

MAINE STATE LEGISLATURE

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L.D. 710

Date: 6-9-21

(Filing No. H-538)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 523, L.D. 710, "An Act Regarding the Maine Criminal Code"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Maine Criminal Code and a Period of Suspension under the Motor Vehicle Statutes'

Amend the bill by striking out all of Part A and inserting the following:

'PART A

Sec. A-1. 5 MRSA §20071, sub-§1, as amended by PL 1999, c. 448, §1, is further amended to read:

1. Alcohol-related or other drug-related motor vehicle incident. "Alcohol-related or other drug-related motor vehicle incident" means a conviction or administrative action resulting in the suspension of a motor vehicle operator's license for a violation under former Title 29, section 1311-A; Title 29, section 1312, subsection 10-A; Title 29, section 1312-C; Title 29, section 1312-B; Title 29, section 1313-B; Title 29, section 2241, subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2); Title 29, section 2241-J; Title 29-A, section 1253; Title 29-A, section 2411; Title 29-A, section 2453; Title 29-A, section 2454, subsection 2; Title 29-A, section 2456; Title 29-A, section 2457; Title 29-A, section 2472, subsection 3, paragraph B and subsection 4; Title 29-A, section 2503; Title 29-A, sections 2521 to and 2523; or Title 29-A, section 2525 or the rules adopted by the Department of the Secretary of State for the suspension of commercial drivers' licenses.

Sec. A-2. 25 MRSA §2005-A, sub-§3, as amended by PL 1995, c. 65, Pt. A, §77 and affected by §153 and Pt. C, §15, is further amended to read:

3. Suspension in effect during pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV, or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation

COMMITTEE AMENDMENT

1 is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section
2 2521, ~~2522~~ or 2523, that the law enforcement officer did not have probable cause to require
3 the permit holder to submit to chemical testing.

4 **Sec. A-3. 29-A MRSA §2431, sub-§3**, as amended by PL 1995, c. 368, Pt. AAA,
5 §15, is further amended to read:

6 **3. Failure as evidence.** Failure of a person to submit to a chemical test is admissible
7 in evidence on the issue of whether that person was under the influence of intoxicants.

8 If the law enforcement officer fails to give the required warnings, the failure of the person
9 to submit to a chemical test is not admissible, ~~except when a test was required under section~~
10 ~~2522.~~

11 If a failure to submit to a chemical test is not admitted into evidence, the court may inform
12 the jury that no test result is available.

13 If a test result is not available for a reason other than failing to submit to a chemical test,
14 the unavailability and the reason is admissible in evidence.

15 **Sec. A-4. 29-A MRSA §2521, sub-§6-A** is enacted to read:

16 **6-A. Period of suspension when probable cause exists to believe death occurred**
17 **or will occur as result of accident.** Except when a longer period of suspension is
18 otherwise provided by law, if, in addition to the probable cause set forth in subsection 1,
19 there was also probable cause to believe that death occurred or will occur as a result of an
20 accident, the suspension is for a period of one year for a first refusal under this section.

21 **Sec. A-5. 29-A MRSA §2521, sub-§8, ¶A-1** is enacted to read:

22 A-1. For the purposes of subsection 6-A, there was probable cause to believe that death
23 occurred or will occur as a result of an accident;

24 **Sec. A-6. 29-A MRSA §2522**, as amended by PL 2013, c. 459, §9, is repealed.'

25 Amend the bill in Part B in section 1 in paragraph B in the 2nd line (page 1, line 22 in
26 L.D.) by inserting after the following: "least" the following: "14 years of age and at least"

27 Amend the bill in Part B in section 2 in paragraph C in the 2nd line (page 1, line 27 in
28 L.D.) by inserting after the following: "least" the following: "14 years of age and at least"

29 Amend the bill by striking out all of part F and inserting the following:

30 **'PART F**

31 **Sec. F-1. 17-A MRSA §253, sub-§2, ¶M**, as amended by PL 2019, c. 438, §2, is
32 further amended to read:

33 M. The other person has not expressly or impliedly acquiesced to the sexual act and
34 the actor acts recklessly with regard to whether the other person has not acquiesced.
35 Violation of this paragraph is a Class C crime; or

36 **Sec. F-2. 17-A MRSA §255-A, sub-§1, ¶A**, as enacted by PL 2001, c. 383, §23
37 and affected by §156, is amended to read:

38 A. The other person has not expressly or impliedly acquiesced in the sexual contact
39 and the actor acts recklessly with regard to whether the other person has not acquiesced.
40 Violation of this paragraph is a Class D crime;

