

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 912

H.P. 671

House of Representatives, March 8, 2011

An Act To Amend the Law Governing Administrative Suspensions of Driver's Licenses

Reference to the Committee on Transportation suggested and ordered printed.

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

HEATHER J.R. PRIEST
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator THOMAS of Somerset and
Representatives: DILL of Cape Elizabeth, DION of Portland, HARLOW of Portland,
LOVEJOY of Portland, McCABE of Skowhegan, Senators: BRANNIGAN of Cumberland,
GERZOFSKY of Cumberland, MASON of Androscoggin.

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

2 **Sec. 1. 29-A MRSA §2503, sub-§1**, as amended by PL 1997, c. 737, §21, is
3 further amended to read:

4 **1. Administrative suspension; work-restricted license.** On receipt of a petition for
5 a work-restricted license from a person under suspension pursuant to ~~section 2453 or~~
6 ~~section 2472, subsection 3, paragraph B for a first offense~~ this chapter, the Secretary of
7 State may stay a suspension during the statutory suspension period and issue a
8 work-restricted license, if the petitioner shows by clear and convincing evidence that:

9 A. As determined by the Secretary of State, a license is necessary to operate a
10 motor vehicle:

11 (1) Between the residence and a place of employment or in the scope of
12 employment, or both; or

13 (2) Between the residence and an educational facility attended by the petitioner
14 ~~if the suspension is under section 2472, subsection 3, paragraph B for a first~~
15 ~~offense;~~

16 B. No alternative means of transportation is available; and

17 C. The petitioner has not, within 10 years, been under suspension for an OUI
18 offense ~~or pursuant to section 2453~~ under this chapter.

19 The Secretary of State may not issue a work-restricted license to a person whose license
20 has been revoked by court order without providing notice to the court in writing of the
21 Secretary of State's action. In issuing a work-restricted license to a person under
22 revocation, the Secretary of State may impose any conditions and restrictions the
23 Secretary of State determines necessary to ensure the safety of the public.

24 **SUMMARY**

25 Current law gives the Secretary of State authority to stay a suspension of a driver's
26 license during the statutory suspension period and issue a work-restricted license on
27 receipt of a petition for a work-restricted license for a person under suspension for
28 operating a motor vehicle with an excessive alcohol level or for a person with a juvenile
29 provisional license under suspension for operating a motor vehicle with an alcohol level
30 of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath.

31 This bill gives the Secretary of State authority to stay a suspension during the
32 statutory suspension period and issue a work-restricted license on receipt of a petition for
33 a work-restricted license for a person under suspension for any offense under the Maine
34 Revised Statutes, Title 29-A, chapter 23. The bill also provides that the Secretary of State
35 may not issue a work-restricted license to a person whose license has been revoked by
36 court order without providing written notice to the court. The bill provides that the
37 Secretary of State, in issuing a work-restricted license to a person under revocation, may
38 impose any conditions and restrictions the Secretary of State determines necessary to
39 ensure the safety of the public.