

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 287

H.P. 209

House of Representatives, January 11, 1999

**An Act to Impose Stricter OUI Penalties on Operators of Watercraft,
ATVs and Snowmobiles.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CAMERON of Rumford.
Cosponsored by Representatives: AHEARNE of Madawaska, CLARK of Millinocket,
CROSS of Dover-Foxcroft, DAVIS of Falmouth, DUNLAP of Old Town, JOY of Crystal,
POVICH of Ellsworth.

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

2
4 **Sec. 1. 12 MRSA §7901, sub-§13, ¶¶A, B, C and D,** as amended by PL 1995, c. 679, §12, are further amended to read:

6 A. Except as provided in paragraph B, in the case of a
8 person having no previous convictions of a violation of
10 section 7406, subsection 3; section 7801, subsection 9;
12 section 7827, subsection 9; or section 7857, subsection 10
14 and having no previous adjudications of failure to comply
16 with the duty to submit to and complete a blood-alcohol test
18 under section 7408, 7805, 7828 or 7860 within a 6-year
20 period, the fine may not be less than ~~\$300~~ \$400 and the
22 person's motor vehicle driver's license, issued pursuant to
24 Title 29-A, chapter 11, must be suspended for a period of 90
26 days. Beginning July 1, 1990, the penalties provided in
28 this paragraph may not be suspended.

20 B. In the case of a person having no previous convictions
22 of a violation of section 7406, subsection 3; section 7801,
24 subsection 9; section 7827, subsection 9; or section 7857,
26 subsection 10 and having no previous adjudications of
28 failure to comply with the duty to submit to and complete a
30 blood-alcohol test under section 7805, 7828 or 7860 within a
6-year period, the fine may not be less than ~~\$300~~ and \$500,
the sentence must include a period of incarceration of not
less than 48 hours, ~~which~~ and the person's motor vehicle
driver's license, issued pursuant to Title 29-A, chapter 11,
must be suspended for a period of 90 days. These penalties
may not be suspended, when the person:

32 (1) Was tested as having a blood-alcohol level of
34 0.15% or more;

36 (2) Failed or refused to stop upon request or signal
38 of an officer in uniform, as defined in section 6953 or
40 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

42 (3) Failed to submit to a chemical test to determine
44 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.

46 C. In the case of a person having one previous conviction
48 of a violation of section 7406, subsection 3; section 7801,
subsection 9; section 7827, subsection 9; or section 7857,
subsection 10 or one previous adjudication of failure to
50 comply with the duty to submit to and complete a

2 blood-alcohol or drug concentration test under section 7408,
7805, 7828 or 7860 within a 6-year period, the fine may not
4 be less than ~~\$500--and \$600~~; the sentence must include a
6 period of incarceration of not less than 7 days, ~~which; and~~
8 the person's motor vehicle driver's license, issued pursuant
10 to Title 29-A, chapter 11, must be suspended for a period of
12 90 days. If the person failed to submit to a test at the
14 request of a law enforcement officer, a fine not less than
\$800 must be imposed, the sentence must include a period of
incarceration of not less than 12 days and the person's
motor vehicle driver's license must be suspended for a
period of 90 days. The penalties under this paragraph may
not be suspended.

16 D. In the case of a person having 2 or more previous
18 convictions of violations of section 7406, subsection 3;
20 section 7801, subsection 9; section 7827, subsection 9; and
22 section 7857, subsection 10 or adjudications of failure to
24 comply with the duty to submit to and complete a
26 blood-alcohol or drug concentration test under section 7408,
28 7805, 7828 or 7860 within a 6-year period, the fine may not
30 be less than ~~\$750--and \$1,000~~; the sentence must include a
32 period of incarceration of not less than 30 days, ~~which; and~~
34 the person's motor vehicle driver's license, issued pursuant
to Title 29-A, chapter 11, must be suspended for a period of
4 years. If the person failed to submit to a test at the
request of a law enforcement officer, a fine not less than
\$1,300 must be imposed and the sentence must include a
period of incarceration not less than 40 days, and the
person's motor vehicle driver's license, issued pursuant to
Title 29-A, chapter 11, must be suspended for a period of 4
years. The penalties under this paragraph may not be
suspended.

36 **Sec. 2. 12 MRSA §7912, sub-§10, ¶C is enacted to read:**

38 C. A law enforcement officer shall impound, have towed,
40 locate a sober driver or otherwise secure an ATV or
42 watercraft or snowmobile operated in violation of this
44 chapter so that the vehicle is not immediately available for
use by the intoxicated person.

46 **SUMMARY**

48 This bill makes the penalties for operating watercraft,
50 snowmobiles and ATV's while under the influence of intoxicants or
with an excessive blood-alcohol level the same as the penalties
for operating a motor vehicle while under the influence. This
bill also requires a law enforcement official to secure the

2 watercraft, snowmobile or ATV so the intoxicated person can not immediately use that vehicle.