MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1612

H.P. 1140

House of Representatives, December 23, 2009

An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative STRANG BURGESS of Cumberland. Cosponsored by Representatives: HASKELL of Portland, SYKES of Harrison.

2 3	Sec. 1. 29-A MRSA §2102, as amended by PL 2003, c. 452, Pt. Q, §§54 to 57 and affected by Pt. X, §2, is further amended to read:
4 5	§2102. Unlawful use of license or identification card; unlawful dissemination of protected information
6 7 8 9	A person commits a Class E crime if that person: The following provisions govern the unlawful use of a license or identification card and the unlawful dissemination of information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994, 18 United States Code, Sections 2721 to 2725 (2006).
10 11 12 13	1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. Displays A person commits a Class E crime if that person displays a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;
15 16 17 18 19	1-A. Possess revoked, mut ated, fictitious or fraudulently altered driver's license or identification card. Possesses A person commits a Class E crime if that person possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;
20 21 22 23	1-B. Display suspended driver's license or identification card; crime. A person commits a Class E crime if that person displays a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.
24 25 26 27	1-C. Display suspended driver's license or identification card; traffic infraction. A person commits a traffic infraction if that person displays a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.
28 29 30 31	1-D. Possess suspended driver's license or identification card; crime. A person commits a Class E crime if that person possesses a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.
32 33 34 35	1-E. Possess suspended driver's license or identification card; traffic infraction. A person commits a traffic infraction if that person possesses a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.
36 37 38	2. Loan. Knowingly A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province.

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

1 2 3	3. Representation. Displays A person commits a Class E crime if that person displays or represents as one's that person's own a driver's license or identification card issued to another by this State or any other state or province;
4 5 6	4. Use. Knowingly A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province; or.
7 8 9	5. Privacy laws or rules; violation. Knowingly A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the Federal federal Driver's Privacy Protection Act of 1994.
10 11	Violation of this section subsection 1, 1-A, 1-B, 1-D or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
12 13	Sec. 2. 29-A MRSA §2412-A, sub-§8, as enacted by PL 2009, c. 297, §2, is amended to read:
14 15 16 17	8. Traffic infraction. A person commits a traffic infraction operating while license suspended <u>as described in subsection 1-A, paragraph A</u> if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:
18	A. Failure to pay a fine;
19	B. Failure to pay a license reinstatement fee; or
20	C. Suspension for a dishonored check.
21	SUMMARY
22 23 24 25 26 27 28 29 30	This bill amends the offense of possessing or displaying a suspended license by creating a 2-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. The bill provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a crime. The bill also provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a traffic infraction. The bill further adds a cross-reference to clarify what is intended by the conduct of
32 33	"operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A.
34	The bill also clarifies which prohibited acts are strict liability crimes.