

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1590

H.P. 1161

House of Representatives, December 30, 2013

An Act To Amend the Operating-under-the-influence Laws

(EMERGENCY)

Submitted by the Secretary of State pursuant to Joint Rule 204.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative NUTTING of Oakland.

Cosponsored by Senator GERZOFKY of Cumberland and

Representatives: HOBBS of Saco, WILLETTE of Mapleton, Senators: COLLINS of York, CRAVEN of Androscoggin, MAZUREK of Knox, VALENTINO of York.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** current law regarding penalties for operating under the influence of
4 alcohol or other intoxicants is not consistent and may result in different suspension
5 periods and reinstatement fees for persons convicted of operating under the influence; and

6 **Whereas,** Public Law 2013, chapter 389 enacted an additional fee for persons
7 installing ignition interlock devices; and

8 **Whereas,** the law could be interpreted to impose an additional fee for the
9 reinstatement of a license suspended for operating under the influence on a person who
10 installs an ignition interlock device; and

11 **Whereas,** it is necessary to clarify the law promptly to ensure all citizens are treated
12 equally; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1. 29-A MRSA §2451, sub-§3,** as amended by PL 2009, c. 54, §§1 to 3 and
19 affected by c. 415, Pt. C, §§2 and 3, is further amended to read:

20 **3. Suspension period.** Unless a longer period of suspension is otherwise provided
21 by law and imposed by the court, the Secretary of State shall suspend the license of a
22 person convicted of OUI for the following minimum periods:

23 A. ~~Ninety~~ One hundred fifty days, if the person has one OUI conviction within a 10-
24 year period;

25 B. Three years, if the person has 2 OUI offenses within a 10-year period; ~~or~~

26 C. Six years, if the person has 3 ~~or more~~ OUI offenses within a 10-year period; or

27 E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

28 For the purposes of this subsection, a conviction or suspension has occurred within a 10-
29 year period if the date of the new conduct is within 10 years of a date of suspension or a
30 docket entry of judgment of conviction.

31 **Sec. 2. 29-A MRSA §2486, sub-§1-A,** as amended by PL 2013, c. 389, §2, is
32 further amended to read:

33 **1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test.**
34 Except as provided in section 2472, subsection 7, before a suspension for OUI or failure
35 to submit to a test is terminated and a license or certificate reinstated, a fee of \$50 must

1 be paid to the Secretary of State. ~~If a license is reinstated pursuant to section 2508,~~
2 ~~subsection 1, the reinstatement fee is \$100.~~

3 **Emergency clause.** In view of the emergency cited in the preamble, this
4 legislation takes effect when approved.

5 SUMMARY

6 This bill amends the laws regarding operating under the influence, or OUI, in the
7 following ways:

8 1. It increases the minimum administrative license suspension imposed by the
9 Secretary of State to 150 days for a person convicted of OUI once in a 10-year period.
10 This length of suspension mirrors the length of suspension imposed by the court for the
11 same crime;

12 2. It increases the minimum administrative license suspension imposed by the
13 Secretary of State to 8 years for a person convicted of 4 or more OUI offenses within a
14 10-year period. This length of suspension mirrors the length of suspension imposed by
15 the court for a person convicted of OUI when that person has been convicted of OUI 3 or
16 more times within a 10-year period at the time of sentencing; and

17 3. It clarifies that the license of a person convicted of OUI who installs an ignition
18 interlock device may be reinstated by paying a reinstatement fee of \$50 and an
19 administrative fee of \$50.