

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1260

H.P. 899

House of Representatives, March 28, 2013

**An Act To Allow Ignition Interlock Devices on Vehicles Operated by
First-time Offenders of Operating Under the Influence**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NUTTING of Oakland.
Cosponsored by Representative MALABY of Hancock, Senator PLUMMER of Cumberland
and Representatives: CASAVANT of Biddeford, DION of Portland, PEASE of Morrill,
TYLER of Windham.

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 amended by PL 2009, c. 447, §41, is
3 further amended to read:

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

18 **Sec. 2. 29-A MRSA §2486, sub-§1-A**, as amended by PL 2011, c. 654, §15, is
19 further amended to read:

20 **1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test.**
21 Except as provided in section 2472, subsection 7, before a suspension for OUI or failure
22 to submit to a test is terminated and a license or certificate reinstated, a fee of \$50 must
23 be paid to the Secretary of State. If a license is reinstated pursuant to section 2508,
24 subsection 1, paragraph A-1, the reinstatement fee is \$100.

25 **Sec. 3. 29-A MRSA §2508, sub-§1**, as amended by PL 2011, c. 335, §13, is
26 further amended to read:

27 **1. Installation of ignition interlock device.** Notwithstanding the periods of
28 suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may
29 reinstate the license of a person convicted of ~~more than one~~ a violation of section 2411 or
30 whose license is suspended by the Secretary of State pursuant to section 2453 or 2453-A
31 if the person satisfies all other conditions for license reinstatement and installs an ignition
32 interlock device approved by the Secretary of State in the motor vehicle the person
33 operates, under the following conditions.

34 A. The license of a person with 2 OUI offenses may be reinstated after 9 months of
35 the suspension period has run if the person has installed for a period of 2 years an
36 ignition interlock device approved by the Secretary of State in the motor vehicle the
37 person operates.

