

# MAINE STATE LEGISLATURE

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**CRIMINAL JUSTICE**

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**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 392, L.D. 1288, Bill, "An Act to Make Refusing a Blood-alcohol Test a Crime"

Amend the bill in section 1 in subsection 5 in paragraph A in subparagraph (3) in division (a) in subdivision (iii) in the 2nd line (page 1, line 30 in L.D.) by striking out the following: "or" and inserting in its place the following: 'or'

Further amend the bill in section 1 in subsection 5 in paragraph A in subparagraph (3) in division (a) in subdivision (iv) in the 2nd line (page 1, line 33 in L.D.) by adding after the following: "and" the following: 'or'

Further amend the bill in section 1 in subsection 5 in paragraph A in subparagraph (3) in division (a) by inserting after subdivision (iv) the following:

'(v) Failed to submit to a test at the request of a law enforcement officer;'

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

**FISCAL NOTE**

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of

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prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload, administrative costs and indigent defense costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

## SUMMARY

This amendment is the minority report of the Joint Standing Committee on Criminal Justice. The amendment specifies that a person who has no previous OUI offenses and fails to submit to a test at the request of a law enforcement officer must be sentenced to at least 48 hours of incarceration, which is the same mandatory penalty that is imposed for a person convicted of a first OUI offense. The amendment also adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**