

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SMG  
ROFS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

Date: 3/24/14

L.D. 1729  
(Filing No. H-729)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1237, L.D. 1729, Bill, "An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 29-A MRSA §2402, first ¶**, as amended by PL 1995, c. 368, Pt. AAA, §6, is further amended to read:

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date of ~~the docket entry of conviction~~ the sentence is imposed is 10 years or less from the date of the new conduct.

**Sec. 2. 29-A MRSA §2411, sub-§1-A, ¶D**, as amended by PL 2011, c. 159, §1, is further amended to read:

- D. Violates paragraph A, B or C and:
  - (1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;
  - (1-A) In fact causes the death of another person; or
  - (2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, subsection 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time.

**COMMITTEE AMENDMENT**





# 126th MAINE LEGISLATURE

LD 1729

LR 2529(02)

## An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-729)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

---

### Fiscal Note

Current biennium cost increase - General Fund

#### Correctional and Judicial Impact Statements

Establishes new Class B and Class C crimes; increases correctional, indigent legal and judicial costs. The collection of additional fines may also increase General Fund revenue by minor amounts.

#### Fiscal Detail and Notes

This bill is expected to increase Class B and Class C crimes by an undetermined amount each year. The average daily cost in a regional jail is \$119.96 and the average daily cost in a State prison is \$110.76. It will also increase costs to the Maine Commission on Indigent Legal Services by converting some first offense cases into felony cases. The incremental cost increases average \$300 per case. The total amount of General Fund appropriations required cannot be estimated at this time.