

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 885

H.P. 652

House of Representatives, March 7, 2011

An Act To Increase Penalties for Operating a Motor Vehicle under the Influence of Drugs or Alcohol

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CEBRA of Naples.

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

2 **Sec. 1. 5 MRSA §20071, sub-§1**, as amended by PL 1999, c. 448, §1, is further
3 amended to read:

4 **1. Alcohol-related or other drug-related motor vehicle incident.** "Alcohol-related
5 or other drug-related motor vehicle incident" means a conviction or administrative action
6 resulting in the suspension of a motor vehicle operator's license for a violation under
7 former Title 29, section 1311-A; Title 29, section 1312, subsection 10-A; Title 29, section
8 1312-C; Title 29, section 1312-B; Title 29, section 1313-B; Title 29, section 2241,
9 subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B,
10 subparagraph (2); Title 29, section 2241-J; Title 29-A, section 1253; Title 29-A, section
11 2411; Title 29-A, section 2453; Title 29-A, section 2454, subsection 2; Title 29-A,
12 section 2456; Title 29-A, section 2457; Title 29-A, section 2472, subsection 3, paragraph
13 B and subsection 4; ~~Title 29-A, section 2503~~; Title 29-A, sections 2521 to 2523; or Title
14 29-A, section 2525 or the rules adopted by the Department of the Secretary of State for
15 the suspension of commercial drivers' licenses.

16 **Sec. 2. 29-A MRSA §2411, sub-§5, ¶A**, as amended by PL 2009, c. 447, §41, is
17 further amended to read:

- 18 A. For a person having no previous OUI offenses within a 10-year period:
- 19 (1) A fine of not less than \$500, except that if the person failed to submit to a
20 test, a fine of not less than \$600;
- 21 (2) A court-ordered suspension of a driver's license for a period of ~~90~~ 180 days;
22 and
- 23 (3) A period of incarceration as follows:
- 24 (a) Not less than 48 hours when the person:
- 25 (i) Was tested as having an alcohol level of 0.15 grams or more of
26 alcohol per 100 milliliters of blood or 210 liters of breath;
- 27 (ii) Was exceeding the speed limit by 30 miles per hour or more;
- 28 (iii) Eluded or attempted to elude an officer; or
- 29 (iv) Was operating with a passenger under 21 years of age; and
- 30 (b) Not less than 96 hours when the person failed to submit to a test at the
31 request of a law enforcement officer;

32 **Sec. 3. 29-A MRSA §2411, sub-§5, ¶B**, as amended by PL 2007, c. 531, §2 and
33 affected by §10, is further amended to read:

- 34 B. For a person having one previous OUI offense within a 10-year period:
- 35 (1) A fine of not less than \$700, except that if the person failed to submit to a test
36 at the request of a law enforcement officer, a fine of not less than \$900;

- 1 (2) A period of incarceration of not less than 7 days, except that if the person
2 failed to submit to a test at the request of a law enforcement officer, a period of
3 incarceration of not less than 12 days;
- 4 (3) A court-ordered suspension of a driver's license for a period of ~~3~~ 5 years; and
- 5 (4) In accordance with section 2416, a court-ordered suspension of the person's
6 right to register a motor vehicle;

7 **Sec. 4. 29-A MRSA §2411, sub-§5, ¶C**, as amended by PL 2007, c. 531, §2 and
8 affected by §10, is further amended to read:

9 C. For a person having 2 previous OUI offenses within a 10-year period, which is a
10 Class C crime:

- 11 (1) A fine of not less than \$1,100, except that if the person failed to submit to a
12 test at the request of a law enforcement officer, a fine of not less than \$1,400;
- 13 (2) A period of incarceration of not less than 30 days, except that if the person
14 failed to submit to a test at the request of a law enforcement officer, a period of
15 incarceration of not less than 40 days;
- 16 (3) A court-ordered suspension of a driver's license for a period of ~~6~~ 10 years;
17 and
- 18 (4) In accordance with section 2416, a court-ordered suspension of the person's
19 right to register a motor vehicle;

20 **Sec. 5. 29-A MRSA §2501**, as amended by PL 1995, c. 368, Pt. AAA, §24, is
21 repealed.

22 **Sec. 6. 29-A MRSA §2503**, as amended by PL 1997, c. 737, §21, is repealed.

23 **Sec. 7. 29-A MRSA §2505**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
24 by Pt. B, §5, is amended to read:

25 **§2505. Special restricted license for participation in education and treatment**
26 **programs**

27 Notwithstanding other limitations, following the expiration of the total period of
28 suspension, the Secretary of State may issue a restricted license to a person for the
29 purpose of allowing that person to participate in an alcohol and drug program or other
30 treatment program determined appropriate by the Office of Substance Abuse.

31 **SUMMARY**

32 This bill increases the suspension periods for criminal OUI and repeals the provisions
33 that allow a court to issue a special or conditional license before the total period of
34 suspension has been served.