

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 176

---

H.P. 165

House of Representatives, January 16, 2001

---

**An Act Providing for the Revocation of a Driver's License upon  
Conviction for Certain Crimes.**

---

Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative POVICH of Ellsworth.  
Cosponsored by Senator DAVIS of Piscataquis.

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

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50  
52

Sec. 1. 29-A MRSA §2463 is enacted to read:

**§2463. Revocations upon conviction of certain crimes under  
Maine Criminal Code**

**1. Recording; notice by the Secretary of State.** On receipt of an attested copy of the court record of any person who, as a result of the operation of a motor vehicle in such a manner as to cause serious bodily injury or bodily injury to any person or create a substantial risk of serious bodily injury or place another person in fear of imminent bodily injury, has been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, or who has been adjudicated to have committed the juvenile offenses of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, the Secretary of State shall immediately revoke the person's license without further hearing for an indefinite period of time.

**2. Appeal.** Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.

**3. Pleas.** For the purposes of this section, a person is deemed to have been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction. In the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the juvenile admits to the juvenile offense or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

**4. Notification.** The court shall send an attested copy of the record of any person convicted of a crime enumerated in this section to the Secretary of State.

**5. Petition for relicensure.** A person whose license is revoked pursuant to this section may petition the Secretary of State for relicensure:

**A. Three years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of the person's conviction or adjudication for a Class A, B or C crime or juvenile offense;**

2           B. Two years after that person has been finally discharged  
4           from any unsuspended initial period of incarceration as a  
6           result of that person's conviction or adjudication for a  
              Class D crime or juvenile offense; or

8           C. One year after that person has been finally discharged  
10           from any unsuspended initial period of incarceration as a  
              result to that person's conviction or adjudication for a  
              Class E crime or juvenile offense.

12  
14

**SUMMARY**

16           Under present law a person who is convicted of homicide for  
18           causing the death of another person as a result of operation of a  
20           motor vehicle has that person's license revoked. However, when a  
22           person is convicted of a crime for causing serious bodily injury  
24           or bodily injury to another person as a result of the operation  
26           of a motor vehicle, no provision in Maine law mandates the  
              revocation of that person's license. This bill provides for the  
              revocation of a person's license upon conviction for the crimes  
              of assault, aggravated assault, elevated aggravated assault,  
              criminal threatening, reckless conduct, attempts thereat or  
              revocation of a juvenile's license upon adjudication of a  
              juvenile for a similar juvenile offense if the crime involved a  
              motor vehicle.