

MAINE STATE LEGISLATURE

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Date: 1-9-08

(Filing No. S-399)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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.'

COMMITTEE AMENDMENT

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SUMMARY

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

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FISCAL NOTE REQUIRED

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(See attached)



123rd MAINE LEGISLATURE

LD 1674

LR 2432(04)

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

Fiscal Note for Bill as Amended by Committee Amendment "B "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$0	\$274,472	\$274,472
Appropriations/Allocations				
General Fund	\$0	\$0	\$274,472	\$274,472

Correctional and Judicial Impact Statements

Increases habitual offender and felony OUI penalties. See cost detail below.

Fiscal Detail and Notes

Correctional Cost Detail	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
4 additional months for Class C	\$274,472	\$274,472	\$274,472	\$274,472	\$274,472
Total Cost - All Convictions	\$274,472	\$274,472	\$274,472	\$274,472	\$274,472

The Department of Corrections will require General Fund appropriations of \$274,472 annually beginning in fiscal year 2009-10 to provide funds for the incremental costs associated with offenders serving 4 additional months in a state correctional facility.

The additional cost to the Judicial Department resulting from this legislation can be absorbed by the department utilizing existing budgeted resources.