  
R.D.S.

L.D. 287

DATE: 5-10-99

(Filing No. H-509)

MAJORITY  
INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 209, L.D. 287, Bill, "An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §7901, sub-§13, ¶A, as amended by PL 1995, c. 679, §12, is repealed.

Sec. 2. 12 MRSA §7901, sub-§13, ¶¶B, C, D and F, as amended by PL 1995, c. 679, §12, are further amended to read:

B. In the case of a person having no previous convictions of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 ~~and having no previous adjudications of within the previous 6-year period, the fine may not be less than \$400. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol test under section 7408, 7805, 7828 or 7860 within a 6-year period, the fine may not be less than \$300 and the sentence, the fine may not be less than \$500. A conviction under this paragraph must include a period of incarceration of not less than 48 hours, which penalties may not be suspended, when the person:~~

(1) Was tested as having a blood-alcohol level of 0.15% or more;

(2) Failed or refused to stop upon request or signal

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2 of an officer in uniform, as defined in section 6953 or  
4 7060, during the operation that resulted in prosecution  
for operating under the influence or with a  
blood-alcohol level of 0.08% or more; or

6 (3) Failed to submit to a chemical test to determine  
8 that person's blood-alcohol level or drug  
concentration, at the request of a law enforcement  
officer on the occasion that resulted in the conviction.

10 C. In the case of a person having one previous conviction  
12 of a violation of section 7406, subsection 3; section 7801,  
14 subsection 9; section 7827, subsection 9; or section 7857,  
16 subsection 10 ~~or one previous adjudication of~~ within the  
previous 6-year period, the fine may not be less than \$600.  
18 If that person was adjudicated within the previous 6-year  
20 period for failure to comply with the duty to submit to and  
22 complete a blood-alcohol or drug concentration test under  
24 section 7408, 7805, 7828 or 7860 within a 6-year period, the  
fine may not be less than \$500 and the sentence, the fine  
may not be less than \$800. A conviction under this  
paragraph must include a period of incarceration of not less  
than 7 days, which penalties may not be suspended.

26 D. In the case of a person having 2 or more previous  
28 convictions of violations of section 7406, subsection 3;  
section 7801, subsection 9; section 7827, subsection 9; and  
30 section 7857, subsection 10 ~~or adjudications of~~ within the  
previous 6-year period, the fine may not be less than  
32 \$1,000. If that person was adjudicated within the previous  
34 6-year period for failure to comply with the duty to submit  
to and complete a blood-alcohol or drug concentration test  
under section 7408, 7805, 7828 or 7860 within a 6-year  
period, the fine may not be less than \$750 and the sentence,  
36 the fine may not be less than \$1,300. A conviction under  
this paragraph must include a period of incarceration of not  
less than 30 days, which penalties may not be suspended.

38 F. The penalties provided under paragraphs B, C, and D and,  
40 beginning July 1, 1990, paragraph A, may not be suspended by  
42 the court.'

44 Further amend the bill by inserting at the end before the  
summary the following:

46 **FISCAL NOTE**

48 This bill increases the penalties for certain OUI offenses.  
50 If additional jail sentences are imposed, the additional costs to  
the counties are estimated to be \$82.48 per day per prisoner.

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2 These costs are not reimbursed by the State. The number of  
3 additional jail sentences and the resulting costs to the county  
4 jail system are expected to be insignificant.

6 The collection of additional fines may increase General Fund  
7 revenue by minor amounts.'

8

**SUMMARY**

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12 This amendment replaces the bill. The amendment increases  
13 the fines for operating a watercraft, ATV or snowmobile while  
14 under the influence of alcohol to equal the fine for motor  
15 vehicle OUI for a first offense, 2nd offense and 3rd or more  
16 offenses. The amendment removes from the bill the provision  
requiring a law enforcement officer to secure vehicles. The  
amendment also adds a fiscal note to the bill.