

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 595

S.P. 178

In Senate, February 17, 2011

An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

Cosponsored by Senator: RECTOR of Knox, Representative: KESCHL of Belgrade.

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

2 **Sec. 1. 29-A MRSA §2411, sub-§5-A**, as enacted by PL 1995, c. 368, Pt. AAA,
3 §9, is amended to read:

4 **5-A. Notice and custody.** The court shall give notice of a license suspension and
5 shall take physical custody of the driver's license, except when the defendant
6 demonstrates that the defendant's license was previously restored by the Secretary of
7 State following an administrative suspension under section 2453 for operating under the
8 influence based on the same facts and circumstances giving rise to the court-ordered
9 suspension.

10 **Sec. 2. 29-A MRSA §2434, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and
11 affected by Pt. B, §5, is amended to read:

12 **4. Stay of suspension.** The court, on reasonable cause shown, may stay a
13 suspension for a period not to exceed 4 hours from the time of sentencing and issue
14 evidence of that stay, unless the defendant demonstrates that the defendant's license was
15 previously restored by the Secretary of State following an administrative suspension
16 under section 2453 for operating under the influence based on the same facts and
17 circumstances giving rise to the court-ordered suspension, in which case the court may
18 stay a suspension for up to 7 days.

19 **SUMMARY**

20 This bill corrects the problem that arises when the driver's license of a defendant that
21 was suspended by the Secretary of State for operating under the influence is restored and
22 then suspended by the court for the same offense. Because the Secretary of State will
23 credit the defendant for the suspension already served and because there is a lag time that
24 may be a week or more between the time the court orders the suspension and the
25 Secretary of State applies the credit, this bill allows an exception to the requirement that
26 the court physically take a license that will be immediately reinstated and allows the court
27 to stay the license suspension for up to 7 days.