

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 862, L.D. 1243, Bill, "An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension"

Amend the bill in section 2 in §2412-A in subsection 8 in the 2nd line (page 1, line 30 in L.D.) by striking out the following: "or revoked"

Amend the bill in section 2 in §2412-A in subsection 8 in the 2nd line (page 1, line 30 in L.D.) by inserting after the following: "convicted" the following: 'or adjudicated'

Amend the bill in section 2 in §2412-A in subsection 8 by striking out all of paragraphs B and C (page 1, lines 33 and 34 in L.D.)

Amend the bill in section 2 in §2412-A in subsection 8 by relettering the paragraphs to read consecutively.

Amend the bill by inserting after section 2 the following:

'Sec. 3. 29-A MRSA §2551-A, sub-§3, as amended by PL 2009, c. 58, §§1 to 3, is further amended to read:

3. Offenses not included. The following convictions are not included under subsection 1, paragraph A:

A. A conviction of operating a motor vehicle without a license if the license had expired and was not suspended or revoked;

B. A conviction of operating after suspension when the suspension is based upon a failure to pay child support; and

C. A conviction of operating after suspension when the suspension is based solely on a failure to pay the reinstatement fee required by section 2486-; and

D. An adjudication for the traffic infraction of operating after suspension under section 2412-A, subsection 8.'

COMMITTEE AMENDMENT

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**SUMMARY**

This amendment narrows the scope of the bill by eliminating the option to allow certain operating after suspension offenses to be considered traffic infractions in the case of a license that has been revoked and provides that certain operating after suspension infractions exist only in the case of license suspensions. The amendment also clarifies that the bill looks at prior adjudications as well as convictions for operating after suspension. The amendment removes from the bill the offenses of failure to appear in court and failure to comply with a child support order from the types of operating after suspension offenses that may be considered traffic infractions instead of crimes. Finally, the amendment specifies that the 3 operating after suspension offenses that are identified as traffic infractions are not included under the list of offenses for which a person is considered a habitual offender.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 1243

LR 1491(02)

## An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension

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

Minor savings - General Fund  
Minor revenue decrease - General Fund

#### Correctional and Judicial Impact Statements

Reduces Class D and Class E crimes; decreases correctional and judicial costs.  
A reduction in fines will decrease General Fund revenue by minor amounts.