

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 180

S.P. 66

January 21, 2009

An Act To Make Technical Corrections to the Operating Under the Influence Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.
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 GERZOFSKY of Cumberland.
Cosponsored by Senators: DAMON of Hancock, JACKSON of Aroostook, NUTTING of Androscoggin, PERRY of Penobscot, Representatives: KNIGHT of Livermore Falls, WATSON of Bath.

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

2 **Sec. 1. 29-A MRSA §2451, sub-§3, ¶B**, as enacted by PL 1995, c. 368, Pt.
3 AAA, §17, is amended to read:

4 B. ~~Eighteen months~~ Three years, if the person has 2 OUI offenses within a 10-year
5 period; or

6 **Sec. 2. 29-A MRSA §2451, sub-§3, ¶C**, as enacted by PL 1995, c. 368, Pt.
7 AAA, §17, is amended to read:

8 C. ~~Four~~ Six years, if the person has 3 or more OUI offenses within a 10-year period;
9 or.

10 **Sec. 3. 29-A MRSA §2451, sub-§3, ¶D**, as enacted by PL 1995, c. 368, Pt.
11 AAA, §17, is repealed.

12 **Sec. 4. 29-A MRSA §2557-A, sub-§2**, as enacted by PL 2005, c. 606, Pt. A, §11,
13 is amended to read:

14 **2. Penalties.** The following penalties apply.

15 A. A person is guilty of a Class D crime if the person violates subsection 1 and:

16 (1) The person has not been convicted for operating after revocation under this
17 section or under former Title 29, section 2298 within the previous 10 years; and

18 (2) The person has not ~~been convicted for violating section 2411 or former Title~~
19 ~~29, section 1312-B~~ received an OUI conviction within the previous 10 years.

20 The minimum fine for a Class D crime under this paragraph is \$500 and the
21 minimum term of imprisonment is 30 days, neither of which may be suspended by
22 the court.

23 B. A person is guilty of a Class C crime if the person violates subsection 1 and:

24 (1) The person has one conviction for operating after revocation under this
25 section or under former Title 29, section 2298 within the previous 10 years; or

26 (2) The person has one OUI conviction ~~for violating section 2411 or former Title~~
27 ~~29, section 1312-B~~ within the previous 10 years.

28 The minimum fine for a Class C crime under this paragraph is \$1,000 and the
29 minimum term of imprisonment is 6 months, neither of which may be suspended by
30 the court.

31 C. A person is guilty of a Class C crime if the person violates subsection 1 and:

32 (1) The person has 2 convictions for operating after revocation under this section
33 or under former Title 29, section 2298 within the previous 10 years; or

34 (2) The person has 2 OUI convictions ~~for violating section 2411 or former Title~~
35 ~~29, section 1312-B~~ within the previous 10 years.

1 The minimum fine for a Class C crime under this paragraph is \$1,000 and the
2 minimum term of imprisonment is 9 months plus a day, neither of which may be
3 suspended by the court.

4 D. A person is guilty of a Class C crime if the person violates subsection 1 and:

5 (1) The person has 3 or more convictions for operating after revocation under
6 this section or under former Title 29, section 2298 within the previous 10 years;
7 or

8 (2) The person has 3 or more OUI convictions ~~for violating section 2411 or~~
9 ~~former Title 29, section 1312-B~~ within the previous 10 years.

10 The minimum fine for a Class C crime under this paragraph is \$1,000 and the
11 minimum term of imprisonment is 2 years, neither of which may be suspended by the
12 court.

13 **Sec. 5. 29-A MRSA §2558, sub-§2, ¶B**, as enacted by PL 2005, c. 606, Pt. A,
14 §12, is amended to read:

15 B. A person who violates subsection 1 and at the time has one OUI conviction ~~for~~
16 ~~violating this section, section 2411, or one conviction for violating~~ former section
17 2557 or section 2557-A within the previous 10 years commits a Class C crime for
18 which a minimum fine of \$1,000 and a minimum term of imprisonment of one year
19 must be imposed, neither of which may be suspended by the court.

20 **SUMMARY**

21 This bill corrects the inconsistency in the minimum periods of license suspension for
22 repeat OUI offenders resulting from Public Law 2007, chapter 531.

23 The bill amends the OUI laws to treat OUI convictions rendered by jurisdictions
24 other than the State the same as Maine OUI convictions for the purpose of increasing the
25 class of crime for operating after habitual offender revocation.

26 This bill amends the OUI laws to treat OUI convictions rendered by jurisdictions
27 other than the State the same as Maine OUI convictions for purposes of the imposition of
28 penalties for aggravated operating after habitual offender revocation.