

# MAINE STATE LEGISLATURE

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L.D. 1674

Date: 05-04-07

(Filing No. S- 83 )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**123RD LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 579, L.D. 1674, Bill, "An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas,** in the interest of ensuring the public safety on our roads, the Legislature passed a number of changes to the operating after suspension and habitual offender laws during the Second Regular Session of the 122nd Legislature; and

**Whereas,** corrections proposed in this Act will carry out the intent of the recent law by incorporating changes inadvertently omitted and will clarify the application of other existing law; 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,'

Amend the bill in section 5 in subsection 1 in the last 2 lines (page 2, lines 11 and 12 in L.D.) by striking out the following: "The Secretary of State may then impose the longer period of revocation provided in subsection 2." and inserting the following: 'If the court fails to revoke the license, the Secretary of State shall impose a 5-year revocation, unless the longer period of revocation under subsection 2 is imposed.'

Amend the bill by adding before the summary the following:

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

**Revis.**

COMMITTEE AMENDMENT "**A**" to S.P. 579, L.D. 1674

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**SUMMARY**

2       This amendment adds an emergency preamble and emergency clause to the bill to  
3 ensure that omissions in changes to the operating after suspension and habitual offender  
4 laws enacted pursuant to Public Law 2005, chapter 606 are immediately corrected. The  
5 amendment also clarifies that the Secretary of State's authority to impose license  
6 revocation is not changed. If the court fails to revoke a license for criminal homicide or  
7 attempted criminal homicide, the Secretary of State shall impose a 5-year revocation,  
8 unless a longer revocation is imposed under the Maine Revised Statutes, Title 29-A,  
9 section 2454, subsection 2.

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**FISCAL NOTE REQUIRED**

11

**(See attached)**



# 123rd MAINE LEGISLATURE

LD 1674

LR 2432(02)

## An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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### Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

#### Correctional and Judicial Impact Statements

Establishes new Class C crimes; increases correctional and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts.

#### Fiscal Detail and Notes

This legislation increases operating after suspension (Class C penalties) for prior convictions by increasing mandatory sentences for a person who has one prior conviction by 120 days in a county jail at a cost of \$13,080 for each sentence; for a person who has two prior convictions their sentence increases by 9 months and a day in a Department of Corrections facility at a cost of \$28,222 for each sentence; and for a person who has three prior convictions, their sentence increases to a minimum term of two years in a Department of Corrections facility at a cost of \$75,190 for each sentence.