

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 571

DATE: 3-28-03

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 434, L.D. 571, Bill, "An Act To Improve the Safety of Public Roads"

Amend the bill by inserting before the enacting clause the following:

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

Whereas, an anomaly exists under current law where a court may restrict or suspend a person's ability to operate a motor vehicle but there is no mechanism for that restriction or suspension to be transmitted to law enforcement agencies; and

Whereas, this Act allows the Secretary of State to suspend or restrict without a hearing the license of a person whose motor vehicle operation privilege has been restricted as a condition of bail; and

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 necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out all of section 3 and inserting in its place the following:

Sec. 3. 29-A MRSA §2458, sub-§2, ¶Q is enacted to read:

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2 Q. Has, as a condition of bail pursuant to Title 15,
3 chapter 105-A or, if a juvenile, as a condition of release
4 pursuant to Title 15, chapter 505, been ordered not to
5 operate a motor vehicle. If the conditions of bail or
6 release allow a person to operate a motor vehicle only under
7 certain conditions or with restrictions on time, place or
8 purpose, the Secretary of State may, without hearing, issue
9 a restricted license reflecting the restrictions imposed.

10 **Sec. 4. 29-A MRS §2458, sub-§4,** as enacted by PL 1993, c.
11 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 **4. Notice of hearing.** Upon suspending or revoking a
13 certificate of title, certificate of registration, license or
14 fuel use decal pursuant to subsection 2, the Secretary of State
15 shall notify that person of opportunity for hearing as provided
16 in section 2483, except where the suspension or revocation rests
17 solely upon a conviction in court of an offense that by statute
18 is expressly made grounds for that suspension or revocation, or
19 the basis of the Secretary of State's action is a condition of
20 bail or conditional release pursuant to subsection 2, paragraph Q.

21 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.'

26 **SUMMARY**

27 This amendment authorizes the Secretary of State to suspend
28 without a hearing the operating privileges of any person who, as
29 a condition of bail, has been ordered not to drive. If the bail
30 condition restricts but does not completely preclude vehicle
31 operation, the Secretary of State is authorized to issue a
32 restricted license containing those restrictions.

33 The amendment eliminates the requirement that the Secretary
34 of State notify the driver of an opportunity for a hearing when
35 the license suspension or issuance of a restricted license is
36 based upon a bail order or condition of release. The amendment is
37 offered in memory of Nicholas Grant, a resident of Hallowell
38 killed in an automobile accident on July 17, 2002.

39 This amendment also adds an emergency preamble and emergency
40 clause to the bill.

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