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A REPORT ON

An Act to Reform the Statutes Relating to Driving Under the Influence of Intoxicating Liquor or Drugs

January 1 - December 31, 1983

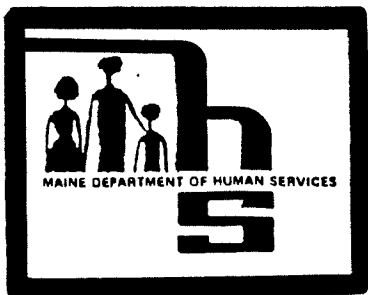
DEPARTMENT OF HUMAN SERVICES



February, 1985

A REPORT ON

An Act to Reform the Statutes Relating to Driving Under the Influence of Intoxicating Liquor or Drugs



Prepared Under Contract
By the
Human Services Development Institute
Center for Research and Advanced Study
University of Southern Maine
Portland, Maine

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STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333



MICHAEL R. PETIT
COMMISSIONER

JOSEPH E. BRENNAN
GOVERNOR

March 7, 1985

The Honorable Joseph E. Brennan
Governor, State of Maine
State House
Augusta, Maine 04333

Dear Governor Brennan:

In 1981 the 110th Maine Legislature enacted Chapter 468 of the Public Laws of 1980, "An Act to Reform the Statutes Relating to Driving Under the Influence of Intoxicating Liquor or Drugs", popularly known as the 1981 Drunk Driving Law.

Under the 1981 Drunk Driving Law, the Department of Human Services is required to prepare an annual comprehensive written report on the enforcement of Maine's operating under the influence laws.


The Department of Human Services is pleased to submit the second annual report. This report covers the period of January 1, 1983 to December 31, 1983.

The findings indicate a substantial increase in the number of persons arrested for Operating Under the Influence. However, the number of convictions has decreased and the number of dismissals has increased, particularly for civil OUI violations. A summary of additional findings are highlighted on pages vi, vii, and viii.

The results of a review by the OUI Work Group is included in Section V, Issues and Recommendations. The Work Group presented two recommendations. The second of these addressed the need to "postpone implementing any major amendments to the OUI statutes until such time as the State of Maine had sufficient experience, and data, to evaluate the effectiveness of the current OUI laws". This recommendation is moot because of the recent decision of the Maine Supreme Court.

In summary, it appears that the 1981 Drunk Driving Law has had a substantial, beneficial impact on the people of Maine.

Sincerely,


Michael R. Petit
Commissioner

MRP/drs

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The Office of Alcoholism and Drug Abuse Prevention also gratefully acknowledges the contribution of the interdepartmental OUI Work Group that reviewed the findings and considered their implications.

Finally, the Human Services Development Institute (Center for Research and Advanced Study at the University of Southern Maine) is gratefully acknowledged for its assistance in preparing this report.

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OUI Work Group

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David Finn

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HIGHLIGHTS

OUI ARRESTS, REFUSALS AND BAC

During calendar year 1983, a total of 11,293 OUI arrests were made; 878 more arrests than were made during the first full year under the new law (September 18, 1981 - September 17, 1982).

A slightly lower percentage of drivers apprehended in 1983 refused to submit to a chemical test; in 1982 15.7 percent refused whereas in 1983, 14.3 percent refused.

The average blood alcohol count (BAC) was .19 percent for the 9,670 drivers who submitted to a chemical test in 1983. The average BAC in 1982 was .18 percent.

STATEWIDE OUI CONVICTIONS AND DISMISSALS

The percentage of defendants convicted of an OUI violation decreased from 86.8 percent in 1982 to 83.4 percent in 1983 OUI violations. Dismissals increased from 11.2 percent in 1982 to 15.2 percent in 1983.

STATEWIDE CIVIL OUI CONVICTIONS AND DISMISSALS

The conviction rate for 1983 civil OUI cases was 78.2 percent; the 1982 conviction rate was 87.4 percent. The dismissal rate increased from 10.5 percent in 1982 to 16.0 percent in 1983.

STATEWIDE CRIMINAL OUI CONVICTIONS AND DISMISSALS

The 1983 criminal OUI conviction rate was 91.4 percent; the 1982 conviction rate was 85.6 percent. The dismissal rate decreased from 12.6 percent in 1982 to 7.7 percent in 1983.

CIVIL OUI
SENTENCING

Fines were imposed by the courts in a greater percentage of the 1983 convictions (99.8%) than in the 1982 convictions (99.1%). The average fine increased from \$260 in 1982 to \$263 in 1983.

License suspensions were also imposed by the courts in a greater percentage of the 1983 civil OUI convictions (99.9%) than in the 1982 convictions (98.4%). The average license suspension period decreased slightly in 1983 (45 days compared to 46 days in 1982).

CRIMINAL OUI
SENTENCING

Fines were imposed by the courts in a greater percentage of the 1983 convictions (99.0%) than in the 1982 convictions (98.8%). The average fine imposed by the courts increased from \$375 in 1982 to \$389 in 1983.

License suspensions occurred in a greater percentage of the 1983 convictions (98.4%) than in 1982 convictions (93.9%). The average license suspension period imposed by the courts increased by 31 days. The 1982 average was 96 days while the 1983 average was 127 days.

Jail sentences were also imposed in a greater percentage of the 1983 convictions. In 96.3 percent of the 1982 convictions, OUI offenders were sentenced to an average of 5 days in jail; in 98.8 percent of the 1983 convictions, offenders were required to serve an average of 9 days in jail.

DEEP COMPLETION

In 1983 and 1984, approximately 14,832 OUI offenders met all DEEP requirements; 23.6 percent were drivers apprehended in calendar year 1983. Of the total 6,931 offenders convicted of a 1983 OUI violation, 50.4 percent (3,495 offenders) had met all DEEP requirements as of January 10, 1985. At the time the 1982 report was prepared (December, 1982) 50.5 percent of the drivers convicted of an OUI offense had met all of the DEEP requirements.

A greater percentage of the 1983 OUI offenders (DEEP participants) had to meet requirements beyond the 10-hour program (34.8%) than was the case during the previous reporting period (31.1%).

STATEWIDE OAS
CONVICTIONS
AND DISMISSALS

The OAS conviction rate increased from 68.4 percent in 1982 to 74.8 percent in 1983. The dismissal rate decreased from 29.5 percent (1982) to 24.2 percent (1983).

OAS SENTENCING

Fines were imposed by the courts in a smaller percentage of the 1983 convictions (89.4%) than in 1982 convictions (94.9%). The average fine in 1983 was \$91 less than in 1982 (\$127 compared to \$218).

License suspension periods were extended in 3.7 percent of the 1983 convictions compared to 6.5 percent of the 1982 convictions. The average additional license suspension period decreased from 303 days (1982) to 281 days (1983).

Jail sentences were imposed in a smaller percentage of the 1983 OAS convictions, however, jail sentences were longer. In 1982, 18.9 percent of the drivers convicted for OAS served an average of 14 days in jail. In 1983, 14.2 percent of the drivers convicted served an average of 22 days in jail.

STATEWIDE HO
CONVICTIONS AND
DISMISSALS

The conviction rate in 1983 increased by 21.0 percent; in 1982 it was 55.5 percent while in 1983 it was 76.5 percent. The dismissal rate decreased from 42.0 percent (1982) to 22.4 percent (1983).

HO SENTENCING

Fines were imposed by the courts in a smaller percentage of the 1983 HO convictions; 17.1 percent compared to 29.4 percent. The average fine decreased from \$529 (1982) to \$422 (1983).

Licenses were additionally suspended in 5.1 percent of the 1983 HO convictions compared to 1.0 percent in 1982. The average license suspension was 183 days for both reporting periods.

Jail sentencing occurred in a greater percentage of the 1983 convictions and the average jail sentence was longer. In 1982, 61.0 percent of the drivers convicted served an average of 70 days in jail whereas in 1983, 78.4 percent were sentenced to serve an average of 101 days in jail.

I

INTRODUCTION

BACKGROUND - OUI REPORTING REQUIREMENT

Maine's 110th Legislature enacted Chapter 468 of the Public Laws of 1980 "AN ACT to Reform the Statutes Relating to Driving under the Influence of Intoxicating Liquor or Drugs" (L.D. No. 1681) proposed by Maine's Governor, Joseph E. Brennan. The enactment of the legislation was in response to a general growing concern about the incidence of OUI arrests and the frequent alcohol involvement in highway accidents.

The revised statutes include - an "illegal per se" law, the creation of a civil OUI offense (traffic infraction), tougher penalties including a mandatory 48-hour jail sentence upon conviction under the criminal OUI statutes, and that all persons convicted of OUI complete the Driver Education Evaluation Program (DEEP) prior to license restoration. L.D. No. 1681 also stipulates that a written report be prepared annually concerning the enforcement of laws relating to drinking and driving. The legislation identifies the specific data elements to be contained in the annual report and designated the Office of Alcoholism and Drug Abuse Prevention (OADAP) within the Maine Department of Human Services the responsibility of preparing annual reports. In summary, the 1981 OUI legislation not only instituted tougher penalties but also included a built-in mechanism for assessing the enforcement of the OUI statutes through the reporting requirement.

The major obstacle in complying with the reporting requirement has been, and to some extent continues to be, the availability of data. For example, the data for the first 12-month OUI report (Sept. 1981 - Sept. 1982) had to be collected by actually reviewing docket books at each of the 33 District and 16 Superior Courts. Arrest statistics for OAS and HO counts were not obtainable through the court records review - nor were they available in aggregate from any single state agency.

In attempting to identify a more cost-efficient method of data collection, an OUI Policy Direction Committee was formed in July 1982 to advise and assist in addressing the problem. The following individuals were invited to serve on the OUI Committee: Robert McKeagney, Deputy Commissioner, Department of Human Services; Arthur Stilphen, Commissioner, Department of Public Safety; Owen Pollard, Director, Bureau of Rehabilitation; Debra Olkin, Director of Planning and Research and Dana Hagarchy, Regional Court Administrator, Administrative Office of the Courts; John McElwee, Esq. and Alan Kelly, Esq., District Attorney's Office; Yvonne English, Executive Director, Maine Chief of Police

Association; Chief Thomas Landers, Chief of Police, Orono Police Department; Chief Richard Griffen, Chief of Police, Augusta Police Department; Sheriff William Wright, President, Maine Sheriff's Association; and Ben Crites, Programming Services, Division of Motor Vehicles. OADAP staff, Michael Fulton, Director and Richard Clark, Research Analyst also attended meetings, as did consultants from USM, Polina McDonnell and Thomas Frank.

The OUI Policy Direction Committee convened on several occasions to consider various data collection-reporting system options for replacing the court-site visit approach. Ultimately, the consensus of the Committee was that the use of the Uniform Traffic Ticket and Complaint (UTT) as the data collection and reporting tool would be the most cost-efficient and yield most of the data required for the annual OUI report. This option was selected because the UTT was already being utilized by all law enforcement agencies in Maine in citing traffic violations and it was also used by the majority of Maine's court clerks in transmitting information to the Division of Motor Vehicles (DMV).

Although court clerks were already forwarding information to DMV, transmittal of information was required only when a conviction occurred. The OUI annual report statutes required the inclusion of other types of court findings as well. In addition to conviction-related data, the following statistics were also required: the number of OUI, OAS and HO cases that were dismissed, dismissed for a guilty plea to a lesser charge, as well as the number of not guilty findings. Prior to implementing the collection and reporting of these additional statistics, the proposed data collection-reporting system was reviewed and approved by Maine's Trial Court Administrative Group and the State Administrative Office of the Courts. The proposed data collection-reporting system was also presented, for review and comment, to Maine's District and Superior Court Clerks at the 1982 Judicial Conference.

The review process was completed in October, 1982 and the data collection-reporting system was implemented in November, 1982. As of the first of November the 33 District and 16 Superior Court Clerks commenced transmitting to DMV the additional data needed for the annual report: OUI, OAS and HO dismissals; dismissals for a guilty plea to a lesser charge; and findings of not guilty.

Unfortunately, the current data collection-reporting system still does not yield all the information required for the annual report. Since the court clerks do not transmit information to DMV until final adjudication of a case has occurred, a count of the actual number of complaints filed for OUI, OAS and HO offenses is not obtainable through this data collection-reporting system -- this is also the situation with OAS and HO complaints. In order to include these statistics in annual reports, a separate data collection-reporting system would be required since, at this time, no single state agency is collecting and tabulating these statistics. The extent to which the exclusion of these statistics

from annual OUI reports hinders an assessment of the enforcement of laws relating to drinking and driving should be the key factor in considering this data gap.

The 1983 statistics contained in this report were provided by DMV on January 10, 1985. All 1983 OUI, OAS and HO statistics included in this report are based on a 1983 violation date and a final court judgment made and reported to DMV prior to January 10, 1985.¹

Prior to finalizing the 1983 OUI Annual Report, OADAP convened representatives of several state agencies to consider the 1983 data and their policy implications, as well as to exchange views concerning the drinking and driving problem. The members of this OUI Work Group were: Albert Godfrey, Director, Bureau of Safety; George Storer, Division Chief, Driver Licensing and Control, Division of Motor Vehicles; Linwood Oakes, Director, Division of Driver Education Evaluation Programs; David Finn, Chairperson, OUI Committee, Maine Association of Substance Abuse Programs; Neill Miner, Director, Office of Alcoholism and Drug Abuse Prevention; Dorothy Mithee, Policy and Program Analyst, Office of Alcoholism and Drug Abuse Prevention; and Polina McDonnell, Consultant, Human Services Development Institute, University of Southern Maine.

The charge to the 1983 OUI Work Group was: 1) to review and analyze the indicators of performance tracked under the law by the Division of Motor Vehicles and reported by the Department of Human Services in the 1983 OUI Report; 2) to develop recommendations and identify issues for inclusion in the report; and 3) to determine the need for the establishment of an ongoing OUI review Work Group and, if appropriate, the goals and membership of the group. The 1983 OUI Work Group convened twice (December 20, 1984 and January 3, 1985) to address the three areas.

This report is organized into four major sections. Chapters II, III, and IV present 1983 OUI, OAS and HO statistics, respectively. Each of these three chapters examines the 1983 data statewide, by county, by district and by superior court and, where appropriate, 1983 statistics are compared to 1982 data. (The 1983 statistics cover calendar year 1983 while the 1982 statistics cover September 18, 1981 through September 17, 1982 -- the first twelve months under the tougher OUI laws.) Chapter V identifies issues and questions (and recommendations). The final section of the report (Appendices) contains statistical tables which are referenced in the narrative.

¹ In February, 1985, DMV identified an additional 904 OUI cases with violation dates of 1983; unfortunately, the 1983 data provided by DMV in January, 1985 had already been analyzed and this report was being finalized. The additional OUI cases, however, do not significantly change the overall pattern of court findings and sentencing as related to 1983 OUI violations. Figures 0-1 and 0-2 in Appendix 0 show the court findings and sentencing for civil and criminal OUI cases based on the two sets of statistics.

II

OPERATING UNDER THE INFLUENCE

SUMMARY OF 1983 OUI STATISTICS

- 11,293 OUI Arrests
- 1,623 Refusals to Take Blood Alcohol Test
- .19% Average Blood Alcohol Count (9,670 Tests)
- 8,312 OUI Cases (1983 Violation Date) Adjudicated as of January 10, 1985; 5,071 Civil Cases (61.0%) and 3,241 Criminal Cases (39.0%)

Disposition of the 8,312 OUI Cases (Civil and Criminal OUI Combined)

• Guilty	6,931	83.4%
• Not Guilty	118	1.4%
• Dismissed-Plea to Lesser Charge	434	5.2%
• Dismissed	829	10.0%

Disposition of the 5,071 Civil OUI Cases

• Guilty	3,966	78.2%
• Not Guilty	94	1.8%
• Dismissed-Plea to Lesser Charge	384	7.5%
• Dismissed	627	12.3%

Disposition of the 3,241 Criminal OUI Cases

• Guilty	2,965	91.4%
• Not Guilty	24	0.7%
• Dismissed-Plea to Lesser Charge	50	1.5%
• Dismissed	202	6.2%

- Of the 6,931 persons convicted of a 1983 OUI offense, 3,495 met all the DEEP requirements for license restoration as of January 10, 1985 (50.4% completion rate).

ARRESTS, REVOCATION OF IMPLIED CONSENT AND BLOOD-ALCOHOL TEST RESULTS

Maine law enforcement officers made 11,293 OUI arrests in 1983; 878 more arrests than were made in 1982 (10,415 arrests). The 1983 arrest statistic represents an 8.4 percent increase over 1982 and a 42.6 percent increase over 1978 (7,918 arrests).

At the time of arrest or summons for OUI and upon request by the law enforcement officer, refusal to submit to a chemical test to ascertain the blood-alcohol level (by blood or breath analysis) results in an automatic 180-day license or permit suspension imposed by the Secretary of State.

In 1983, refusal to submit to a chemical test occurred in 14.3 percent of the arrests -- a slightly lower percentage than in 1982 (15.7%). Knox County had the highest 1983 refusal rate (27.6%) while Piscataquis County had the lowest refusal rate (9.3%). (Figure 1)

Figure 1
OUI ARRESTS AND REVOCATION OF IMPLIED CONSENT BY COUNTY
(Violation Date: January 1 - December 31, 1983)

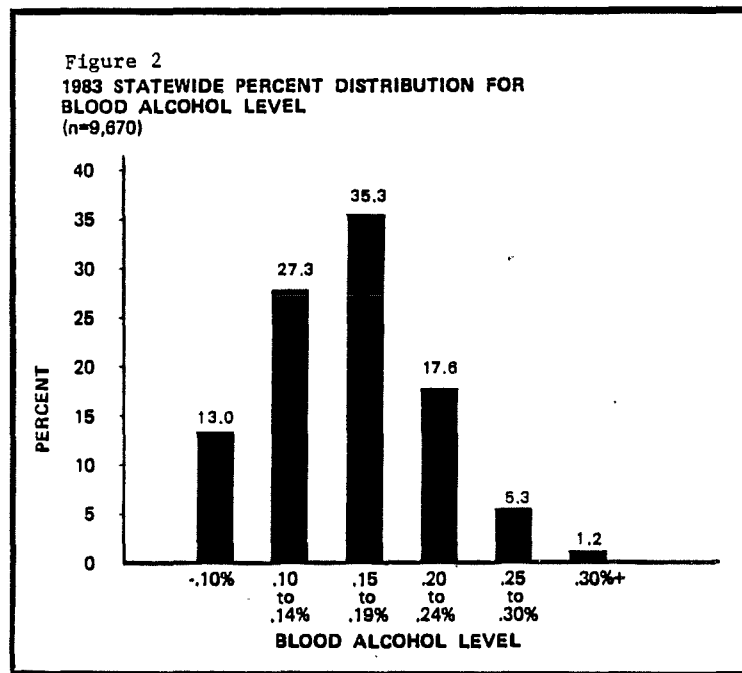
COUNTY	Test Not Refused		Revocation of Implied Consent		Total Arrests	
	No.	%	No.	%	No.	% *
Androscoggin	560	87.3	81	12.6	641	5.7
Aroostook	587	89.3	70	10.6	657	5.8
Cumberland	1,661	87.0	248	12.9	1,909	16.9
Franklin	144	82.2	31	17.7	175	1.5
Hancock	216	82.7	45	17.2	261	2.3
Kennebec	733	85.5	124	14.4	857	7.6
Knox	131	72.3	50	27.6	181	1.6
Lincoln	228	87.6	32	12.3	260	2.3
Oxford	259	82.4	55	17.5	314	2.8
Penobscot	793	86.1	128	13.8	921	8.2
Piscataquis	145	90.6	15	9.3	160	1.4
Sagadahoc	276	83.1	56	16.8	332	2.9
Somerset	340	87.4	49	12.5	389	3.4
Waldo	196	86.7	30	13.2	226	2.0
Washington	267	85.0	47	14.9	314	2.8
York	996	84.0	189	15.9	1,185	10.5
(Unknown)	2,138	85.1	373	14.8	2,511	22.2
STATEWIDE	9,670	85.6	1,623	14.3	11,293	99.9

*Percent of Total Arrests

In comparing 1982 with 1983 refusal statistics, refusals increased in Franklin County (4.2%), Knox County (2.3%), Waldo County (1.7%) and Aroostook County (0.9%). Refusals decreased in the remaining 12 counties ranging from a percentage difference of 0.2 percent (Oxford and Sagadahoc Counties) to 5.2 percent (Androscoggin County). (Additional statistics are contained in Figure A-1 of the Appendix.)

The average blood alcohol count (BAC) in 1983 was .19 percent (9,670 tests taken). The average BAC in 1982 was .18 percent, in 1981 it was also .19 percent, and in 1980 it was .16 percent.

More than one-third (35.3%) of the 1983 test results showed a BAC of .15 to .19 percent (Figure 2). Twenty-four percent of the test results showed a blood-alcohol level equal to .20 percent or greater (2,339 BAC tests). Distribution of test results by the six BAC levels by county are contained in Figure A-2 in Appendix A.



To facilitate a comparison of 1983 statistics with 1982 statistics, it was necessary to re-calculate some of the percentages contained in the 1982 OUI Report to ensure that similar data were being compared. For example, in abstracting OUI data from the court dockets for the 1982 OUI Report, pending cases were identified. It was not always possible, however, to determine from the dockets whether an OUI complaint involved a civil or a criminal charge — these complaints were counted and reported as civil-criminal, not specified. For this report, a count of

pending OUI complaints was not available; however, all OUI counts reported by DMV are identified as criminal or civil. For comparative purposes, then, only similar 1982 and 1983 statistics were considered. Percentages are based on the total count (cases); the total count is comprised of cases resulting in a court finding of: 1) guilty, 2) not guilty, 3) dismissed, and 4) dismissed for a plea of guilty to a lesser charge.

The following section of this report presents disposition and sentencing data for the 8,312 OUI cases having a 1983 violation date and adjudicated by the courts as of January 10, 1985. Statewide statistics are presented first, followed by county statistics, and district and superior court statistics.

STATEWIDE STATISTICS

Case Dispositions (Civil and Criminal OUI Combined)

As of January 10, 1985 (12 to 24 months after the 1983 violations occurred), 8,312 OUI cases had been adjudicated by the courts; representing 74.6 percent of the 1983 arrests (11,293). A slightly greater percentage (77.6%) of the 1981-82 violations had been adjudicated (8,092) at the time data were collected in the courts for the first OUI report. (Data were collected in November and December 1982 -- 1-1/2 to 15 months after the violation occurred.)

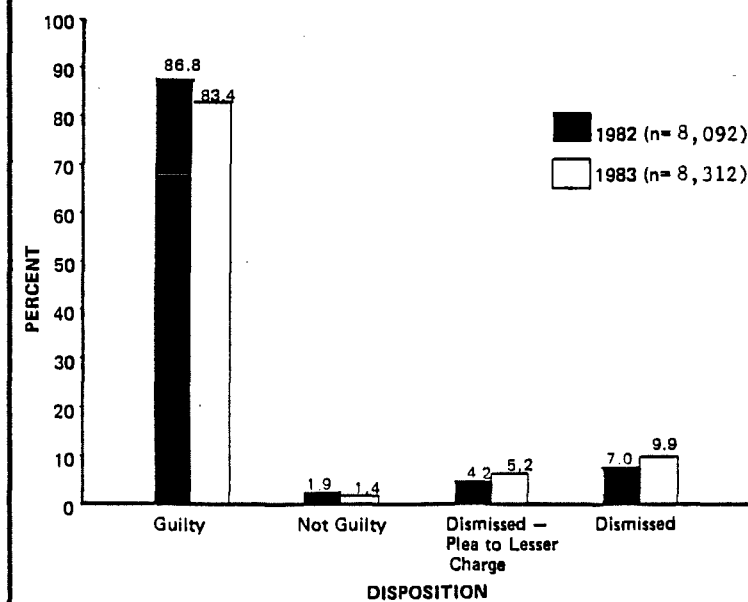
The overall conviction rate in 1983 OUI cases (civil and criminal combined) declined slightly (3.4%) as did, to a lesser extent, findings of not guilty (0.5%). The 1983 dismissal rate increased slightly (4.0%). (Figures 3 and 4)

Figure 3
1982 AND 1983 DISPOSITION OF OUI CASES
(Civil and Criminal Combined)

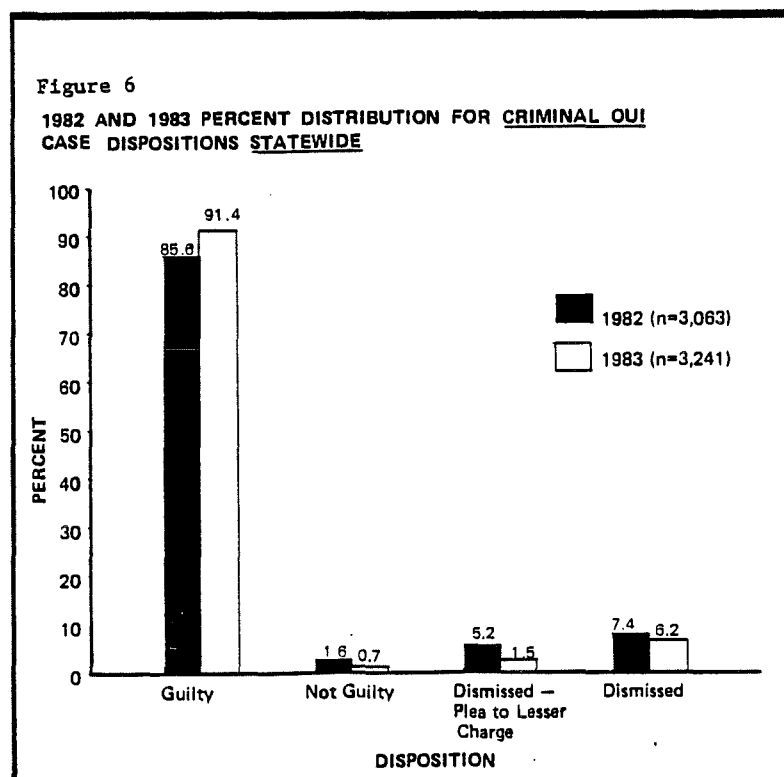
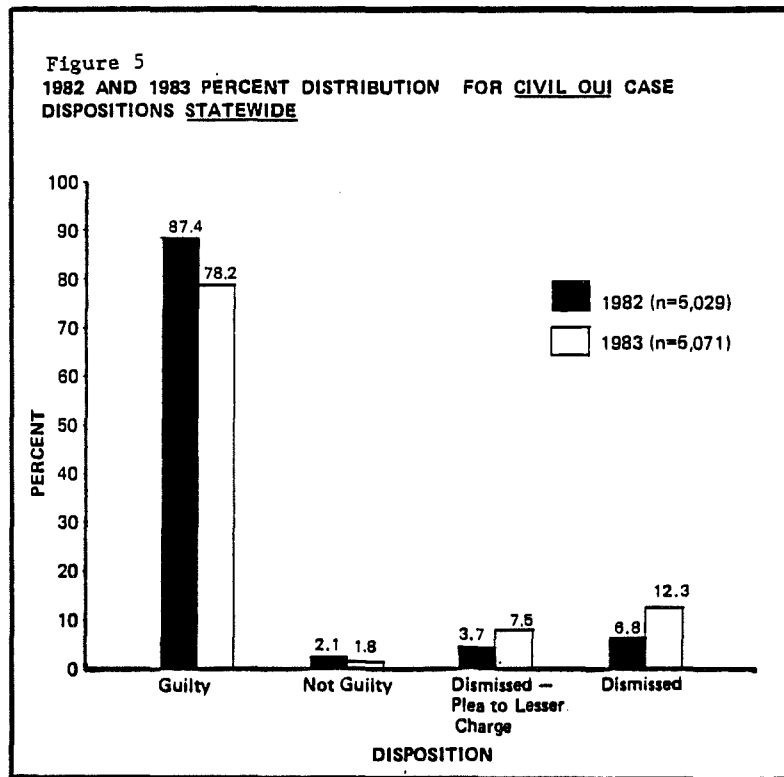
DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	7,026	86.8	6,931	83.4	- 3.4
Not Guilty	155	1.9	118	1.4	- 0.5
Dismissed -- PLC*	343	4.2	434	5.2	+ 1.0
Dismissed	568	7.0	829	10.0	+ 3.0
Total No. Cases	8,092		8,312		

* PLC = Plea to Lesser Charge

Figure 4
1982 AND 1983 PERCENT DISTRIBUTION FOR OUI CASE DISPOSITIONS
STATEWIDE



The 1983 criminal OUI conviction rate increased by 5.6 percent. The civil OUI conviction rate, however, decreased by 9.2 percent, thereby reducing the overall conviction rate for OUI. The percentage of 1983 criminal OUI cases which resulted in a dismissal decreased (4.9%) whereas dismissals in civil cases increased (9.3%). (Figures 5 and 6)



Sentences Imposed by the Courts

Civil OUI Cases. As shown in Figure 7, courts imposed fines and suspended licenses more frequently in 1983 civil OUI convictions than they did during the previous reporting period. The percentage of convictions resulting in a fine increased from 99.1 percent to 99.8 percent and license suspensions increased from 98.4 percent to 99.9 percent.

The average fine imposed by the courts increased from \$260 to \$263. No change occurred in the minimum and maximum fines imposed by the courts (\$50-\$500) during the two reporting periods.

The average license suspension period was slightly lower in 1983 than in 1982; 45 days compared to 46 days. The minimum license suspension period imposed by the courts remained the same, 30 days; the maximum, however, increased from 183 in 1982 to 365 days in 1983.

Figure 7
1982 AND 1983 CIVIL OUI:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE COURTS

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	4,396	87.4	3,966	78.2	(-) 9.2
Not Guilty	107	2.1	94	1.8	(-) 0.3
Dismissed - PLC*	185	3.7	384	7.5	(+) 3.8
Dismissed	341	6.8	627	12.3	(+) 5.5
Total No. Cases	5,029		5,071		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	4,392	(99.1)	3,959	(99.8)	• (+) 0.7%
• Average Fine	\$260		\$263		• (+) \$3
• Low-High	\$50-\$500		\$50-\$500		• No Change
LIC. SUSPENSION					
• No. & % Lic. Susp.	4,327	(98.4)	3,961	(99.9)	• (+) 1.5%
• Average License Suspension Period	46 Days		45 Days		• (-) 1 Day
• Low-High	30-183 Days		30-365 Days		• (+) 182 Days
JAIL SENTENCE					
• No. & % Jail Sent.	14	(0.3)	None		
• Average Jail Sent.	11 Days				
• Low-High	2-60 Days				

Criminal OUI Cases. As shown in Figure 8, the frequency with which courts imposed all three mandatory penalties upon conviction for criminal OUI was substantially greater in 1983 convictions than was the case during the first twelve months under the tougher OUI statutes. The greatest change occurred in license suspensions; the percentage of convictions in which licenses were suspended increased from 93.9 percent to 98.4 percent. Jail sentencing increased from 96.3 percent to 98.8 percent and fines increased from 98.8 percent to 99.0 percent of the convictions.

Not only did Maine's courts impose all three mandatory penalties more frequently, the data indicate that the sanctions they imposed were more severe. The average fine increased from \$375 to \$389 (the mandatory minimum is \$350). The average license suspension period increased from 96 days to 127 days (the mandatory minimum is 90 days). The average jail sentence also increased -- from 5 to 9 days (the mandatory minimum is a 2-day jail sentence).

As depicted in Figure 8, some sanctions imposed by the courts during both reporting periods were less than the mandatory minimum required by statute.

Figure 8
1982 AND 1983 CRIMINAL OUI:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE COURTS

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	2,630	85.8	2,965	91.4	(+)5.6
Not Guilty	48	1.6	24	0.7	(-)0.9
Dismissed - PLC*	158	5.2	50	1.5	(-)3.7
Dismissed	227	7.4	202	6.2	(-)1.2
Total No. Cases	3,063		3,241		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	2,598	(98.8)	2,936	(99.0)	• (+)0.2%
• Average Fine	\$375		\$389		• (+)\$14
• Low-High	\$50-\$1000		\$100-\$1000		• (+)\$50
LIC. SUSPENSION					
• No. & % Lic. Susp.	2,469	(93.9)	2,917	(98.4)	• (+)4.5%
• Average License Suspension Period	96 Days		127 Days		• (+)31 Days
• Low-High	30-365 Days		30-825 Days		• (+)460 Days
JAIL SENTENCE					
• No. & % Jail Sent.	2,532	(96.3)	2,929	(98.8)	• (+)2.5%
• Average Jail Sent.	5 Days		9 Days		• (+)4 Days
• Low-High	1-304 Days		1-365 Days		• (+)31 Days

COUNTY STATISTICS

Civil OUI

Case Dispositions. As noted previously, the overall 1983 civil OUI conviction rate decreased and dismissal rates increased. Whereas in 1982 the county conviction rates ranged from 75.0 percent in York County to 96.0 percent in Kennebec County, the 1983 conviction rates ranged from 62.7 percent in York County to 98.6 percent in Franklin County.

Dismissal rates in 1983 ranged from a low of 1.3 percent in Franklin County to a high of 21.9 in York County. In 1982, county dismissal rates ranged from 2.0 percent (Kennebec County) to 12.0 percent (York and Franklin Counties).

Dismissals for a plea of guilty to a lesser charge ranged from zero in four counties in 1983 (Androscoggin, Aroostook, Franklin and Somerset Counties) to a high of 15.9 percent in one county (Cumberland). In 1982, seven counties did not have any civil OUI cases dismissed for a plea of guilty to a lesser charge (Hancock, Kennebec, Lincoln, Piscataquis, Sagadahoc, Somerset, and Waldo Counties) while the highest rate was in Cumberland County (10.0%).

In absolute numbers, in 1983 a total of 1011 civil OUI cases were dismissed (including dismissals for a guilty plea to a lesser charge) compared to 526 such dismissals during the prior reporting period.

Sentencing. In 1983, the average fine ranged from \$250 in Washington County to \$329 in Franklin County. Although all county averages were above the mandatory minimum (\$250), courts in five counties imposed fines of less than the mandatory minimum. The five counties were: Waldo (\$50), York (\$100), Cumberland (\$150), and Lincoln and Kennebec (\$200). In 1982, fines of less than the mandatory minimum were imposed by courts in five counties: Washington (\$50), York (\$75), Penobscot (\$150), and Androscoggin and Waldo Counties (\$200).

Average license suspension periods in 1983 ranged from 44 days in Waldo County (less than the mandatory minimum of 45 days) to 48 days in Piscataquis and Waldo Counties. In 1982, county averages ranged from 45 days in 10 counties to 54 days in Franklin County. Whereas in 1982, the data indicated that courts in six counties had imposed license suspension periods of 30 days, the 1983 data indicate that only two counties had 30-day license suspension periods. (In 1982, the counties were: Androscoggin, Cumberland, Kennebec, Lincoln, Penobscot and York; and in 1983, the counties were Cumberland and Waldo.)

Figure 9 on the following page presents civil OUI court findings and penalties by county for 1983.

Figure 9

CIVIL OUI: COURT FINDINGS AND PENALTIES BY COUNTY

(Violation Date: January 1 – December 31, 1983)

COUNTY (Superior and District Courts Combined)	COURT FINDINGS						PENALTIES													
	No. Cases	Dismissed No.	%	Dismissed Plea Lesser Charge No.	%	Not Guilty No.	%	Guilty No.	%	FINE		LICENSE SUSPENSION				JAIL SENTENCE				
										No. Fined	Avg. Fine	Range Low	High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	High	No. Jailed	Avg. Jail Sent. (Days)	Range Low
Androscoggin	272	10	3.6			1	.3	261	95.9	260	252	250	400	261	45	45	46			
Aroostook	292	17	5.8			5	1.7	270	92.4	270	253	250	400	270	48	45	365			
Cumberland	1333	158	11.8	213	15.9	18	1.3	944	70.8	942	257	150	500	944	46	30	365			
Franklin	75	1	1.3					74	98.6	74	329	250	500	74	45	45	90			
Hancock	153	30	19.6	5	3.2			118	77.1	118	256	250	400	118	45	45	45			
Kennebec	409	11	2.6	1	.2	8	1.9	389	95.1	388	259	200	500	386	45	45	45			
Knox	149	24	16.1	1	.6			124	83.2	124	299	250	500	124	45	45	90			
Lincoln	119	16	13.4	1	.8	1	.8	101	84.8	101	300	200	350	101	45	45	45			
Oxford	117	11	9.4	2	1.7	3	2.5	101	86.3	101	255	250	500	101	45	45	45			
Penobscot	417	36	8.6	5	1.1	10	2.3	366	87.7	363	251	250	500	366	45	45	90			
Piscataquis	111	22	19.8	3	2.7	5	4.5	81	72.9	81	253	250	350	81	48	45	365			
Sagadahoc	125	12	9.6	4	3.2	5	4.0	104	83.2	104	287	250	400	104	46	45	90			
Somerset	223	17	7.6			3	1.3	203	91.0	203	321	250	500	203	46	45	365			
Waldo	104	17	16.3	4	3.8	1	.9	82	78.8	82	253	50	500	82	44	30	45			
Washington	151	21	13.9	10	6.6	13	8.6	107	70.8	107	250	250	350	107	46	45	90			
York	1021	224	21.9	135	13.2	21	2.0	641	62.7	641	253	100	500	639	45	45	90			
STATEWIDE	5071	627	12.3	384	7.5	94	1.8	3966	78.2	3959	263	50	500	3961	45	30	365			

Criminal OUI

Case Dispositions. County conviction rates increased in criminal OUI cases in 1983 as compared to 1982. In 1983, county conviction rates ranged from a low of 87.2 percent (York County) to a high of 98.2 percent (Piscataquis County) -- a range of 11.0 percent. The range in 1982 cases was 21.0 percent with the conviction rates ranging from 74.0 percent (Franklin County) to 95.0 percent (Hancock County).

The lowest dismissal rate in 1983 was in Somerset County (1.1%) and the highest was in Hancock County (14.2%). In 1982, the lowest dismissal rate was in Waldo County (1.0%) and the highest was in Franklin County (26.0%).

A substantially smaller percentage of the criminal OUI cases were dismissed for a plea of guilty to a lesser charge in 1983. In absolute numbers, 158 cases were dismissed for a plea to a lesser charge in 1982 whereas in 1983 only 50 cases resulted in such outcome. The data indicate that in 1982, three counties did not have any criminal OUI cases dismissed for a plea to a lesser charge and in 1983, 10 counties did not have any.

Sentencing. Upon conviction, fines were imposed in 99.0 percent of the criminal OUI cases in 1983; in 1982 fines were imposed by the courts in 98.8 percent of the convictions. The 1983 county averages were all above the mandatory minimum of \$350 ranging from an average of \$356 in Piscataquis County to \$454 in Somerset County. However, in terms of the individual fines imposed by the courts, 10 counties showed fines of less than the mandatory minimum -- as low as \$100 in Lincoln and Washington Counties.

The 1983 county averages for license suspension periods were substantially above the mandatory minimum of 90 days and were substantially greater than in 1982. The average license suspension period in 1983 ranged from a low of 107 days (Sagadahoc County) to a high of 149 days (Washington County). In 1982, the low was 89 days (Piscataquis and York Counties) and the high was 115 days (Franklin County). Individual license suspension periods imposed by the courts in 1983, however, were less than the mandatory minimum in several counties. Licenses were suspended for 30 days in one county (York), for 45 days in four counties (Franklin, Hancock, Kennebec and Lincoln), and for 60 days in two counties (Androscoggin and Piscataquis).

Jail sentences in 1983 ranged from an average of 4 days (Washington County) to 26 days (Somerset County). County averages in 1982 ranged from 3 days in five counties to 7 days in two counties. In terms of the individual jail sentences, less than the mandatory minimum jail sentence was imposed in Androscoggin and Piscataquis Counties (1-day jail sentence).

Additional county statistics pertaining to 1983 criminal OUI dispositions and penalties imposed by the courts are presented in Figure 10.

Figure 10

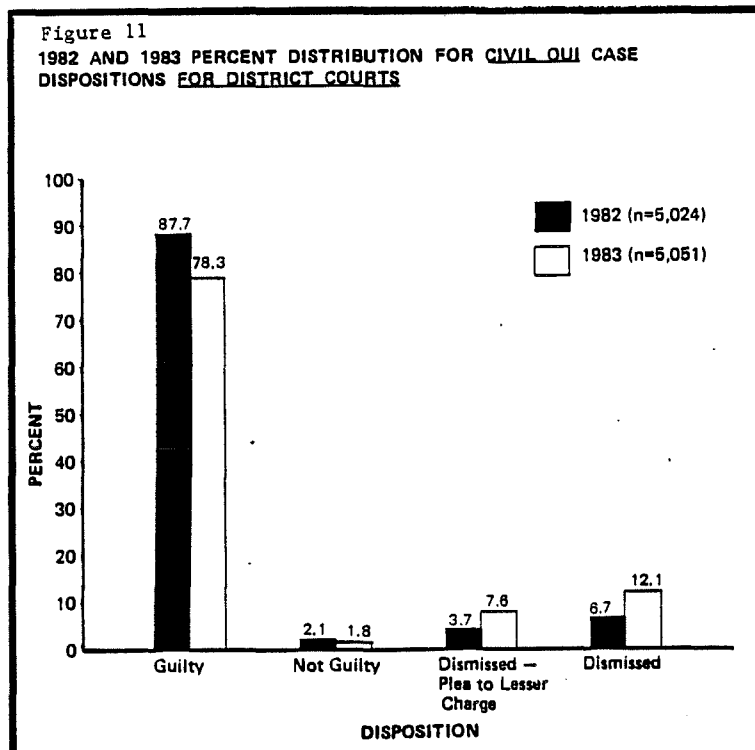
CRIMINAL OUI: COURT FINDINGS AND PENALTIES BY COUNTY
(Violation Date: January 1 – December 31, 1983)

COUNTY (Superior and District Courts Combined)	COURT FINDINGS								PENALTIES												
	No. Cases	Dismissed No. %		Dismissed Plea Lesser Charge No. %		Not Guilty No. %		Guilty No. %		FINE				LICENSE SUSPENSION				JAIL SENTENCE			
										No. Fined	Avg. Fine	Range Low High		No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High		No. Jailed	Avg. Jail Sent. (Days)	Range Low High	
Androscoggin	255	15	5.8				240	94.1	239	363	250	750	232	113	60	365	239	7	1	365	
Aroostook	268	8	2.9			5	1.8	255	95.1	253	367	175	800	251	133	90	365	252	11	2	240
Cumberland	597	61	10.2	23	3.8	1	1.1	512	85.7	509	368	150	1000	505	112	90	365	503	5	2	364
Franklin	66	4	6.0			1	1.5	61	92.4	56	431	350	750	61	125	45	365	60	14	2	120
Hancock	112	16	14.2					96	85.7	88	402	250	750	90	123	45	365	94	9	2	180
Kennebec	407	6	1.4			7	1.7	394	96.8	394	422	250	1000	392	135	45	365	392	9	2	180
Knox	116	14	12.0					102	87.9	102	446	350	1000	101	133	90	365	102	13	2	364
Lincoln	101	11	10.8	1	.9			89	88.1	87	441	100	1000	88	122	45	365	88	10	2	270
Oxford	82	8	9.7					74	90.2	74	383	350	1000	72	120	90	365	73	8	2	181
Penobscot	337	9	2.6	7	2.0	4	1.1	317	94.0	312	384	300	1000	308	142	90	365	315	12	2	364
Piscataquis	58	1	1.7					57	98.2	56	356	350	500	55	119	60	365	57	12	1	364
Sagadahoc	104	8	7.6			2	1.9	94	90.3	94	388	350	700	94	107	90	365	94	6	2	90
Somerset	169	2	1.1	1	.5	1	.5	165	97.6	164	454	350	750	162	129	90	365	163	26	2	365
Waldo	77	4	5.1					73	94.8	73	385	250	750	72	140	90	365	73	6	2	110
Washington	93	3	3.2	1	1.0	1	1.0	88	94.6	88	372	100	600	86	149	90	365	86	4	2	60
York	399	32	8.0	17	4.2	2	.5	348	87.2	347	364	250	1000	348	134	30	825	338	7	2	364
STATEWIDE	3241	202	6.2	50	1.5	24	.7	2965	91.4	2936	389	100	1000	2917	127	30	825	2929	9	1	365

DISTRICT COURT OUI STATISTICS

Civil OUI

Case Dispositions. The civil OUI conviction rate in Maine District Courts decreased from 87.4 percent in 1982 to 78.3 percent in 1983. The percentage of cases dismissed (straight dismissals and dismissals for a plea to a lesser charge) almost doubled in 1983. The combined dismissal rate increased from 10.4 percent in 1982 to 19.7 percent in 1983. (Figure 11)



The range in District Court conviction rates increased from 30.0 percent to 44.8 percent in 1983. In 1982, the lowest District Court conviction rate was 70.0 percent (Biddeford) and the highest was 100.0 percent (Bar Harbor). In 1983, however, the lowest conviction rate was 55.2 percent (Biddeford) and the highest was 100.0 percent in three District Courts (Lewiston, South Paris and Van Buren).

In 1982, the highest dismissal rate for a plea to a lesser charge was 10.0 percent in three District Courts (Bridgton, Brunswick and Portland) and in 1983, the highest dismissal rate was 19.3 percent (Brunswick). In terms of straight dismissals, the highest rate in 1982 was 19.0 percent (Livermore) and in 1983 it was 35.0 percent (Biddeford).

Sentencing. Fines were imposed by District Courts in 99.9 percent of the convictions (1983 civil OUI violations); fines were also imposed in 99.9 percent of the convictions during the previous reporting period. In 1983 civil OUI cases, fines were not imposed in 100.0 percent of the convictions in four District Courts (Lewiston, Bangor, Millinocket and Portland); in 1982, three District Courts did not impose fines in all convictions (Lewiston, Bangor and Skowhegan). (Figure 12)

Figure 12
1982 AND 1983 CIVIL OUI:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE DISTRICT COURTS

DISPOSITION	1982 No. %	1983 No. %	% CHANGE 1982 to 1983
Guilty	4,391 87.4	3,958 78.3	(-)9.1
Not Guilty	107 2.1	93 1.8	(-)1.3
Dismissed - PLC*	185 3.7	384 7.6	(+)3.9
Dismissed	341 6.7	616 12.1	(+)5.4
Total No. Cases	5,024	5,051	
* PLC = Plea to Lesser Charge			
PENALTIES	1982	1983	CHANGE FROM 1982 to 1983
FINE			
• No. and % Fined	4,387 (99.9)	3,952 (99.9)	• No Change
• Average Fine	\$260	\$263	• (+)\$3
• Low-High	\$50-\$500	\$50-\$500	• No Change
LIC. SUSPENSION			
• No. & % Lic. Susp.	4,322 (98.4)	3,954 (99.9)	• (+)1.5%
• Average License Suspension Period	46 Days	45 Days	• (-)1 Day
• Low-High	30-183 Days	30-365 Days	• (+)182 Days
JAIL SENTENCE			
• No. & % Jail Sent.	14 (0.3)	None	
• Average Jail Sent.	11 Days		
• Low-High	2-60 Days		

The average fine increased from \$260 (1982 convictions) to \$263 (1983 convictions). During both reporting periods the lowest fine imposed by the courts was \$50 and the greatest fine was \$500. In 1983, four District Courts imposed fines of less than the mandatory minimum of \$250; they were Augusta, Biddeford, Portland and Wiscasset. In 1982, fines of less than \$250 were imposed by five courts: Bangor, Belfast, Biddeford, Calais and Lewiston.

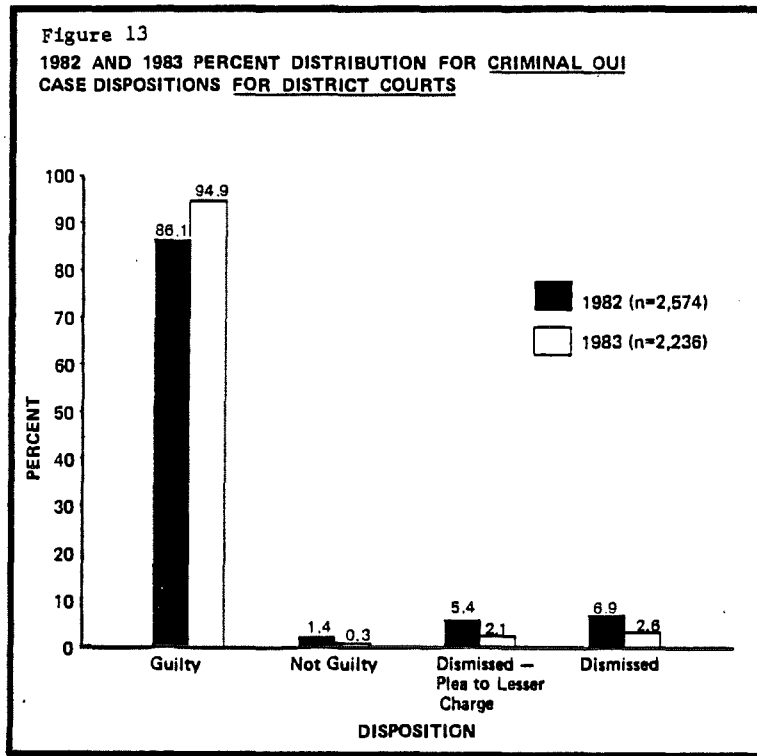
District Courts suspended licenses with greater frequency in 1983 (99.9%) OUI convictions than in 1982 (98.4%). The average license suspension period, however, decreased slightly. The average in 1982 was 46 days whereas in 1983 it was 45 days.

The 1983 individual District Court averages were all 45 days or greater with one exception; the Belfast District Court imposed an average license suspension period of 44 days. Fewer District Courts suspended licenses for less than 45 days in 1983 than in 1982. In 1982, licenses were suspended for as low as 30 days in six District Courts (Augusta, Bangor, Biddeford, Lewiston, Portland and Wiscasset). In 1983, however, the data indicate that only two District Courts suspended licenses for 30 days (Belfast and Portland).

Additional civil OUI statistics by District Court are contained in Appendix A, Figure A-3.

Criminal OUI

Case Dispositions. The criminal OUI conviction rate increased from 86.1 percent in 1982 to 94.9 percent in 1983 in Maine District Courts. The dismissal rate (dismissals for a plea to a lesser charge and straight dismissals) decreased in 1983 by about 7.6 percent. (Figure 13)



Eight District Courts had criminal OUI conviction rates of 100.0 percent in 1983: Bridgton, Farmington, Fort Kent, Lewiston, Madawaska, Saco, Van Buren and Waterville. In 1982, only four District Courts had conviction rates of 100.0 percent: Fort Kent, Madawaska, South Paris and Van Buren.

The highest dismissal rate in 1983 was 13.3 percent (Bar Harbor) while in 1982 it was 31.0 percent (Livermore Falls). In 1982, the highest rate of dismissals for a plea to a lesser charge was 13.0 percent (Biddeford) and in 1983 the highest dismissal rate was 19.0 percent (Lincoln).

Sentencing. Fines in 1983 were imposed by District Courts in 99.3 percent of the criminal OUI convictions -- the same as in 1982 convictions. The average fine imposed in 1983 (\$384) by the District Courts was greater than the average fine in 1982 (\$372).

In 1983, 26 District Courts imposed fines in 100.0 percent of the criminal OUI convictions. In addition, the 1983 court averages (fines) were all equal to or greater than the mandatory minimum fine of \$350. However, the data indicate that 11 of the 33 District Courts imposed individual fines of less than the mandatory minimum ranging from \$100 to \$300. (In 1982, 13 District Courts imposed fines of less than the mandatory minimum.) During both reporting periods (1982 and 1983), the maximum fine imposed was \$1000.

As depicted in Figure 14, licenses were suspended more frequently in 1983 by the District Courts and, in addition, the license suspension periods tended to be longer. In 1983, licenses were suspended in 99.2 percent of the convictions whereas in 1982 they were suspended in 96.3 percent of the convictions. The average license suspension period increased from 95 days (1982) to 130 days (1983). However, the 1983 data indicate that less than the mandatory minimum of 90 days was imposed by six courts: Augusta, Biddeford, Ellsworth, Farmington, Lewiston, and Wiscasset.

Figure 14
1982 AND 1983 CRIMINAL OUI:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE DISTRICT COURTS

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	2,216	86.1	2,122	94.9	(+) 8.8
Not Guilty	38	1.4	8	0.3	(-) 1.1
Dismissed - PLC*	140	5.4	47	2.1	(-) 3.3
Dismissed	180	6.9	59	2.6	(-) 4.3
Total No. Cases	2,574		2,236		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	2,200(99.3)		2,106(99.3)		• No Change
• Average Fine	\$372		\$384		• (+) \$12
• Low-High	\$50-\$1000		\$100-\$1000		• (+) \$50
LIC. SUSPENSION					
• No. & % Lic. Susp.	2,135(96.3)		2,105(99.2)		• (+) 2.9%
• Average License Suspension Period	95 Days		130 Days		• (+) 35 Days
• Low-High	30-365 Days		30-365 Days		• No Change
JAIL SENTENCE					
• No. & % Jail Sent.	2,125(95.9)		2,092(98.6)		• (+) 2.7%
• Average Jail Sent.	4 Days		6 Days		• (+) 2 Days
• Low-High	1-243 Days		1-364		• (+) 121 Days

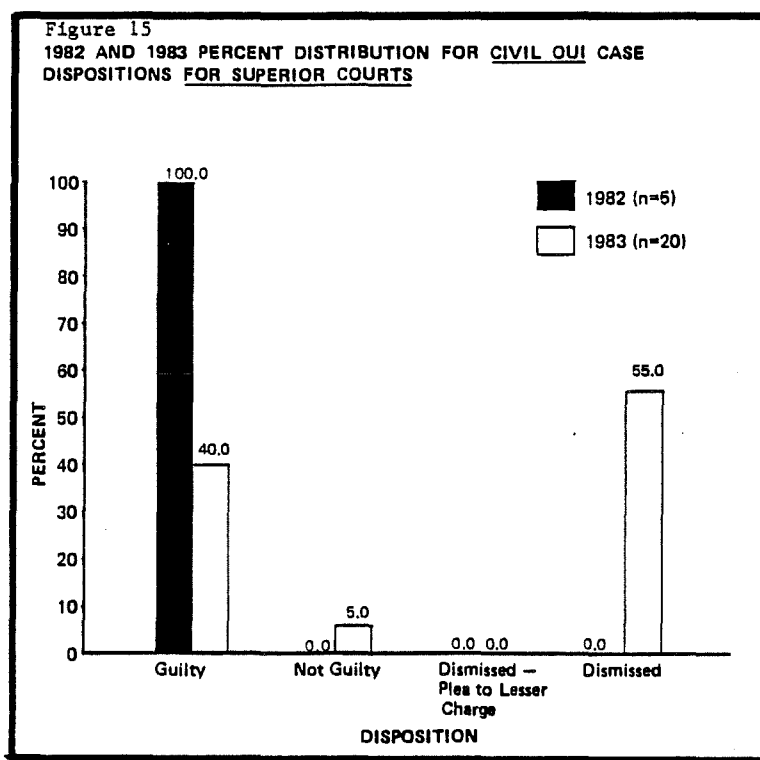
As also depicted in Figure 14, District Courts imposed jail sentences with greater frequency in 1983 than they did in 1982; and, the jail sentences tended to be greater. Jail sentences were imposed in 98.6 percent of the 1983 convictions whereas in 1982 they were imposed in 95.9 percent of the convictions. The average jail sentence increased from 4 days in 1982 to 6 days in 1983 criminal OUI convictions. Only two District Courts imposed less than the mandatory minimum of a 2-day jail sentence in 1983; they were Dover-Foxcroft and Lewiston. The longest jail sentence in 1983, however, was also imposed by Dover-Foxcroft (364 days). The longest jail sentence imposed in 1982 was 243 days (Presque Isle).

Figure A-4 in Appendix A contains individual court statistics pertaining to court findings and sentencing related to 1983 criminal OUI violations.

SUPERIOR COURT OUI STATISTICS

Civil OUI

Case Dispositions. A total of 20 civil OUI cases with violation dates of 1983 were adjudicated by Maine Superior Courts as of January 10, 1985 -- the date statistics were generated for this report. The 1983 conviction rate was 40.0 percent (8 cases) and the dismissal rate was 55.0 percent (11 cases). As shown in Figure 15, the conviction rate in 1982 was substantially greater. (It should be noted, however, that at the time 1981-82 data were collected in the courts, of the 32 civil OUI cases identified in the 16 Superior Courts all but 5 were still pending -- the 5 cases that had been adjudicated all resulted in convictions.)



Sentencing. Fines were imposed by the Superior Courts in 7 of the 8 convictions (87.5%). The average fine imposed in 1983 was \$278 compared to \$250 in 1982 -- the highest fine in 1983 was \$450.

As shown in Figure 16, licenses were suspended in 7 of the 8 civil OUI 1983 convictions (87.5%). The average license suspension period imposed by Superior Courts in 1983 was the same as in 1982 — 45 days.

Figure 16

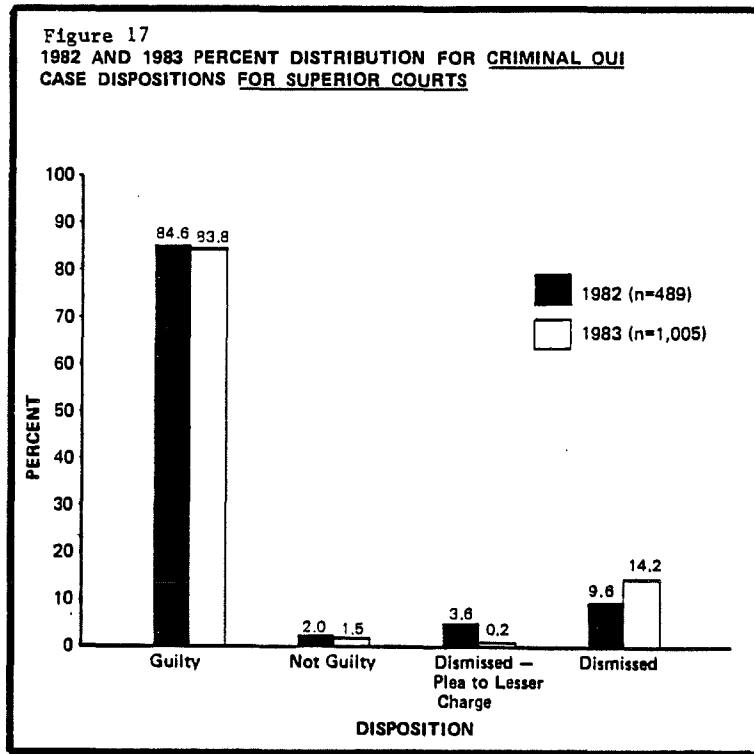
**1982 AND 1983 CIVIL OUI:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE SUPERIOR COURTS**

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	5	100.0	8	40.0	(-)60.0
Not Guilty	0	0.0	1	5.0	(+)5.0
Dismissed — PLC*	0	0.0	0	0.0	
Dismissed	0	0.0	11	55.0	(+)55.0
Total No. Cases	5		20		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	5	(100.0)	7	(87.5)	• (-)12.5%
• Average Fine	\$250		\$278		• (+)\$28
• Low—High	\$250—\$250		\$250—\$450		• (+)\$200
LIC. SUSPENSION					
• No. & % Lic. Susp.	5	(100.0)	7	(87.5)	• (-)12.5%
• Average License Suspension Period	45 Days		45 Days		• No Change
• Low—High	45—45 Days		45—45 Days		• No Change
JAIL SENTENCE					
• No. & % Jail Sent.	None		None		None
• Average Jail Sent.					
• Low—High					

Disposition and sentencing data are presented for each Superior Court in Appendix A, Figure A-5.

Criminal OUI

Case Disposition. As shown in Figure 17, the criminal OUI conviction rate in Maine Superior Courts decreased from 84.6 percent in 1982 to 83.8 percent in 1983. Findings of not guilty decreased slightly in 1983 as did dismissals for a guilty plea to a lesser charge. Straight dismissals, however, increased from 9.6 percent in 1982 to 14.2 percent in 1983.



Sentencing. The frequency with which Superior Courts imposed fines, jail sentences and suspended licenses increased in 1983. In addition, the penalties imposed by Superior Courts in 1983 violations were more severe than those imposed during the previous reporting period.

In 1983, fines were imposed in 98.5 percent of the convictions compared to 98.1 in 1982. The average fine increased from \$389 to \$403, however, data indicate that fines of less than the mandatory minimum were imposed in 1983.

The frequency with which Superior Courts imposed jail sentences increased from 98.3 percent of the convictions in 1982 to 99.3 percent in 1983. The average jail sentence also increased from 9 days (1982) to 17 days (1983). (Figure 18)

Figure 18

**1982 AND 1983 CRIMINAL OUI:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE SUPERIOR COURTS**

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	414	84.6	843	83.8	(-)0.8
Not Guilty	10	2.0	16	1.5	(-)0.5
Dismissed - PLC*	18	3.6	3	0.2	(-)3.4
Dismissed	47	9.6	143	14.2	(+)4.6
Total No. Cases	489		1,005		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	398	(98.1)	830	(98.5)	• (+)0.4%
• Average Fine	\$389		\$403		• (+)\$14
• Low-High	\$250-\$1000		\$175-\$1000		• (-)\$75
LIC. SUSPENSION					
• No. & % Lic. Susp.	334	(80.6)	812	(96.3)	• (+)15.7%
• Average License Suspension Period	99 Days		122 Days		• (+)23 Days
• Low-High	30-365 Days		60-825 Days		• (+)30-460 Days
JAIL SENTENCE					
• No. & % Jail Sent.	407	(98.3)	837	(99.3)	• (+)1.0%
• Average Jail Sent.	9 Days		17 Days		• (+)8 Days
• Low-High	2-304 Days		2-365 Days		• (+)61 Days

Figure A-6 in Appendix A of this report contains additional Superior Court disposition and sentencing statistics for 1983.

DRIVER EDUCATION EVALUATION PROGRAM

MRSA 29 §1312-D(2) states that "following the expiration of 2/3 of the total period of suspension imposed pursuant to . . . §1312-B or §1312-C . . . , the Secretary of State may issue a license or permit to the person if he receives written notice that the person has satisfactorily completed the alcohol education program of the Department of Human Services and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved by the Department."

Additionally, Maine's Secretary of State, in a memo issued August 12, 1981, stated that "all people (convicted under §1312-B and §1312-C) must have completed such alcohol counseling and education as the Department of Human Services shall have prescribed, prior to the restoration of any type of license whatsoever."

In 1983 and 1984, about 14,832 OUI offenders participated in and met all DEEP requirements; 3,495 (23.6%) of whom had a 1983 OUI violation date.

As previously noted, 6,931 drivers with a 1983 OUI violation had been convicted as of January 10, 1985 and, as of that same date, 50.4 percent (3,495 drivers) had met all DEEP requirements. Sixty-five percent of the DEEP participants (2,279) met the DEEP requirement by completing the 10-hour Department of Human Services, Driver Education Evaluation Program. A total of 1,216 (34.8%) of the DEEP participants met the requirement by completing both the 10-hour program, as well as additional evaluation/rehabilitation.

At the time the 1982 OUI Report was prepared (December 1982) 50.5 percent of the OUI offenders (with a violation and conviction date of September 18, 1981 - September 17, 1982) had met all the DEEP requirements necessary for license restoration. Of the 3,793 who met all the requirements, 31.1 percent (1,180 drivers) were required to have an additional evaluation conducted and, if indicated, they also had to participate in and complete treatment/rehabilitation.

As shown in Table 19 on the following page, 38 of the DEEP completors were convicted of a subsequent OUI violation and 20 were convicted for OAS. Subsequent violations and convictions had to occur during calendar year 1983 for inclusion in this report which may explain the relatively low recidivism rate.

Figure 19
 OUI CONVICTIONS, DRIVER EDUCATION EVALUATION PROGRAM (DEEP) COMPLETION
 & RECIDIVISM RATES FOR PROGRAM COMPLETORS BY COUNTY

COUNTY	Number OUI Convictions	DRIVER EDUCATION EVALUATION AND REHABILITATION						SUBSEQUENT CONVICTIONS (DEEP COMPLETORS)					
		Met All DEEP Requirements		Completed 10-Hr. Program		Completed 10-Hr. Program & Other Add'l Eval.-Rehab.		RECIDIVISM RATES BY OFFENSE					
		No.	%	No.	%	No.	%	OUI		OAS		Habitual Offender	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Androscoggin	501	219	43.7	144	65.8	75	34.2	2	0.9	1	0.5		
Aroostook	525	283	53.9	195	68.9	88	31.1	3	1.1	4	1.4		
Cumberland	1,456	654	44.9	400	61.2	254	38.8	6	0.9	2	0.3		
Franklin	135	38	28.1	29	76.3	9	23.7	0		0			
Hancock	214	94	43.9	51	54.3	43	45.7	1	1.1	0			
Kennebec	783	350	44.7	222	63.4	128	36.6	3	0.9	3	0.9		
Knox	226	92	40.7	69	75.0	23	25.0	1	1.1	2	2.2		
Lincoln	190	97	51.1	61	62.9	36	37.1	0		0			
Oxford	175	75	42.9	47	62.7	28	37.3	1	1.3	0			
Penobscot	683	422	61.8	250	59.2	172	40.8	7	1.7	1	0.2		
Piscataquis	138	64	46.4	46	71.9	18	28.1	1	1.6	0			
Sagadahoc	198	102	51.5	61	59.8	41	40.2	0		0			
Somerset	368	165	44.8	117	70.9	48	29.1	2	1.2	1	0.6		
Waldo	155	93	60.0	57	61.3	36	38.7	2	2.2	1	1.1		
Washington	195	94	48.2	54	57.4	40	42.6	1	1.1	0			
York	989	441	44.6	318	72.1	123	27.9	7	1.6	4	0.9		
Unknown	-	212	-	158	-	54	-	1	0.5	1	0.5		
TOTAL	6,931	3,495	50.4	2,279	65.2	1,216	34.8	38	1.1	20	0.6		

III

OPERATING AFTER SUSPENSION

SUMMARY OF 1983 OPERATING AFTER SUSPENSION (OAS) STATISTICS

- 3,940 Cases Adjudicated by the Courts as of January 10, 1985 (1983 Violation Date)

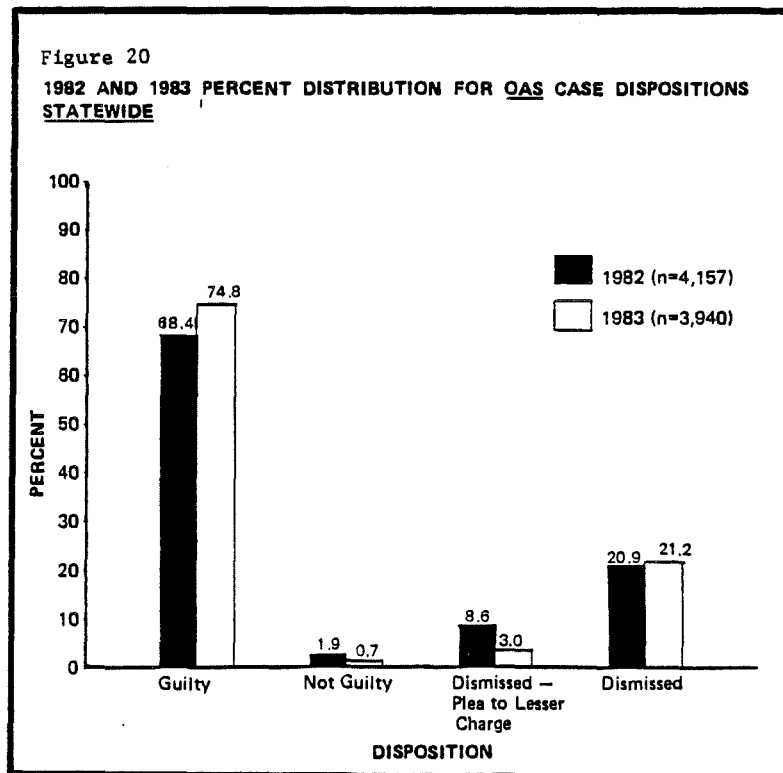
DISPOSITION OF 1983 OAS CASES

• Guilty	2,951	74.8%
• Not Guilty	31	0.7%
• Dismissed-Plea to Lesser Charge	122	3.0%
• Dismissed	836	21.2%

STATEWIDE OAS STATISTICS

Case Dispositions

The OAS conviction rate increased from 68.4 percent in 1982 to 74.8 percent in 1983. As depicted in Figure 20, the dismissal rate increased slightly in 1983 and the dismissals for a plea of guilty to a lesser charge decreased somewhat.



Sentencing

As shown in Figure 21, fines were imposed by the courts in 89.4 percent of the OAS convictions in 1983 compared to 94.9 percent in 1982. The average fine imposed by the courts in 1983 was \$131 while in 1982 it was \$218.

Additional license suspension periods were imposed in 3.7 percent of the 1983 OAS convictions; in 1982 license suspension periods were extended in 6.5 percent of the convictions. The average additional suspension period imposed by the courts in 1983 was shorter than in 1982; 281 days compared to 303 days. In 1983, the additional license suspension periods ranged from 30 to 365 days whereas in 1982 they ranged from 7 to 1096 days.

Courts imposed fewer jail sentences in 1983 than in 1982. In 1982, jail sentences were imposed in 18.9 percent of the convictions compared to 14.2 percent in 1983. The average jail sentence in 1983, however, was longer -- 22 days as compared to 14 days in 1982.

Figure 21

**1982 AND 1983 OAS VIOLATIONS:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE COURTS**

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	2,846	68.4	2,951	74.8	(+)6.4
Not Guilty	80	1.9	31	0.7	(-)1.2
Dismissed -- PLC*	360	8.6	122	3.0	(-)5.6
Dismissed	871	20.9	836	21.2	(+)0.3
Total No. Cases	4,157		3,940		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	2,701	(94.9)	2,638	(89.4)	• (-)5.5%
• Average Fine	\$218		\$127		• (-)\$91
• Low-High	\$25-\$1000		\$25-\$1000		• No Change
LIC. SUSPENSION					
• No. & % Lic. Susp.	186	(6.5)	109	(3.7)	• (-)2.8%
• Average License Suspension Period	303 Days		281 Days		• (-)22 Days
• Low-High	7-1096 Days		30-365 Days		• (+)23 Days • (-)731 Days
JAIL SENTENCE					
• No. & % Jail Sent.	539	(18.9)	419	(14.2)	• (-)4.7%
• Average Jail Sent.	14 Days		22 Days		• (+)8 Days
• Low-High	1-335 Days		1-364 Days		• (-)1 Day

COUNTY OAS STATISTICS

Case Dispositions

OAS county conviction rates in 1983 ranged from 63.7 percent (York) to 92.3 percent (Androscoggin) and 91.8 percent (Kennebec). [In 1982, York County had the lowest OAS conviction rate (49.0%) and Knox County had the highest rate (79.0%).]

The 1983 OAS dismissal rate was highest in Lincoln County (30.3%) and lowest in Androscoggin County (5.6%). Cumberland County had the lowest dismissal rate in 1982 (13.0%) while Waldo had the highest rate (30.0%). In 1983, four counties did not have any OAS cases dismissed for a plea to lesser charge. Those counties were: Franklin, Knox, Lincoln and Waldo. York County had the highest dismissal rate (plea to lesser charge) in 1983 (6.6%)

Sentencing

In 1983, fines were imposed in 89.4 percent of the OAS convictions ranging from an average of \$101 (Washington) to \$216 (Somerset). In 1982 the fines ranged from an average of \$158 (Washington) to \$320 (Somerset). The average fine in 1983 was \$127.

Additional license suspension periods were imposed by the courts in 3.7 percent of the convictions in 1983. These additional license suspension periods ranged from an average of 90 days (Waldo) to 365 days (Knox and York Counties). Individual additional license suspension periods imposed by the courts ranged from 30 to 365 days.

Jail sentences were imposed by the courts in 16.0 percent of the 2,951 OAS convictions (419 cases). The average jail sentence was 22 days and the county averages ranged from 7 days (Hancock, Lincoln and Sagadahoc) to 41 days (Kennebec). The individual jail sentences ranged from 1 day to 364 days. (Additional OAS county statistics are presented in Figure 22.)

Figure 22

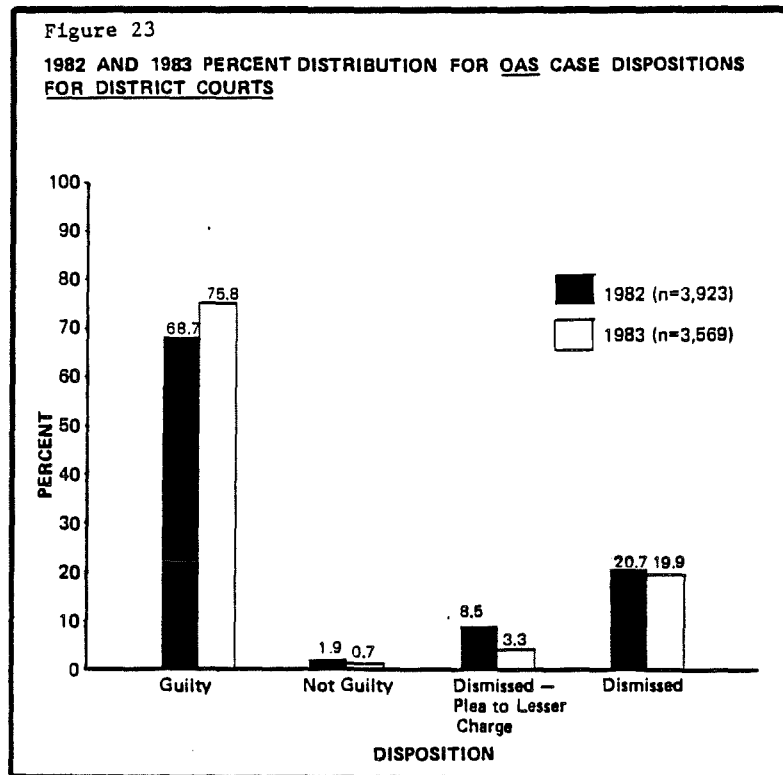
OPERATING AFTER SUSPENSION: COURT FINDINGS AND PENALTIES BY COUNTY
(Violation Date: January 1 – December 31, 1983)

COUNTY (Superior and District Courts Combined)	COURT FINDINGS								PENALTIES									
	No. Cases	Dismissed		Dismissed Plea Lesser Charge		Not Guilty		Guilty		FINE			LICENSE SUSPENSION			JAIL SENTENCE		
		No.	%	No.	%	No.	%	No.	%	No. Fined	Avg. Fine	Range Low High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High
Androscoggin	248	14	5.6	5	2.0			229	92.3	217	109	50 350	10	333	45 365	23	11	2 60
Aroostook	209	28	13.3	1	.4	2	.9	178	85.1	140	142	50 1000	8	285	30 365	42	22	2 210
Cumberland	967	244	25.2	43	4.4	5	.5	675	69.8	628	116	25 500	25	236	30 365	69	20	1 364
Franklin	42	10	23.8					32	76.1	29	200	50 600				9	13	2 30
Hancock	124	37	29.8	1	.8	1	.8	85	68.5	78	119	50 500	2	227	90 365	5	7	5 10
Kennebec	354	21	5.9	2	.5	6	1.6	325	91.8	266	148	25 1000	12	314	30 365	70	41	2 364
Knox	119	21	17.6			3	2.5	95	79.8	87	118	25 500	1	365	365 365	12	16	1 90
Lincoln	79	24	30.3			1	1.2	54	68.3	46	127	50 350	2	197	30 365	10	7	1 25
Oxford	88	18	20.4	3	3.4			67	76.1	66	131	35 750				6	24	2 120
Penobscot	345	67	19.4	2	.5	8	2.3	268	77.6	246	145	25 500	18	349	90 365	40	18	2 180
Piscataquis	53	10	18.8	1	1.8	1	1.8	41	77.3	28	166	50 500	3	263	60 365	16	14	2 30
Sagadahoc	114	31	27.1	2	1.7			81	71.0	74	140	50 500	3	273	90 365	13	7	2 20
Somerset	178	28	15.7	3	1.6			147	82.5	112	216	50 700	12	200	30 365	45	31	2 270
Waldo	65	15	23.0			2	3.0	48	73.8	41	109	25 350	2	90	90 90	9	28	5 90
Washington	99	16	16.1	2	2.0	1	1.0	80	80.8	73	101	25 350	3	263	60 365	8	11	7 30
York	856	252	29.4	57	6.6	1	.1	546	63.7	507	103	25 700	8	365	365 365	42	12	2 90
STATEWIDE	3940	836	21.2	122	3.0	31	.7	2951	74.8	2638	127	25 1000	109	281	30 365	419	22	1 364

DISTRICT COURT OAS STATISTICS

Case Disposition

As shown in Figure 23, the OAS conviction rate in Maine District Courts increased from 68.7 percent in 1982 to 75.8 percent in 1983 and dismissal rates decreased somewhat.



In 1983, seven District Courts had OAS conviction rates of 100.0 percent. The lowest OAS conviction rate in 1983 was in the Biddeford District Court (52.5%) -- Biddeford also had the highest dismissal rate (46.1%).

Sentencing. Fines, license suspensions, and jail sentences were not imposed by the courts as frequently in 1983 as in 1982. The average fine imposed by District Courts was \$120 in 1983 compared to \$214 in 1982. The fines ranged from \$25 to \$1000 during both reporting periods.

License suspension periods were extended in only 3.5 percent of the convictions in 1983 ranging from one day to 365 days. The average license suspension period was 284 days in 1983 whereas in 1982 it was 301 days.

Of the 2,708 OAS convictions in 1983, jail sentences were imposed in only 320 cases (11.8%). The average jail sentence, however, increased from 11 days in 1982 to 18 days in 1983. (Figure 24)

Figure 24

**1982 AND 1983 OAS VIOLATIONS:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE DISTRICT COURTS**

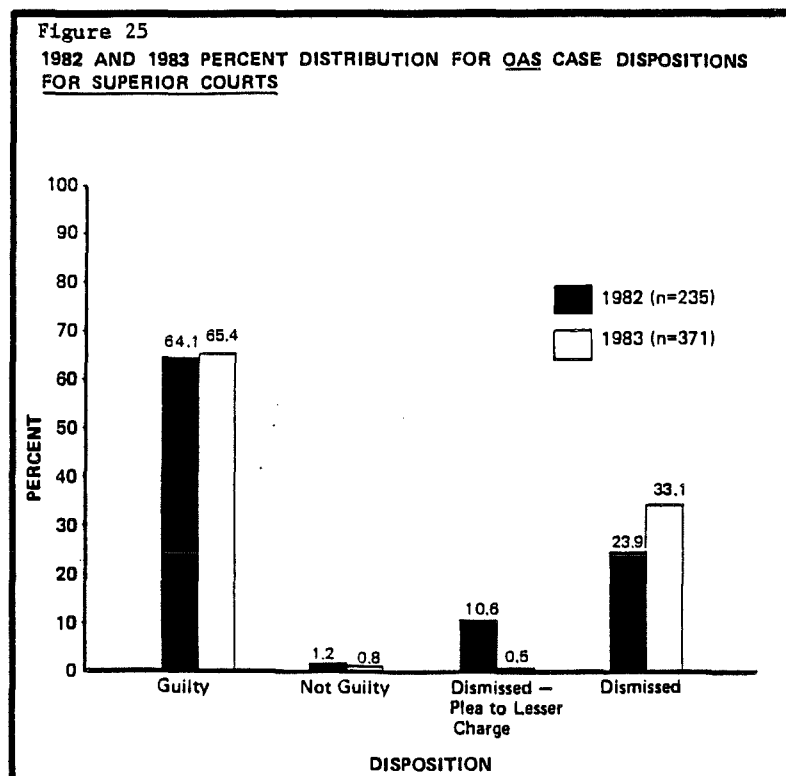
DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	2,696	68.7	2,708	75.8	(+)7.1
Not Guilty	77	2.0	28	0.7	(-)1.3
Dismissed — PLC*	335	8.5	120	3.3	(-)5.2
Dismissed	815	20.8	713	19.9	(-)0.9
Total No. Cases	3,923		3,569		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	2,582	(95.8)	2,462	(90.9)	• (-)4.9%
• Average Fine	\$214		\$120		• (-)\$94
• Low—High	\$25—\$1000		\$25—\$1000		• No Change
LIC. SUSPENSION					
• No. & % Lic. Susp.	174	(6.5)	94	(3.5)	• (-)3.0%
• Average License Suspension Period	301 Days		284 Days		• (-)17 Days
• Low—High	7—1096 Days		1—365 Days		• (-)6 Days (-)731 Days
JAIL SENTENCE					
• No. & % Jail Sent.	419	(15.5)	320	(11.8)	• (-)3.7%
• Average Jail Sent.	11 Days		18 Days		• (+)7 Days
• Low—High	1—184 Days		1—364 Days		• (+)180 Days

Figure B-1 in Appendix B contains additional District Court OAS statistics pertaining to disposition and sentencing.

SUPERIOR COURT OAS STATISTICS

Disposition

The OAS conviction rate in Superior Courts increased from 64.1 percent in 1982 to 65.4 percent in 1983 and the dismissal rate increased in 1983. (Figure 25)



The highest 1983 OAS conviction rate (100.0%) was in Piscataquis County Superior Court -- the lowest conviction rate was in Cumberland County Superior Court (45.0%). Cumberland County Superior Court experienced the highest dismissal rate (55.0%). Only one Superior Court (York) dismissed OAS cases for a plea to a lesser charge.

Sentencing

Superior Courts imposed fewer fines, additional license suspension periods and jail sentences in 1983 OAS convictions. In 1982, Superior Courts imposed fines in 79.3 percent of the convictions compared to 72.4 percent in 1983. The average OAS fine in 1982 was also greater -- \$296 compared to \$223 in 1983. The 1983 fines ranged from \$50 in 7 Superior Courts to \$750 in one Court (Oxford). The Superior Court average fine ranged from a low of \$137 in Penobscot Superior Court to a high of \$375 in Oxford County Superior Court.

Additional license suspension periods were not imposed by 7 of the 16 Superior Courts. The remaining 9 Superior Courts imposed an average additional license suspension period of 220 days, ranging from 30 to 365 days (18 cases). (Figure 26)

All but one Superior Court (Hancock) imposed jail sentences upon conviction for an OAS offense. The average jail sentence imposed in 99 convictions was 36 days, ranging from 2 to 364 days. The Superior Court average jail sentence ranged from 8 days in Lincoln and York County Superior Courts to an average of 91 days in Penobscot County Superior Court.

Figure 26

**1982 AND 1983 OAS VIOLATIONS:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE SUPERIOR COURTS**

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	150	64.1	243	65.5	(+)1.4
Not Guilty	3	1.3	3	0.8	(-)0.5
Dismissed — PLC*	25	10.7	2	0.5	(-)10.2
Dismissed	56	23.9	123	33.1	(+)9.2
Total No. Cases	234		371		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	119	(79.3)	176	(72.4)	• (-)6.9%
• Average Fine	\$296		\$223		• (-)\$73
• Low—High	\$50—\$600		\$50—\$750		• (+)\$150
LIC. SUSPENSION					
• No. & % Lic. Susp.	12	(8.0)	18	(7.4)	• (-)0.6%
• Average License Suspension Period	334 Days		220 Days		• (-)114 Days
• Low—High	90—548 Days		30—365 Days		• (-)60 Days • (-)183 Days
JAIL SENTENCE					
• No. & % Jail Sent.	70	(46.7)	99	(40.7)	• (-)6.0%
• Average Jail Sent.	33 Days		36 Days		• (+)3 Days
• Low—High	2—335 Days		2—364 Days		• (+)29 Days

(Additional 1983 OAS disposition and sentencing data are contained in Figure B-2 of Appendix B.)

PART IV

OPERATING AFTER HABITUAL OFFENDER

SUMMARY OF 1983 OPERATING AFTER HABITUAL OFFENDER (HO) STATISTICS

- 618 Cases Adjudicated by the Courts as of January 10, 1985 (1983 Violation Date)

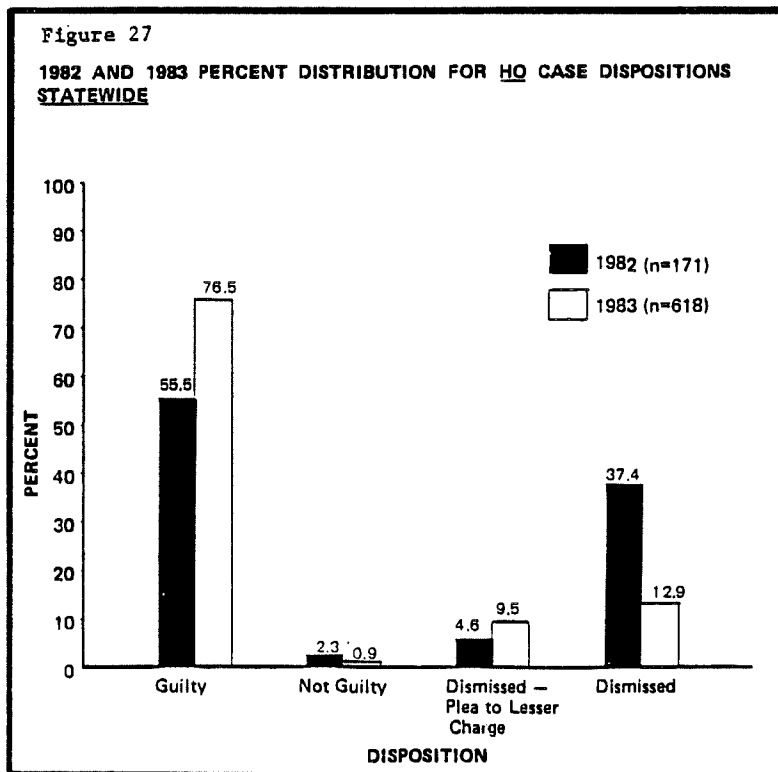
DISPOSITION OF 1983 HO CASES

• Guilty	473	76.5%
• Not Guilty	6	0.9%
• Dismissed-Plea to Lesser Charge	59	9.5%
• Dismissed	80	12.9%

STATEWIDE HO STATISTICS

Case Dispositions

The 1983, the HO conviction rate increased 21.0 percent over 1982 — the conviction rate was 55.5 percent in 1982 and 76.5 percent in 1983. The dismissal rate decreased from 37.4 in 1982 to 12.9 percent in 1983. Dismissals for a plea of guilty to a lesser charge increased from 4.6 percent in 1982 to 9.5 percent in 1983. (Figure 27)



Sentencing

As depicted in Figure 28, the percentage of 1983 HO convictions which resulted in a fine decreased from 29.4 percent (1982) to 17.1 percent (1983). The average fine imposed by the courts also decreased -- from \$529 (1982) to \$422 (1983).

The extension of license suspension periods increased in frequency in 1983 but the average additional license period remained the same (183 days). In 1982 an average extended license suspension period of 183 days was imposed in 1.1 percent (1 case) of the 95 HO convictions whereas in 1983 additional suspensions were imposed in 5.1 percent of the 473 HO convictions.

Jail sentences were imposed more frequently in 1983 than in 1982. In 1982, jail sentences were imposed in 61.0 percent of the HO convictions whereas in 1983 they were imposed in 78.4 percent of the convictions. The average jail sentence in 1983 was longer --101 days compared to 70 days in 1982.

Figure 28

1982 AND 1983 HO VIOLATIONS: STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE COURTS

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	95	55.5	473	76.5	(+)21.0
Not Guilty	4	2.3	6	0.9	(-)1.4
Dismissed -- PLC*	8	4.6	59	9.5	(+)4.9
Dismissed	64	37.4	80	12.9	(-)24.5
Total No. Cases	171		618		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	28	(29.4)	81	(17.1)	• (-)12.3%
• Average Fine	\$529		\$422		• (-)\$107
• Low-High	\$100-\$1000		\$50-\$1000		• (-)\$50
LIC. SUSPENSION					
• No. & % Lic. Susp.	1	(1.0)	24	(5.1)	• (+)4.1%
• Average License Suspension Period	183 Days		183 Days		• No Change
• Low-High	183-183 Days		60-365 Days		• (-)123 Days • (+)182 Days
JAIL SENTENCE					
• No. & % Jail Sent.	58	(61.0)	371	(78.4)	• (+)17.4%
• Average Jail Sent.	70 Days		101 Days		• (+)31 Days
• Low-High	2-365 Days		1-1825 Days		• (+)1 Day • (+)1460 Days

COUNTY HO STATISTICS

Case Dispositions

The highest 1983 HO conviction rate in 1983 was in Kennebec County (96.6%) and the lowest was in York County (50.0%). The highest dismissal rate in HO cases was in Lincoln County (50.0%) and York County had the highest dismissal rate (for a plea to a lesser charge) in 1983 (34.2%).

Sentencing

Fines were imposed in only 17.1 percent of the HO convictions (473). The lowest fine imposed in 1983 was in Penobscot County (\$50) and the greatest fine imposed was in Aroostook, Penobscot and York Counties (\$1000).

Of the total 473 convictions, license suspension periods were extended in 17.1 percent of the convictions. The shortest additional suspension period imposed was 60 days (Hancock County) and the longest suspension period was imposed in Aroostook, Kennebec and Somerset Counties (365 days).

Jail sentences were imposed by the courts in 78.4 percent of the 1983 convictions. The shortest jail sentence was imposed in Somerset County (1 day) and the longest jail sentence was imposed in Penobscot County (5 years). The average jail sentence was 101 days. (Figure 29 contains case disposition and sentencing statistics for 1983 HO violations.)

Figure 29

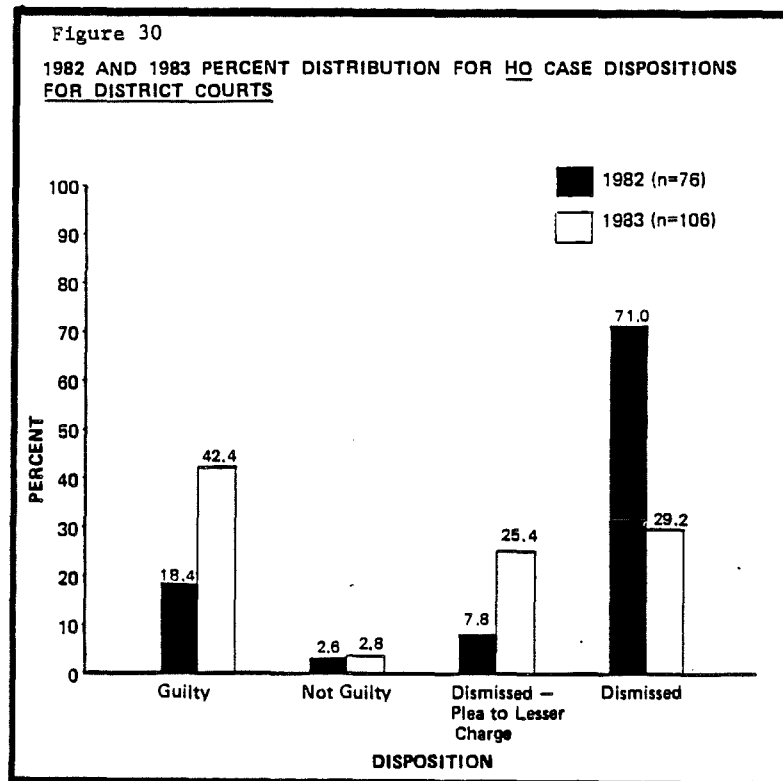
OPERATING AFTER HO: COURT FINDINGS AND PENALTIES BY COUNTY
(Violation Date: January 1 – December 31, 1983)

COUNTY (Superior and District Courts Combined)	COURT FINDINGS								PENALTIES												
	No. Cases	Dismissed		Dismissed Plea Lesser Charge		Not Guilty		Guilty	FINE				LICENSE SUSPENSION				JAIL SENTENCE				
		No.	%	No.	%	No.	%		No.	Avg. Fine	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High	
Androscoggin	52	6	11.5	4	7.6			42	80.7	7	371	200	500	1	90	90	90	36	72	4	210
Aroostook	40	1	2.5	2	5.0			37	92.5	9	576	100	1000	5	310	90	365	26	87	2	365
Cumberland	159	39	24.5	11	6.9	1	.6	108	67.9	3	300	200	350					71	79	4	365
Franklin	13	1	7.6	2	15.3			10	76.9	3	350	200	500					8	141	15	365
Hancock	28	4	14.2	1	3.5			23	82.1	9	500	250	750	2	75	50	90	18	147	7	540
Kennebec	30	1	3.3					29	96.6	6	558	350	750	2	365	365	365	25	121	7	365
Knox	21	1	4.7			2	9.5	18	85.7	4	250	100	500					17	103	3	540
Lincoln	24	6	25.0	3	12.5			15	62.5	1	300	300	300					14	54	10	90
Oxford	24	1	4.1	4	16.6			19	79.1	5	370	250	500					16	94	10	420
Penobscot	71	7	9.8	3	4.2	2	2.8	59	83.0	10	430	50	1000	2	90	90	90	53	123	2	999
Piscataquis	6			2	33.3			4	66.6									2	75	60	90
Sagadahoc	16			1	6.2			15	93.7	2	300	100	500					11	63	10	240
Somerset	39	1	2.5	1	2.5			37	94.8	5	470	300	500	11	140	90	365	28	208	1	540
Waldo	19	1	5.2	1	5.2			17	89.4	8	350	250	450	1	180	180	180	16	64	14	180
Washington	6					1	16.6	5	83.3									5	162	60	330
York	70	11	15.7	24	34.2			35	50.0	9	383	100	1000					25	54	4	90
STATEWIDE	618	80	12.9	59	9.5	6	.9	473	76.5	81	422	50	1000	24	184	60	365	371	101	1	999

DISTRICT COURT HO STATISTICS

Case Dispositions

The overall 1983 HO conviction rate in the District Courts increased 24.0 percent -- in 1982 it was 18.4 percent and in 1983 it was 42.4 percent. The dismissal rate decreased from 1982 to 1983 by 41.8 percent while dismissals for a plea of guilty to a lesser charge increased in 1983 by 17.6 percent. (Figure 30)



District HO conviction rates in 1983 ranged from 100.0 percent in 8 District Courts to 8.3 percent in Biddeford. Two District courts experienced 100.0 percent dismissal rates in 1983 (Livermore and Wiscasset) and two courts had 100.0 percent dismissals for a plea to a lesser charge (Brunswick and Rumford).

Sentencing

In 1982, fines were imposed by the District Courts in 71.4 percent of the HO convictions while in 1983 a substantially smaller percentage of convictions resulted in a fine being imposed (33.1%). The average fine

imposed by the courts in 1983, however, was greater -- \$496 (1983) compared to \$415 (1982). The fines ranged from \$100 in Houlton to \$1000 in Lincoln.

Of the 45 total convictions in the District Courts, an additional license suspension period was imposed in only one case. This occurred in the Lincoln District Court where the license suspension period was extended by 90 days.

In 33 convictions (73.3%), the District Courts imposed jail sentences. (In 1982, jail sentences were imposed by the courts in 57.1 percent of the convictions.) The 1983 jail sentences ranged from 7 days (Waterville) to 548 days (Bangor). The average jail sentence in 1982 was 42 days — in 1983, however, it was 101 days.

Figure 31

**1982 AND 1983 HO VIOLATIONS:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE DISTRICT COURTS**

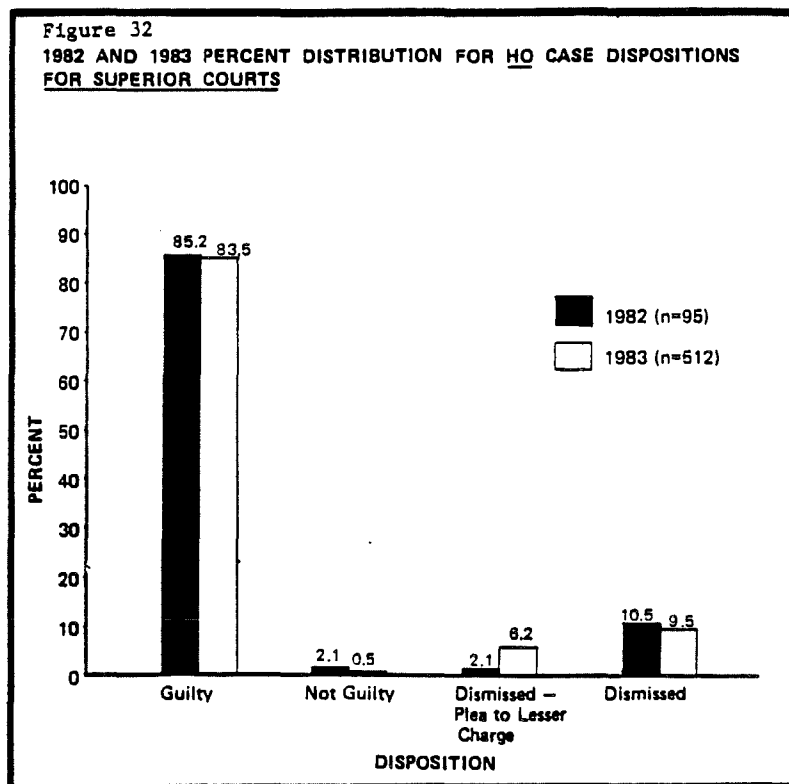
DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	14	18.4	45	42.4	(+)24.0
Not Guilty	2	2.6	3	2.8	(+) 0.2
Dismissed — PLC*	6	7.9	27	25.4	(+)17.5
Dismissed	54	71.1	31	29.2	(-)41.9
Total No. Cases	76		106		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	10	(71.4)	15	(33.3)	• (-)38.1%
• Average Fine	\$415		\$496		• (+)\$81
• Low—High	\$100—\$1000		\$100—\$1000		• No Change
LIC. SUSPENSION					
• No. & % Lic. Susp.	1	(7.1)	1	(2.2)	• (-)4.9%
• Average License Suspension Period	183 Days		90 Days		• (-)93 Days
• Low—High	183—183 Days		90—90 Days		• (-)93 Days
JAIL SENTENCE					
• No. & % Jail Sent.	8	(57.1)	33	(73.3)	• (+)16.2%
• Average Jail Sent.	42 Days		101 Days		• (+)59 Days
• Low—High	10—75 Days		7—548 Days		• (-)3 Days • (+)473 Days

(Table C-1 in Appendix C contains HO case disposition and sentencing statistics by District Court.)

SUPERIOR COURT HO STATISTICS

Case Disposition

The overall HO conviction rate in Superior Courts decreased from 85.2 percent in 1982 to 83.5 percent in 1983 and dismissals for a plea to a lesser charge increased by 4.1% in 1983. (Figure 32)



The 1983 HO conviction rates ranged from 100.0 percent in 4 Superior Courts (Hancock, Somerset, Waldo, and Washington) to 50.0 percent in one Superior Court (Piscataquis). The highest dismissal rate was 22.9 percent (Cumberland) and the highest dismissal rate for a plea to a lesser charge was 50.0 percent (Piscataquis).

Sentencing

Fines were imposed by the courts in 15.4 percent of the total HO convictions (66 out of 428) in 1983. In 1982, fines were imposed in 22.2 percent of the total HO convictions. The 1983 fines ranged from \$50 (Penobscot) to \$1000 (Aroostook, Penobscot, and York) and the average fine was \$405. The average fine in 1982 was \$592.

Additional license suspension periods were imposed by Superior Courts in 5.4 percent of the 1983 convictions (23 cases). The additional suspensions ranged from 60 days (Hancock) to 365 days (Aroostook, Kennebec and Somerset).

As also shown in Figure 33, in 79.0 percent of the 1983 HO convictions (338 cases), Superior Courts imposed jail sentences ranging from one (1) day (Somerset) to 5 years (Penobscot). The average jail sentence in 1983 was 101 days. (In 1982, jail sentences were imposed by the courts in 98.8 percent of the convictions ranging from 2 to 365 days; the average jail sentence was 73 days.)

Figure 33
1982 AND 1983 HO VIOLATIONS:
STATEWIDE DISPOSITION OF CASES AND PENALTIES
IMPOSED BY THE SUPERIOR COURTS

DISPOSITION	1982		1983		% CHANGE 1982 to 1983
	No.	%	No.	%	
Guilty	81	85.3	428	83.5	(-)1.8
Not Guilty	2	2.1	3	0.5	(-)1.6
Dismissed - PLC*	2	2.1	32	6.2	(+)4.1
Dismissed	10	10.5	49	9.5	(-)1.0
Total No. Cases	95		512		
* PLC = Plea to Lesser Charge					
PENALTIES	1982		1983		CHANGE FROM 1982 to 1983
FINE					
• No. and % Fined	18	(22.2)	66	(15.4)	• (-)6.8%
• Average Fine	\$592		\$405		• (-)\$187
• Low-High	\$200-1000		\$50-1000		• (-)\$150
LIC. SUSPENSION					
• No. & % Lic. Susp.	None		23	(5.4)	
• Average License Suspension Period			188 Days		
• Low-High			60-365 Days		
JAIL SENTENCE					
• No. & % Jail Sent.	80	(98.8)	338	(79.0)	• (-)19.8%
• Average Jail Sent.	73 Days		101 Days		• (+)28 Days
• Low-High	2-365 Days		1-1825 Days		• (-)1 Day (+)1460 Days

(Superior Court 1983 case disposition and sentencing statistics for operating after HO are contained in Table C-2 in Appendix C.

ISSUES AND RECOMMENDATIONS

After reviewing and discussing the 1983 statistics, and the 1982 data contained in the report, the OUI Work Group focused essentially on two key issues:

Issue #1: The need to establish an on-going OUI committee representing State and other agencies and organizations that have an interest in the drinking-driving problem.

The consensus of the Work Group was that an OUI on-going committee should be established to: 1) review and analyze OUI-related statistics contained in the annual OUI report; 2) share other OUI-related information and/or statistics, e.g. alcohol-related highway accidents/fatalities; 3) address data gaps and determine what, if any, action should be taken to collect data to enhance the evaluation of the effectiveness of the OUI law; and 4) develop recommendations to amend program strategies, public policy and/or legislation, if indicated.

Issue #2: The need to postpone implementing major amendments to the OUI statutes until such time as the State of Maine had sufficient experience, and data, to evaluate the effectiveness of the current OUI laws.

The consensus of the Work Group was that, other than amending statutes pertaining to repeat offenders, the OUI laws should not be otherwise revised substantially until sufficient statistics are available to evaluate the extent to which the existing public policies are ameliorating the drinking and driving problem on Maine highways.

To evaluate the impact of the new OUI laws based only on statistics for a two-year timeframe was, in the opinion of the Work Group, premature and could lead to inaccurate conclusions. In addition, the Work Group expressed some concern as related to comparing 1982 and 1983 data given that two different data collection methodologies were used during the two reporting periods for which reports have been written.

Furthermore, judgment concerning implementation, as well as effectiveness, should be reserved until the additional 904, 1983 OUI violations (inadvertently omitted from the statistics provided by DMV for this report) are examined and merged with the OUI data contained in this report.

APPENDIX O

Figure 0-1

CIVIL OUI COURT FINDINGS AND SENTENCING BASED
ON JANUARY 10, 1985 AND FEBRUARY 8, 1985 DMV DATA
(1983 VIOLATION DATE)

DISPOSITION	(1)		(2)	
	No.	%	No.	%
Guilty	3,966	78.2	4,543	80.4
Not Guilty	94	1.8	95	1.6
Dismissed — PLC*	384	7.5	384	6.7
Dismissed	627	12.3	628	11.1
Total No. Cases	5,071		5,650	
* PLC = Plea to Lesser Charge				
PENALTIES	(1)		(2)	
FINE				
● No. and % Fined	3,959	(99.8)	4,536	(99.9)
● Average Fine	\$263		\$261	
● Low—High	\$50—500		\$50—500	
LIC. SUSPENSION				
● No. & % Lic. Susp.	3,961	(99.9)	4,538	(99.9)
● Average License Suspension Period	45 Days		45 Days	
● Low—High	30—365 Days		30—365 Days	
JAIL SENTENCE				
● No. & % Jail Sent.				
● Average Jail Sent.				
● Low—High				

(1) 1/10/85 Data

(2) 2/8/85 Data

Figure 0-2

CRIMINAL OUI COURT FINDINGS AND SENTENCING BASED
ON JANUARY 10, 1985 AND FEBRUARY 8, 1985 DMV DATA
(1983 VIOLATION DATE)

DISPOSITION	(1)		(2)	
	No.	%	No.	%
Guilty	2,965	91.4	3,285	92.1
Not Guilty	24	0.7	24	0.6
Dismissed — PLC*	50	1.5	50	1.4
Dismissed	202	6.2	207	5.8
Total No. Cases	3,241		3,566	
* PLC = Plea to Lesser Charge				
PENALTIES	(1)		(2)	
FINE				
● No. and % Fined	2,936(99.0)		3,256(99.1)	
● Average Fine	\$389		\$385	
● Low—High	\$100—1000		\$100—1000	
LIC. SUSPENSION				
● No. & % Lic. Susp.	2,917(98.4)		3,237(98.5)	
● Average License Suspension Period	127 Days		124 Days	
● Low—High	30—825 Days		30—825 Days	
JAIL SENTENCE				
● No. & % Jail Sent.	2,929(98.8)		3,249(98.9)	
● Average Jail Sent.	9 Days		9 Days	
● Low—High	1—365 Days		1—365 Days	

(1) 1/10/85 Data

(2) 2/8/85 Data

APPENDIX A

Figure A-1
IMPLIED CONSENT: 1982 AND 1983 STATISTICS BY COUNTY

COUNTY	TEST TAKEN		PERCENT DIFFERENCE	
	1982 % OF ARRESTS	1983 % OF ARRESTS	(-)	(+)
Androscoggin	82.1	87.3		5.2
Aroostook	90.2	89.3	.9	
Cumberland	84.8	87.0		2.2
Franklin	86.4	82.2	4.2	
Hancock	78.1	82.7		4.6
Kennebec	83.8	85.5		1.7
Knox	74.6	72.3	2.3	
Lincoln	83.9	87.6		3.7
Oxford	82.2	82.4		.2
Penobscot	85.6	86.1		.5
Piscataquis	85.9	90.6		4.7
Sagadahoc	82.9	83.1		.2
Somerset	84.5	87.4		2.9
Waldo	88.4	86.7	1.7	
Washington	82.2	85.0		2.8
York	82.1	84.0		1.9

Figure A-2

IMPLIED CONSENT: TEST TAKEN AND BLOOD ALCOHOL LEVELS BY COUNTY

County	Test Taken	BLOOD ALCOHOL LEVEL											
		-.10%		.10-.14%		.15-.19%		.20-.24%		.25-.29%		.30%	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Androscoggin	560	54	9.6	129	23.0	205	36.6	126	22.5	32	5.7	14	2.5
Aroostook	587	69	11.7	171	29.1	192	32.7	117	19.9	29	4.9	9	1.5
Cumberland	1661	237	14.2	496	29.8	569	34.2	265	15.9	84	5.0	10	.6
Franklin	144	19	13.1	37	25.6	59	40.9	21	14.5	8	5.5	0	0.0
Hancock	216	28	12.9	49	22.7	84	38.8	41	18.9	11	5.1	3	1.4
Kennebec	733	84	11.4	187	25.5	244	33.2	149	20.3	53	7.2	16	2.1
Knox	131	19	14.5	26	19.8	45	34.3	33	25.1	7	5.3	1	.7
Lincoln	228	26	11.4	62	27.1	74	32.4	52	22.8	8	3.5	6	2.6
Oxford	259	26	10.0	62	23.9	95	36.6	54	20.8	20	7.7	2	.7
Penobscot	793	84	10.5	184	23.2	316	39.8	138	17.4	58	7.3	13	1.6
Piscataquis	145	14	9.6	46	31.7	59	40.6	19	13.1	4	2.7	3	2.0
Sagadahoc	276	30	10.8	68	24.6	110	39.8	49	17.7	15	5.4	4	1.4
Somerset	340	42	12.3	102	30.0	128	37.6	51	15.0	16	4.7	1	.2
Waldo	196	19	9.6	52	26.5	68	34.6	41	20.9	13	6.6	3	1.5
Washington	267	34	12.7	77	28.8	89	33.3	52	19.4	11	4.1	4	1.4
York	996	166	16.6	304	30.5	336	33.7	138	13.8	46	4.6	6	.6
Unknown	2138	315	14.7	593	27.7	747	34.9	359	16.7	98	4.5	26	1.2
TOTAL	9670	1266	13.0	2645	27.3	3420	35.3	1705	17.6	513	5.3	121	1.2

Figure A-3

CIVIL OUI: COURT FINDINGS AND PENALTIES BY DISTRICT COURT

(Violation Date: January 1 — December 31, 1983)

DISTRICT COURT (County) (Court)		COURT FINDINGS								PENALTIES													
		No. Cases		Dismissed No. %		Dismissed Plea Lesser Charge No. %		Not Guilty No. %		Guilty No. %		FINE				LICENSE SUSPENSION				JAIL SENTENCE			
												No. Fined	Avg. Fine	Range Low High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High			
Androscoggin	Lewiston	212						212	100.0	211	252	250	400	212	45	45	46						
	Livermore Falls	59	10	16.9			1	1.6	48	81.3	48	251	250	325	48	45	45	45					
Aroostook	Caribou	57	2	3.5			1	1.7	54	94.7	54	255	250	350	54	45	45	45					
	Fort Kent	32	1	3.1			1	3.1	30	93.7	30	251	250	300	30	45	45	45					
	Houlton	55	8	14.5			3	5.4	44	80.0	44	250	250	275	44	52	45	365					
	Madawaska	20	2	10.0					18	90.0	18	250	250	250	18	62	45	365					
	Presque Isle	119	4	3.3					115	96.6	115	254	250	400	115	48	45	180					
	Van Buren	7							7	100.0	7	250	250	250	7	45	45	45					
Cumberland	Bridgton	55			5	9.0	1	1.8	49	89.0	49	260	250	500	49	47	45	180					
	Brunswick	315	34	10.7	61	19.3	5	1.5	215	68.2	215	266	250	500	215	47	45	365					
	Portland	955	117	12.2	147	15.3	12	1.2	679	71.0	677	254	150	500	679	46	30	180					
Franklin	Farmington	75	1	1.3					74	98.6	74	329	250	500	74	45	45	90					
Hancock	Bar Harbor	36	6	16.6	2	5.5			28	77.7	28	251	250	300	28	45	45	45					
	Ellsworth	117	24	20.5	3	2.5			90	76.9	90	257	250	400	90	45	45	45					
Kennebec	Augusta	230					1	.4	229	99.5	229	254	200	400	228	45	45	45					
	Waterville	178	11	6.1	1	.5	7	3.9	159	89.3	159	266	250	500	158	45	45	45					
Knox	Rockland	149	24	16.1	1	.6			124	83.2	124	299	250	500	124	45	45	90					
Lincoln	Wiscasset	119	16	13.4	1	.8	1	.8	101	84.8	101	300	200	350	101	45	45	45					
Oxford	Rumford	86	10	11.6	2	2.3	3	3.4	71	82.5	71	256	250	500	71	45	45	45					
	So. Paris	30							30	100.0	30	252	250	325	30	45	45	45					
Penobscot	Bangor	265	17	6.4	1	.3	7	2.6	240	90.5	239	252	250	500	240	45	45	90					
	Lincoln	37	3	8.1	1	2.7			33	89.1	33	251	250	300	33	45	45	45					
	Millinocket	65	10	15.3	3	4.6	1	1.5	51	78.4	49	250	250	250	51	45	45	45					
	Newport	49	5	10.2			2	4.0	42	85.7	42	252	250	350	42	46	45	90					
Piscataquis	Dover-Foxcroft	111	22	19.8	3	2.7	5	4.5	81	72.9	81	253	250	350	81	48	45	365					
Sagadahoc	Bath	125	12	9.6	4	3.2	5	4.0	104	83.2	104	287	250	400	104	46	45	90					
Somerset	Skowhegan	222	17	7.6			3	1.3	202	90.9	202	320	250	500	202	46	45	365					
Waldo	Belfast	104	17	16.3	4	3.8	1	.9	82	78.8	82	253	50	500	82	44	30	45					
Washington	Calais	80	9	11.2	4	5.0	8	10.0	59	73.7	59	251	250	350	59	47	45	90					
	Machias	71	12	16.9	6	8.4	5	7.0	48	67.6	48	250	250	250	48	45	45	90					
York	Biddeford	445	156	35.0	35	7.8	8	1.7	246	55.2	246	250	100	350	245	45	45	90					
	Kittery	362	35	9.6	62	17.1	7	1.9	258	71.2	258	254	250	500	257	45	45	45					
	Springvale	209	31	14.8	38	18.1	5	2.3	135	64.5	135	255	250	500	135	45	45	45					
STATEWIDE		5051	616	12.1	384	7.6	93	1.8	3958	78.3	3952	263	50	500	3954	45	30	365					

Figure A-4

CRIMINAL OUI: COURT FINDINGS AND PENALTIES BY DISTRICT COURT
(Violation Date: January 1 – December 31, 1983)

DISTRICT COURT (County) (Court)		COURT FINDINGS								PENALTIES										
		No. Cases	Dismissed No.	%	Dismissed Plea Lesser Charge No.	%	Not Guilty No.	%	Guilty No.	%	FINE				LICENSE SUSPENSION			JAIL SENTENCE		
											No. Fined	Avg. Fine	Range Low High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High	
Androscoggin	Lewiston	168							168	100.0	167	359	250 750	166	118	60 365	167	4	1 120	
	Livermore Falls	16	2	12.5					14	87.5	14	375	350 500	14	90	90 90	14	2	2 5	
Aroostook	Caribou	46	1	2.1					45	97.8	45	360	350 500	45	157	90 365	44	16	2 240	
	Fort Kent	14							14	100.0	14	353	350 400	14	129	90 365	14	29	2 90	
	Houlton	36	2	5.5		1	2.7		33	91.6	33	375	350 800	33	109	90 365	33	8	2 60	
	Madawaska	8							8	100.0	8	350	350 350	8	124	90 365	7	2	2 2	
	Presque Isle	98	4	4.0					94	95.9	94	364	250 600	94	122	90 365	94	5	2 30	
	Van Buren	3							3	100.0	3	350	350 350	3	90	90 90	3	2	2 3	
Cumberland	Bridgton	20							20	100.0	20	355	250 500	20	103	90 365	19	2	2 10	
	Brunswick	82			2	2.4			80	97.5	80	367	350 500	80	128	90 365	80	2	2 10	
	Portland	284	4	1.4	20	7.0			260	91.5	258	366	150 1000	257	103	90 365	252	5	2 120	
Franklin	Farmington	29							29	100.0	29	503	350 750	29	116	45 365	28	11	2 35	
Hancock	Bar Harbor	15	2	13.3					13	86.6	13	380	350 500	12	112	90 365	13	4	2 30	
	Ellsworth	68	6	8.8					62	91.1	55	382	300 650	59	132	45 365	61	6	2 90	
Kennebec	Augusta	188					1	.5	187	99.4	187	440	300 1000	187	143	45 365	187	11	2 180	
	Waterville	127							127	100.0	127	395	250 750	127	137	90 365	127	5	2 180	
Knox	Rockland	50	5	10.0					45	90.0	45	461	350 1000	44	158	90 365	45	7	2 60	
Lincoln	Wiscasset	52	3	5.7	1	1.9			48	92.3	46	435	100 1000	48	127	45 365	47	6	2 45	
Oxford	Rumford	33	1	3.0					32	96.9	32	359	350 500	32	90	90 120	32	2	2 7	
	So. Paris	19	1	5.2					18	94.7	18	377	350 500	18	90	90 90	18	3	2 10	
Penobscot	Bangor	186	2	1.0			1	.5	183	98.3	181	372	350 700	180	150	90 365	183	4	2 120	
	Lincoln	21			4	19.0			17	80.9	17	350	350 350	17	138	90 365	17	4	2 30	
	Millinocket	30	1	3.3	3	10.0	1	3.3	25	83.3	25	356	350 500	25	178	90 365	23	15	2 210	
	Newport	30					2	6.6	28	93.3	28	376	350 800	28	168	90 365	28	2	2 10	
Piscataquis	Dover-Foxcroft	47	1	2.1					46	97.8	46	356	350 500	46	125	90 365	46	12	1 364	
Sagadahoc	Bath	50	1	2.0					49	98.0	49	381	350 500	49	90	90 90	49	4	2 90	
Somerset	Skowhegan	80	1	1.2					79	98.7	78	479	350 750	76	122	90 365	78	11	2 90	
Waldo	Belfast	51	2	3.9					49	96.0	49	380	250 750	49	151	90 365	49	3	2 35	
Washington	Calaix	43					1	2.3	42	97.6	42	371	100 500	41	143	90 365	40	3	2 10	
	Machias	24	2	8.3	1	4.1			21	87.5	21	385	350 600	21	164	90 365	21	8	2 60	
York	Biddeford	125	12	9.6	5	4.0			108	86.4	108	365	250 1000	108	127	45 365	104	5	2 60	
	Kittery	115	2	1.7	10	8.6	1	.8	102	88.6	101	356	350 500	102	141	90 365	101	5	2 90	
	Springvale	75	4	5.3	1	1.3			70	93.3	70	356	350 500	70	133	90 365	65	9	2 120	
STATEWIDE		2236	59	2.6	47	2.1	8	.3	2122	94.9	2106	384	100 1000	2105	130	30 365	2092	6	1 364	

Figure A-5

CIVIL OUI. COURT FINDINGS AND PENALTIES BY SUPERIOR COURT
 (Violation Date: January 1 — December 31, 1983)

SUPERIOR COURT	COURT FINDINGS						PENALTIES								
	No. Cases	Dismissed No. %	Dismissed Plea Lesser Charge No. %	Not Guilty No. %	Guilty No. %		FINE			LICENSE SUSPENSION			JAIL SENTENCE		
							No. Fined	Avg. Fine	Range Low High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High
Androscoggin	1				1 100.0		1	250	250 250	1	45	45 45			
Aroostook	2				2 100.0		2	250	250 250	2	45	45 45			
Cumberland	8	7 87.5			1 12.5		1	250	250 250	1	45	45 45			
Franklin															
Hancock															
Kennebec	1				1 100.0										
Knox															
Lincoln															
Oxford	1	1 100.0													
Penobscot	1	1 100.0													
Piscataquis															
Sagadahoc															
Somerset	1				1 100.0		1	450	450 450	1	45	45 45			
Waldo															
Washington															
York	5	2 40.0		1 20.0	2 40.0		2	250	250 250	2	45	45 45			
STATEWIDE	20	11 55.0		1 5.0	8 40.0		7	278	250 450	7	45	45 45			

Figure A-6

CRIMINAL OUI. COURT FINDINGS AND PENALTIES BY SUPERIOR COURT
(Violation Date: January 1 – December 31, 1983)

SUPERIOR COURT	COURT FINDINGS						PENALTIES											
	No. Cases	Dismissed No.	Dismissed %	Dismissed Plea Lesser Charge No. %	Not Guilty No. %	Guilty No. %	FINE				LICENSE SUSPENSION				JAIL SENTENCE			
							No. Fined	Avg. Fine	Range Low	Range High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	Range High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	Range High
Androscoggin	71	13	18.3			58 81.6	58	370	350	500	52	105	90	365	58	17	2	365
Aroostook	63	1	1.5		4 6.3	58 92.0	56	382	175	750	54	151	90	365	57	18	2	240
Cumberland	211	57	27.0	1 .4	1 .4	152 72.0	151	373	350	1000	148	111	90	365	152	7	2	364
Franklin	37	4	10.8		1 2.7	32 86.4	27	355	350	450	32	132	90	365	32	16	2	120
Hancock	29	8	27.5			21 72.4	20	470	250	750	19	104	90	365	20	21	2	180
Kennebec	92	6	6.5		6 6.5	80 86.9	80	422	350	600	78	112	90	365	79	11	2	180
Knox	66	9	13.6			57 86.3	57	434	350	1000	57	114	90	365	57	18	2	364
Lincoln	49	8	16.3			41 83.6	41	448	300	750	40	117	90	365	41	14	2	270
Oxford	30	6	20.0			24 80.0	24	418	350	1000	22	190	90	365	23	21	2	181
Penobscot	70	6	8.5			64 91.4	61	446	300	1000	58	94	90	365	64	40	2	364
Piscataquis	11					11 100.0	10	355	350	400	9	86	60	90	11	12	2	90
Sagadahoc	54	7	12.9		2 3.7	45 83.3	45	396	350	700	45	126	90	365	45	8	2	80
Somerset	89	1	1.1	1 1.1	1 1.1	86 96.6	86	430	350	750	86	134	90	365	85	39	2	365
Waldo	26	2	7.6			24 92.3	24	395	350	550	23	117	90	365	24	13	2	110
Washington	26	1	3.8			25 96.1	25	364	350	500	24	147	90	365	25	3	2	11
York	81	14	17.2	1 1.2	1 1.2	65 80.2	65	386	350	800	65	135	90	825	65	12	2	364
STATEWIDE	1005	143	14.2	3 .2	16 1.5	843 83.8	830	403	175	1000	812	122	60	825	837	17	2	365

APPENDIX B

Figure B-1

OPERATING AFTER SUSPENSION: COURT FINDINGS AND PENALTIES BY DISTRICT COURT
 (Violation Date: January 1 – December 31, 1983)

DISTRICT COURT (County) (Court)		COURT FINDINGS								PENALTIES												
		No. Cases	Dismissed No. %		Dismissed Plea Lesser Charge No. %		Not Guilty No. %		Guilty No. %		FINE				LICENSE SUSPENSION				JAIL SENTENCE			
											No. Fined	Avg. Fine	Range Low High		No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High		No. Jailed	Avg. Jail Sent. (Days)	Range Low High	
Androscoggin	Lewiston	195	2	1.0	1	.5			192	98.4	183	103	50	350	8	365	365	365	15	9	4	30
	Livermore Falls	29	4	13.7	4	13.7			21	72.4	21	114	50	350	1	45	45	45	2	7	7	7
Aroostook	Caribou	48	2	4.1	1	2.0	1	2.0	44	91.6	37	131	50	400	3	263	60	365	7	8	2	30
	Fort Kent	16							16	100.0	14	107	50	150					2	3	3	3
	Houlton	50	17	34.0					33	66.0	27	128	50	350					8	15	7	35
	Madawaska	4	1	25.0					3	75.0	3	200	100	400								
	Presque Isle	66	5	7.5					61	92.4	49	139	50	1000	2	15	1	30	11	18	2	60
	Van Buren	2							2	100.0	2	225	100	350								
Cumberland	Bridgton	44							44	100.0	44	92	50	350								
	Brunswick	166	52	31.3	9	5.4			105	63.2	97	115	50	500	1	30	30	30	9	4	2	7
	Portland	677	148	21.8	34	5.0	5	.7	490	72.3	458	111	25	500	21	250	30	365	49	21	1	364
Franklin	Farmington	23							23	100.0	21	207	50	600					6	14	4	30
Hancock	Bar Harbor	23	6	26.0					17	73.9	16	123	50	300					1	7	7	7
	Ellsworth	96	29	30.2	1	1.0	1	1.0	65	67.7	59	112	50	500	2	227	90	365	4	7	5	10
Kennebec	Augusta	191							191	100.0	160	147	25	1000	8	330	90	365	37	37	2	180
	Waterville	125	14	11.2	2	1.6	4	3.2	105	84.0	89	135	35	750	3	365	365	365	15	22	3	90
Knox	Rockland	105	18	17.1			3	2.8	84	80.0	78	114	25	350	1	365	365	365	9	5	1	15
Lincoln	Wiscasset	60	22	36.6			1	1.6	37	61.6	31	117	50	350	1	365	365	365	7	7	1	25
Oxford	Rumford	42	14	33.3	3	7.1			25	59.5	25	96	50	350					1	7	7	7
	So. Paris	33							33	100.0	33	99	35	350					2	5	3	7
Penobscot	Bangor	229	48	20.9			5	2.1	176	76.8	160	140	25	500	9	365	365	365	27	11	2	30
	Lincoln	36							36	100.0	33	137	25	350	2	365	365	365	4	33	7	90
	Millinocket	30	9	30.0	1	3.3	1	3.3	19	63.3	19	146	50	350	2	227	90	365	1	45	45	45
	Newport	41	7	17.0	1	2.4	2	4.8	31	75.6	30	185	50	450	5	365	365	365	6	11	7	30
Piscataquis	Dover-Foxcroft	47	10	21.2	1	2.1	1	2.1	35	74.4	25	148	50	350	3	263	60	365	13	14	2	30
Sagadahoc	Bath	88	19	21.5	2	2.2			67	76.1	64	121	50	350					6	6	4	10
Somerset	Skowhegan	134	17	12.6	3	2.2			114	85.0	90	220	50	700	11	209	10	365	35	25	2	90
Waldo	Belfast	57	14	24.5			2	3.5	41	71.9	37	92	25	350					4	18	5	30
Washington	Calais	38	1	2.6	1	2.6			36	94.7	35	96	50	350					2	10	7	14
	Machias	54	12	22.2	1	1.8	1	1.8	40	74.0	35	100	25	350	3	263	60	365	5	7	7	10
York	Biddeford	338	156	46.1	6	1.7			176	52.0	160	94	25	400	3	244	2	365	12	16	2	90
	Kittery	278	28	10.0	37	13.3			213	76.6	205	94	25	500	2	365	365	365	7	6	4	10
	Springvale	202	58	28.7	12	5.9	1	.4	131	64.8	121	106	35	500	3	365	365	365	13	15	2	60
STATEWIDE		3569	713	19.9	120	3.3	28	.7	2708	75.8	2462	120	25	1000	94	284	1	365	320	18	1	364

Figure B-2

OPERATING AFTER SUSPENSION: COURT FINDINGS AND PENALTIES BY SUPERIOR COURT
(Violation Date: January 1 – December 31, 1983)

SUPERIOR COURT	COURT FINDINGS						PENALTIES										
	No. Cases	Dismissed No. %	Dismissed Plea Lesser Charge No. %	Not Guilty No. %	Guilty No. %	FINE				LICENSE SUSPENSION				JAIL SENTENCE			
						No. Fined	Avg. Fine	Range Low High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High			
Androscoggin	24	8 33.3			16 66.6	13	192	50 350		1	365	365 365		6	15	2 60	
Aroostook	23	3 13.0		1 4.3	19 82.6	8	281	100 500		4	365	365 365		14	38	2 210	
Cumberland	80	44 55.0			36 45.0	29	225	50 500		3	201	60 365		11	30	2 120	
Franklin	19	10 52.6			9 47.3	8	181	100 350						3	11	2 30	
Hancock	5	2 40.0			3 60.0	3	250	100 500									
Kennebec	38	7 18.4		2 5.2	29 76.3	17	232	100 600		1	30	30 30		18	67	5 364	
Knox	14	3 21.4			11 78.5	9	147	50 500						3	50	30 90	
Lincoln	19	2 10.5			17 89.4	15	148	50 350		1	30	30 30		3	8	7 10	
Oxford	13	4 30.7			9 69.2	8	375	100 750						3	43	2 120	
Penobscot	9	3 33.3			6 66.6	4	137	50 250						2	91	2 180	
Piscataquis	6				6 100.0	3	316	100 500						3	15	2 30	
Sagadahoc	26	12 46.1			14 53.8	10	260	100 500		3	273	90 365		7	9	2 20	
Somerset	44	11 25.0			33 75.0	22	202	50 500		2	60	30 90		10	51	3 270	
Waldo	8	1 12.5			7 87.5	4	275	100 350		2	90	90 90		5	36	10 90	
Washington	7	3 42.8			4 57.1	3	166	100 200						1	30	30 30	
York	36	10 27.7	2 5.5		24 66.6	20	260	50 700		1	365	365 365		10	8	2 14	
STATEWIDE	371	123 33.1	2 .5	3 .8	243 65.4	176	223	50 750		18	220	30 365		99	36	2 364	

APPENDIX C

Figure C-1

OPERATING AFTER HO: COURT FINDINGS AND PENALTIES BY DISTRICT COURT
(Violation Date: January 1 – December 31, 1983)

DISTRICT COURT (County) (Court)		COURT FINDINGS						PENALTIES								
		No. Cases	Dismissed No. %	Dismissed Plea Lesser Charge %	Not Guilty No. %	Guilty No. %	FINE				LICENSE SUSPENSION			JAIL SENTENCE		
							No. Fined	Avg. Fine	Range Low High		No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High
Androscoggin	Lewiston	2				2 100.0	1	500	500 500							
	Livermore Falls	2		2 100.0												
Aroostook	Caribou	7		1 14.2		6 85.7	1	500	500 500					2	212	60 364
	Fort Kent															
	Houlton	2				2 100.0	1	100	100 100					1	60	60 60
	Madawaska															
	Presque Isle	3	1 33.3			2 66.6	1	800	800 800					1	90	90 90
	Van Buren															
Cumberland	Bridgton															
	Brunswick	2		2 100.0												
	Portland	9	5 55.5	3 33.3		1 11.1								1	80	80 80
Franklin	Farmington	1				1 100.0								1	90	90 90
Hancock	Bar Harbor															
	Ellsworth	8	4 50.0	1 12.5		3 37.5	2	500	500 500					2	20	10 30
Kennebec	Augusta	7				7 100.0	1	750	750 750					7	71	20 300
	Waterville	3				3 100.0	3	533	350 750					3	24	7 45
Knox	Rockland	2			2 100.0											
Lincoln	Wiscasset	6	6 100.0													
Oxford	Rumford	1		1 100.0												
	So. Paris															
Penobscot	Bangor	14	3 21.4	3 21.4		8 57.1	1	300	300 300					8	200	60 548
	Lincoln	1				1 100.0	1	1000	1000 1000	1	90	90 90		1	60	60 60
	Millinocket															
	Newport															
Piscataquis	Dover-Foxcroft	2				2 100.0										
Sagadahoc	Bath	1				1 100.0								1	60	60 60
Somerset	Skowhegan	2	1 50.0	1 50.0												
Waldo	Belfast	3	1 33.3	1 33.3		1 33.3	1	350	350 350					1	60	60 60
Washington	Calais															
	Machias	1			1 100.0											
York	Biddeford	12	5 41.6	6 50.0		1 8.3	1	250	250 250					1	8	8 8
	Kittery	3		2 66.6		1 33.3								1	90	90 90
	Springvale	12	3 25.0	6 50.0		3 25.0	1	300	300 300					2	60	60 60
STATEWIDE		106	31 29.2	27 25.4	3 2.8	45 42.4	15	496	100 1000		1	90	90 90	33	101	7 548

Figure C-2

OPERATING AFTER HO: COURT FINDINGS AND PENALTIES BY SUPERIOR COURT
 (Violation Date: January 1 – December 31, 1983)

SUPERIOR COURT	COURT FINDINGS						PENALTIES													
	No. Cases	Dismissed No. %	Dismissed Plea Lesser Charge		Not Guilty		Guilty		FINE				LICENSE SUSPENSION				JAIL SENTENCE			
			No.	%	No.	%	No.	%	No.	Avg. Fine	Range Low High	No.Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low High	No. Jailed	Avg. Jail Sent. (Days)	Range Low High			
Androscoggin	48	4 8.3	4 8.3			40 83.3	6	350	200 500	1	90	90 90	36	72	4 210					
Aroostook	28		1 3.5			27 96.4	6	631	290 1000	5	310	90 365	22	77	2 365					
Cumberland	148	34 22.9	6 4.0	1 .6	107 72.2		3	300	200 350				70	79	4 365					
Franklin	12	1 8.3	2 16.6		9 75.0		3	350	200 500				7	149	15 365					
Hancock	20				20 100.0		7	500	250 750	2	75	60 90	16	163	7 540					
Kennebec	20	1 5.0			19 95.0		2	500	500 500	2	365	365 365	15	164	60 365					
Knox	19	1 5.2			18 94.7		4	250	100 500				17	103	3 540					
Lincoln	18		3 16.6		15 83.3		1	300	300 300				14	54	10 90					
Oxford	23	1 4.3	3 13.0		19 82.6		5	370	250 500				16	94	10 420					
Penobscot	56	4 7.1		2 3.5	50 89.2		8	375	50 1000	1	90	90 90	44	110	2 999					
Piscataquis	4		2 50.0		2 50.0								2	75	60 90					
Sagadahoc	15		1 6.6		14 93.3		2	300	100 500				10	63	10 240					
Somerset	37				37 100.0		5	470	350 500	11	140	90 365	28	208	1 540					
Waldo	16				16 100.0		7	350	250 450	1	180	180 180	15	64	14 180					
Washington	5				5 100.0								5	162	60 330					
York	43	3 6.9	10 23.2		30 69.7		7	414	100 1000				21	54	4 90					
STATEWIDE	512	49 9.5	32 6.2	3 .5	428 83.5		66	405	50 1000	23	188	60 365	338	101	1 999					