

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1912

H.P. 1329

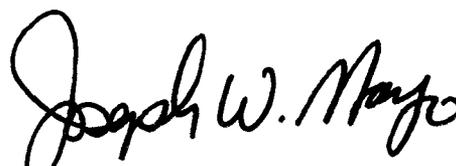
House of Representatives, March 16, 1999

**An Act to Provide for Tougher Treatment of Drunk Drivers.**

(EMERGENCY)

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative BAKER of Bangor.

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

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6           **Whereas,** persons driving while under the influence pose a  
great risk to the health and welfare of citizens of this State;  
and

8           **Whereas,** immediate action is needed to reduce this risk; and

10  
12           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

20           **Sec. 1. 29-A MRS §2422, sub-§4** is enacted to read:

22           **4. Mandatory impoundment.** A motor vehicle must be seized  
if it is used by a person arrested for a violation of section  
2411 and the person:

24           A. Is under 21 years of age;

26           B. Has at least one previous OUI offense within a 10-year  
28 period;

30           C. Was tested as having a blood-alcohol level of 0.15% or  
32 more;

34           D. Was exceeding the speed limit by 30 miles an hour or  
more;

36           E. Eluded or attempted to elude an officer;

38           F. Was operating with a passenger under 21 years of age; or

40           G. Failed to submit to a blood-alcohol test at the request  
of a law enforcement officer.

42  
44           The motor vehicle must be impounded at the time of the arrest of  
the person and may not be released for a period of at least 48  
46 hours after the time of impoundment. The owner of the motor  
vehicle shall pay all of the expenses incident to the impoundment  
48 and storage of the vehicle and a \$100 impoundment fee to the law  
enforcement agency whose officer ordered the motor vehicle  
50 impounded to pay the expenses of the law enforcement agency in  
conducting the impoundment. An owner of an impounded motor

2 vehicle may not recover the motor vehicle until all expenses and  
3 the impoundment fee are paid and, if the owner is the person  
4 arrested, the owner passes a blood-alcohol test. The law  
5 enforcement agency or person or entity who impounded, towed or  
6 stored the motor vehicle pursuant to this subsection must be held  
7 harmless for any activity conducted that is required by this  
8 subsection.

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

## 12 SUMMARY

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15 Current law allows a law enforcement official at the  
16 official's discretion to impound the vehicle of a person who is  
17 arrested for operating the motor vehicle under the influence of  
18 intoxicants. The bill requires a law enforcement officer to  
19 impound the motor vehicle of a person arrested for operating the  
20 vehicle under the influence if the person:

- 21 1. Was under 21 years of age;
- 22 2. Has at least one conviction of operating under the  
23 influence within the past 10 years;
- 24 3. Was tested as having a blood-alcohol level of 0.15% or  
25 higher;
- 26 4. Was exceeding the speed limit by 30 miles per hour or  
27 more;
- 28 5. Eluded or attempted to elude an officer;
- 29 6. Was operating with a passenger under 21 years of age; or
- 30 7. Failed to submit to a blood-alcohol test at the request  
31 of a law enforcement officer.

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33  
34 This bill requires that the motor vehicle be impounded at  
35 the time of the arrest and prohibits the release of the vehicle  
36 for a period of not less than 48 hours after the time of  
37 impoundment. The owner of the motor vehicle shall pay all of the  
38 expenses incident to the impoundment and storage of the vehicle  
39 and a \$100 impoundment fee to the law enforcement agency whose  
40 officer ordered the motor vehicle impounded to pay the expenses  
41 of the law enforcement agency in conducting the impoundment. An  
42 owner of an impounded motor vehicle may not recover the motor  
43 vehicle until all expenses and the impoundment fee are paid and  
44 the owner, if the owner is the person arrested, passes a  
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2 blood-alcohol test. Finally, this bill holds harmless the law enforcement agency or person or entity who impounded, towed or stored the motor vehicle.