

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 322

S.P. 125

In Senate, January 14, 1999

An Act to Amend the OUI Laws Related to License Suspensions.

(EMERGENCY)

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 BENOIT of Franklin.
Cosponsored by Senator DAVIS of Piscataquis.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** there are 2nd-time and 3rd-time OUI offenders who
are presently unable to work because their licenses are suspended
and have no opportunity to gain work-restricted licenses; and

8
10 **Whereas,** these offenders and their families will suffer
great economic hardship if they have to wait until 90 days after
the end of the legislative session to receive work-restricted
12 licenses; and

14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
16 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
18 safety; now, therefore,

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

22 **Sec. 1. 29-A MRSA §2503, sub-§§1-A and 1-B are enacted to read:**

24 1-A. Second-time and 3rd-time OUI offenders. On receipt of
a petition for a work-restricted license from a person under
26 suspension pursuant to section 2451, subsection 3, paragraph B or
C, the Secretary of State may stay a suspension during the
28 statutory suspension period and issue a work-restricted license
if the petitioner shows by clear and convincing evidence that:

30 A. The license is necessary to operate a motor vehicle
32 between the petitioner's residence and the petitioner's
place of employment or in the scope of employment, or both;

34 B. An alternative means of transportation is not available;
36 and

38 C. The petitioner has completed a driver education
40 evaluation program and has completed, or is still
participating in, substance abuse counseling.

42 For purposes of this subsection, "2nd-time OUI offenders" and
"3rd-time OUI offenders" mean those persons defined in section
44 2451, subsection 3, paragraph B or C, respectively.

46 1-B. Requirements of work-restricted licenses for 2nd-time
and 3rd-time OUI offenders. A person receiving a work-restricted
48 license pursuant to subsection 1-A shall:

2 A. Place a decal on the back windshield of the licensee's
motor vehicle. The decal must:

4 (1) Identify the licensee as a holder of an
alcohol-related work-restricted license;

6 (2) List the addresses of the licensee's residence and
8 place of work;

10 (3) Be clearly visible to other motorists and law
12 enforcement personnel; and

14 (4) Be paid for by the licensee; and

16 B. Sign a release that permits law enforcement personnel to
stop the licensee's motor vehicle without reasonable
18 suspicion and to subject the licensee to field sobriety and
chemical testing without probable cause.

20 For purposes of this subsection, "2nd-time OUI offenders" and
22 "3rd-time OUI offenders" mean those persons defined in section
2451, subsection 3, paragraph B or C, respectively.

24 **Emergency clause.** In view of the emergency cited in the
26 preamble, this Act takes effect when approved.

28 **SUMMARY**

30 This bill allows 2nd-time and 3rd-time OUI offenders to
32 receive work-restricted licenses upon a showing of need and that
those offenders have completed concrete steps in rehabilitation.
34 The bill requires 2nd-time and 3rd-time OUI offenders with
work-restricted licenses to display a decal visible to other
36 motorists and to submit to random stops and testing by law
enforcement personnel.