

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 831

H. P. 1699 House of Representatives, April 11, 1929.

Reported by Mr. Wing from Committee on Judiciary and
laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE**

AN ACT Relating to Licensing Operators of Motor Vehicles
After Their Conviction of Operating the Same While Under
the Influence of Intoxicating Liquors.

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

Section 1. Sections seventy-two and seventy-three of
2 chapter two hundred and eleven of the public laws of nine-
3 teen hundred and twenty-one, as amended, are hereby fur-
4 ther amended by striking out the whole of said sections
5 and inserting in place thereof the following:

'Sect. 72. Whoever operates a motor vehicle upon any
2 way recklessly, so that lives or safety of the public are in
3 danger, or whoever goes away without stopping and mak-

4 ing himself known after causing injury to any person or
5 property, or uses a motor vehicle without authority from
6 its owner, shall be punished by a fine of not more than
7 two hundred dollars, or by imprisonment for a term not
8 exceeding three months, or by both fine and imprisonment;
9 and if any person be convicted the second time for a vio-
10 lation of this section, he shall be punished by a fine of not
11 less than two hundred dollars and not more than five hun-
12 dred dollars, or by imprisonment for not more than eleven
13 months, or both.

If any person so drives a motor vehicle in a reckless man-
2 ner or goes away without stopping and making himself
3 known after causing injury to any other person or prop-
4 erty or operates a motor vehicle while apparently under the
5 influence of intoxicating liquor or drugs, it shall be the
6 duty of every officer who is charged with the enforcement
7 of law of every citizen, to forthwith report the same to
8 the secretary, giving the register number of the vehicle,
9 the state registering the same, and the name and residence
10 of the operator, occupants or owner if known. Upon re-
11 ceipt of such complaint the secretary shall forthwith inves-
12 tigate the case and may suspend or revoke the license of
13 such operator, or, if a non-resident, his right to operate
14 in this state, and annul the registration of any vehicle so
15 operated, for such time as he shall deem advisable.'

Sect. 2. Section seventy-four of said chapter, as amended,
2 is hereby further amended by striking out the whole of said

3 section, re-numbering it section seventy-three and inserting
4 in place thereof the following:

‘Sect. 73. Whoever shall operate or attempt to operate a
2 motor vehicle upon any way, or in any other place when
3 intoxicated or at all under the influence of intoxicating
4 liquor or drugs, upon conviction, shall be punished by a
5 fine of not less than one hundred dollars nor more than one
6 thousand dollars or by imprisonment for not less than thirty
7 days nor more than eleven months, or by both fine and
8 imprisonment. Any person convicted of a second or sub-
9 sequent offense shall be punished by imprisonment for not
10 less than three nor more than eleven months, and in addi-
11 tion thereto, the court may impose a fine as above pro-
12 vided.

Whoever shall operate or attempt to operate a motor ve-
2 hicle upon any way, or in any other place when intoxicated
3 or at all under the influence of intoxicating liquor or drugs,
4 when such offense is of a high and aggravated nature shall
5 be deemed guilty of a felony and on conviction thereof
6 shall be punished by a fine of not less than one hundred
7 dollars nor more than one thousand dollars or by imprison-
8 ment of not less than sixty days nor more than two years
9 or by both fine and imprisonment. Any person convicted
10 of a second or subsequent offense of the same gravity shall
11 be punished by imprisonment for not less than three months
12 nor more than three years, and in addition thereto the court
13 may impose a fine as above provided.

The license of any person convicted of violating the provisions of this section shall be revoked immediately by the secretary upon receipt of an attested copy of the court records, without further hearing.

If any person convicted of any violation of the provisions of this section of the act shall appeal from the judgment and sentence of the trial court, his license and right to operate a motor vehicle in this state shall be suspended during the time his appeal is pending in the appellate court, unless the trial court shall otherwise order, or unless the secretary, after a hearing, shall restore the license or permit pending decision on the appeal. The license of any person against whom probable cause is found and who is held under bail pending the action of the grand jury for the violation of the foregoing provision shall be suspended until the final disposition of the charge.

No person whose license or permit to operate a motor vehicle has been revoked upon conviction of violating the provisions of this section shall be licensed again or permitted to operate a motor vehicle for three years, except that, after the expiration of one year from the date of such revocation, he may petition the secretary for a license or permit, who, after hearing, and after his determination that public safety will not be endangered by issuing a new license may issue such license or permit with or without conditions thereto attached; upon a second conviction of a violation of the provisions of this section, such person, whose

12 license or permit to operate a motor vehicle has been re-
13 voked again by reason of such conviction, shall not be li-
14 censed again or permitted to operate a motor vehicle in
15 this state for five years from the date of conviction, pro-
16 vided however, that after two years from the date of such
17 last revocation, he may petition the secretary for a license
18 or permit and the secretary, after like hearing and deter-
19 mination, again may issue a license or permit to the peti-
20 tioner, with or without conditions; upon any subsequent
21 conviction for a similar offense, the license or permit shall
22 terminate and no subsequent license or permit shall be
23 granted to such person; for the purpose of this section, in
24 case a person has been convicted one or more times prior
25 to the date this act takes effect, of a violation of the pro-
26 visions of this section, such previous conviction or convic-
27 tions shall be construed as one conviction. A copy of sec-
28 tions seventy-two and seventy-three shall be printed on every
29 operator's license.'