

MAINE STATE LEGISLATURE

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Date: 6/23/17

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 827, L.D. 1190, Bill, "An Act Regarding Driver's License Suspensions for Nondriving-related Violations"

Amend the amendment by striking out the first 2 paragraphs after the title (page 1, lines 11 to 13 in amendment) and inserting the following:

'Amend the bill in section 1 by striking out all of subsection 7 (page 1, lines 4 to 10 in L.D.) and inserting the following:

7. Remedies. Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142, ~~suspensions~~ a restricted license under Title 29-A, section ~~2605~~, 2605-A and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125; and a court order to pay under section 3126-A. In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for any failure to appear.

This subsection is repealed October 1, 2021.'

Amend the amendment by striking out all of the 7th and 8th paragraphs after the title (page 1, lines 24 to 26 in amendment) and inserting the following:

'Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 14 MRSA §3142, sub-§1, ¶C, as amended by PL 2003, c. 414, Pt. B, §26 and affected by c. 614, §9 and PL 2005, c. 397, Pt. A, §§51 and 52, is further amended to read:

C. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B or, except as provided in paragraph D, a motor vehicle license or permit issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 827, L.D. 1190

1 permit, as provided in Title 29-A. Licenses and registration subject to suspension
2 include, but are not limited to:

3 (1) Licenses issued by the Commissioner of Marine Resources, as provided in
4 Title 12, section 6409;

5 (2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as
6 provided in Title 12, section 10902, subsection 3; and

7 (3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in
8 Title 12, section 10902, subsection 3; and.

9 ~~(4) Motor vehicle licenses or permits issued by the Secretary of State, the right to~~
10 ~~operate a motor vehicle in this State and the right to apply for or obtain a license~~
11 ~~or permit, as provided in Title 29-A, section 2605.~~

12 This paragraph is repealed October 1, 2021;

13 **Sec. 3. 14 MRSA §3142, sub-§1, ¶D** is enacted to read:

14 D. A restricted license as provided in Title 29-A, section 2605-A.

15 This paragraph is repealed October 1, 2021; or'

16 Amend the amendment in section 3 in the first line (page 1, line 28 in amendment) by
17 striking out the following: "D" and inserting the following: 'E'

18 Amend the amendment in section 3 in paragraph D in the first line (page 1, line 29 in
19 amendment) by striking out the following: "D" and inserting the following: 'E'

20 Amend the amendment by inserting after section 5 the following:

21 '**Sec. 6. 29-A MRSA §2605-A** is enacted to read:

22 **§2605-A. Restricted license on nonappearance or nonpayment of fine**

23 **1. Restricted license.** If a person fails to appear in court on the date and time
24 specified by the court for the payment of a fine, either in person or by counsel, upon order
25 of the court, the clerk shall restrict the person's license or permit and the right to operate a
26 motor vehicle in this State to authorize the person to operate a motor vehicle:

27 A. Between the residence and a place of employment or in the scope of employment,
28 or both;

29 B. If the person is not employed and is seeking employment, between the residence
30 and an employment office or a site of an employment interview; or

31 C. Between the residence and an educational facility attended by the person.

32 **2. Notification by Secretary of State.** On receipt of a copy of an order of a
33 restriction under this section, the Secretary of State shall immediately notify the person of
34 the restriction by regular mail or personal service.

35 **3. Effect of restriction.** A court-ordered restriction under this section has the same
36 force and effect as if issued by the Secretary of State. The restriction remains in effect
37 until the person appears, either in person or by counsel, or pays the fine.

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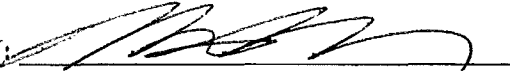
HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 827, L.D. 1190

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4. Repeal. This section is repealed October 1, 2021.

SUMMARY

The bill eliminates the ability of the court to suspend a person's driver's license for failure to pay a court-ordered fine for an offense not related to driving. This amendment amends the committee amendment to give the court the option of restricting a person's driver's license to work, work-search or education purposes if the person has the ability to pay a fine and fails to do so.

SPONSORED BY: 

(Representative MOONEN)

TOWN: Portland

FISCAL NOTE REQUIRED
(See attached)



128th MAINE LEGISLATURE

LD 1190

LR 904(04)

An Act Regarding Driver's License Suspensions for Nondriving-related Violations

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Moonen of Portland

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	(\$150,000)	(\$200,000)	(\$200,000)	(\$200,000)
Revenue				
General Fund	\$150,000	\$200,000	\$200,000	\$200,000

Fiscal Detail and Notes

This amendment eliminates the General Fund fine revenue loss of \$150,000 in fiscal year 2017-18 and \$200,000 in fiscal year 2018-19. This amendment does not change the revenue loss from reinstatement fees reflected in the committee amendment.