

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 646

S.P. 201

In Senate, February 8, 2005

**An Act To Allow a Vehicle To Be Confiscated When the Driver Has
Multiple Violations of the Operating under the Influence Laws**

Reference to the Committee on Criminal Justice and Public Safety 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 DIAMOND of Cumberland.
Cosponsored by Representative SYKES of Harrison and
Senators: CLUKEY of Aroostook, DAMON of Hancock, NUTTING of Androscoggin,
Representatives: BLANCHETTE of Bangor, CHURCHILL of Washburn, DAVIS of Augusta,
GERZOFSKY of Brunswick, PARADIS of Frenchville.

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

4 **Sec. 1. 29-A MRSA §2421, sub-§1,** as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 **1. Forfeiture.** After notice and hearing, a motor vehicle
8 must be forfeited to the State when a defendant is the sole
owner-operator of that vehicle and:

10 ~~A. The sole owner-operator of that vehicle; and~~

12 B. Convicted of:

14 (1) OUI; and

16 (2) A simultaneous offense of operating after
18 suspension when the underlying suspension was imposed
for a prior OUI conviction; or

20 C. Convicted of 3 of any combination of violations under
section 2411 or 2521 within a 5-year period.

22 The court shall order the forfeiture unless another person
24 satisfies the court prior to the judgment and by a preponderance
26 of the evidence that the other person had a right to possess that
motor vehicle, to the exclusion of the defendant, at the time of
the offense.

28
30 **SUMMARY**

32 This bill requires the forfeiture of a motor vehicle when
34 the defendant is the sole owner-operator of the vehicle and has 3
of any combination of OUIs or refusals to submit to chemical
testing within a 5-year period.