

# MAINE STATE LEGISLATURE

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ROY  
R O E S

L.D. 1190

Date: 6/21/17 Majority

(Filing No. H-532)

JUDICIARY

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

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

Amend the bill in section 1 in subsection 7 by inserting at the end a new blocked paragraph to read:

'This subsection is repealed October 1, 2021.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 14 MRSA §3141, sub-§8 is enacted to read:

8. 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 under Title 29-A, section 2605 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 takes effect October 1, 2021.'

Amend the bill in section 2 in paragraph C by inserting at the end a new blocked paragraph to read:

'This paragraph is repealed October 1, 2021.'

Amend the bill by inserting after section 2 the following:

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

D. 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. Licenses and registration subject to suspension include, but are not limited to:

COMMITTEE AMENDMENT

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

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

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

(4) Motor vehicle licenses or permits 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 permit, as provided in Title 29-A, section 2605.

This paragraph takes effect October 1, 2021.'

Amend the bill by inserting after section 3 the following:

'**Sec. 4. 14 MRSA §3146-A** is enacted to read:

**§3146-A. Exemptions**

Beginning October 1, 2021, the exemptions from attachment and execution specified in sections 4421 to 4426 do not apply to the collection of fines covered by this chapter.'

Amend the bill in section 4 in subsection 1 by inserting at the end a new blocked paragraph to read:

'This subsection is repealed October 1, 2021.'

Amend the bill by adding after section 4 the following:

'**Sec. 5. 29-A MRSA §2605, sub-§1-A** is enacted to read:

**1-A. Suspension by clerk.** If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

This subsection takes effect October 1, 2021.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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**SUMMARY**

2           This amendment adds a sunset to the bill of October 1, 2021, thus prohibiting driver's  
3 license suspensions for failure to pay a fine in offenses not related to driving until  
4 October 1, 2021 and allowing 2 full fiscal years of information about the fiscal effect of  
5 eliminating driver's license suspension as a tool to collect fines. Without further  
6 legislative action, the law in effect prior to this Act takes effect on October 1, 2021,  
7 reinstating the ability of the court to suspend driver's licenses for nonpayment of fines.

**FISCAL NOTE REQUIRED**  
(See attached)



# 128th MAINE LEGISLATURE

LD 1190

LR 904(02)

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

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-532)

Committee: Judiciary

Fiscal Note Required: Yes

## Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$292,968	\$390,625	\$390,625	\$290,625
Highway Fund	\$142,968	\$190,625	\$190,625	\$190,625
<b>Revenue</b>				
General Fund	(\$292,968)	(\$390,625)	(\$390,625)	(\$290,625)
Highway Fund	(\$142,968)	(\$190,625)	(\$190,625)	(\$190,625)

### Fiscal Detail and Notes

This legislation removes, until October 1, 2021, provisions of law allowing driver's license suspensions for failure to pay a fine in offenses not related to driving. Driver's license reinstatement fees for failure to pay fines accrue 50% to the Highway Fund and 50% to the General Fund. Highway Fund and General Fund revenues would be reduced by \$142,968 in fiscal year 2017-18 and by \$190,625 beginning in fiscal year 2018-19. Approximately 7,500 of these reinstatements are processed annually. This will also reduce General Fund fine revenue collected by the Judicial Department by an estimated \$150,000 in fiscal year 2017-18 and \$200,000 in fiscal year 2018-19.