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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, 1984**

**(THIRD ANNUAL REPORT)**

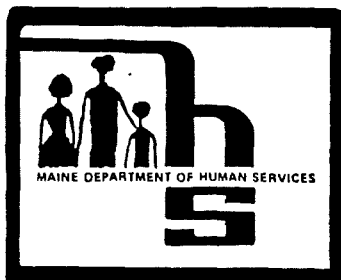
## **DEPARTMENT OF HUMAN SERVICES**



**JUNE 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



STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333



JOSEPH E. BRENNAN  
GOVERNOR

July 22, 1985

MICHAEL R. PETIT  
COMMISSIONER

TO: Honorable Joseph E. Brennan, Governor

FROM: Michael Petit, Commissioner

SUBJECT: Report of Enforcement of Maine's Operating Under the Influence Law

Under the 1981 Drunk Driving Law, the Department of Human Services is required to prepare an annual comprehensive written report of the enforcement of Maine's operating under the influence law. The Department is pleased to submit the third annual report that covers the period from January 1, 1984 to December 31, 1984.

The findings from the 1982, 1983 and 1984 reports indicated that there has been some fluctuation, but that trends have been developing in the enforcement of these laws.

These trends are particularly clear in the guilty and not guilty percentages of cases adjudicated, especially when they are compared to available statistics from 1978. The percentages for people that have been found guilty and not guilty since 1978 are:

	<u>1978</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
Guilty	67.0%	86.8%	84.9%	89.0%
Not Guilty	4.0%	1.9%	1.3%	.6%

The other area that indicates the development of a trend is in the application of penalties. These figures are available for only the years of 1982, 1983, and 1984. The percentages are:

	<u>1982</u>	<u>1983</u>	<u>1984</u>
<u>Civil</u>			
Fine	99.1%	99.8%	99.9%
License Suspension	98.4%	99.9%	99.8%

Joseph E. Brennan  
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	<u>1982</u>	<u>1983</u>	<u>1984</u>
<u>Criminal</u>			
Fine	98.8%	99.1%	99.5%
License Suspension	93.9%	98.5%	99.3%
Time in Jail	96.3%	98.9%	99.3%

In addition to much stronger and more uniform enforcement of drunk drivers, criminal convictions of habitual motor vehicle offenders and persons who operate after license suspension have increased. A summary of these findings, as well as additional findings on Operating Under the Influence, are highlighted on pages ii through viii.

Recommendations of the OUI Work Group are highlighted on pages ix through xi. The primary recommendation is to establish an ongoing OUI Committee to:

1. Define the purpose and usefulness of further annual reports; and
2. Analyze the findings of this report and to develop recommendations for addressing any problems.

Any major recommendation of the Committee will be brought to your attention for further action.

In summary, although much remains to be done, it seems that the 1981 Drunk Driving Law has brought about positive changes for the people of Maine.

/drs

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## ACKNOWLEDGEMENTS

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As with the 1983 Annual OUI Report, the preparation of this report would not have been possible without the cooperation and assistance of the Division of Motor Vehicles, Maine State Department. All the 1984 violation statistics, as well as court findings and sentencing data, contained in this report were provided by the Division.

The Office of Alcoholism and Drug Abuse Prevention (Department of Human Services) also gratefully acknowledges the contribution of the OUI Work Group members. Their review of both the 1983 and the 1984 Annual OUI Reports is greatly appreciated.

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.

The contributions of the following individuals are especially appreciated.

### Division of Motor Vehicles

George Storer, Division Chief - Driver Licensing and Control  
David Shultz, Chief Hearing Examiner  
Richard Zidowicki, Systems Group Manager  
Howard Beach, Systems Analyst

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Preparation of Report Funded by:

Office of Alcoholism and Drug Abuse Prevention  
DEPARTMENT OF HUMAN SERVICES

Neill Miner, Director  
Dorothy Mithee, Prevention Specialist - Project Contract Officer

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## HIGHLIGHTS

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### OUI ARRESTS, REFUSALS AND BAC

Maine law enforcement officers made 31,951 OUI arrests since the 1981 Drunk Driving Law was implemented through calendar year 1984.

In 4,510 of the arrests, drivers refused to submit to a chemical test (blood or breath).

<u>Year</u>	<u>Arrests</u>	<u>Refusals</u>	<u>Refusals as a % of Arrests</u>
1982	10,415	1,545	14.8
1983	11,293	1,623	14.3
1984	10,243	1,342	13.1

The average BAC in 1984 was .19 percent; in 1982 and 1983 it was .18 and .19 percent, respectively.

### DISPOSITION OF OUI CASES SINCE 1981 DRUNK DRIVING LAW IMPLEMENTED

When data were compiled for the three annual OUI reports, the cases adjudicated (25,687) represented 80.4 percent of the total OUI arrests made during the three-year period. Court findings in OUI cases, civil and criminal combined, were as follows:

#### DISPOSITION OF OUI CASES

<u>Disposition</u>	<u>Number</u>	<u>Percent</u>
Guilty	22,308	86.8
Not Guilty	325	1.3
Dismissed-Plea to Lesser Charge	1,032	4.0
Dismissed	<u>2,022</u>	<u>7.9</u>
Total	25,687	100.0

Civil OUI cases comprised 61.4 percent of the cases adjudicated (15,760), and criminal OUI comprised 38.6 percent (9,927 cases).

The overall conviction rate in criminal OUI cases was slightly greater than in civil OUI; and the criminal OUI dismissal rate was lower. A finding of guilty occurred in 8,832 criminal cases; a conviction rate of 89.0 percent. In terms of civil OUI there were 13,476 convictions representing an overall conviction rate of 85.5 percent.

Ten percent of the criminal OUI charges were dismissed compared to 13.0 percent of the civil OUI charges. In absolute numbers, however, twice as many civil OUI charges were dismissed than were criminal charges; 2,051 civil charges compared to 1,003 criminal charges. (Annual conviction and dismissal rates for the three-year period are presented below.)

#### CONVICTION RATES

<u>Year</u>	<u>Civil</u>	<u>Criminal</u>
1982	87.4	85.8
1983	80.4	92.1
1984	89.2	88.4

#### DISMISSAL RATES

<u>Year</u>	<u>Civil</u>		<u>Criminal</u>	
	<u>(1)</u>	<u>(2)</u>	<u>(1)</u>	<u>(2)</u>
1982	3.7	6.8	5.2	7.4
1983	6.7	11.1	1.4	5.8
1984	3.2	6.8	2.7	8.1

(1) Dismissed for a guilty plea to a lesser charge

(2) Straight dismissals

#### OUI SENTENCING

Compared to pre-implementation of the 1981 Drunk Driving Law, statistics for the three-year period indicate an improvement in the frequency with which courts impose penalties upon conviction for OUI, particularly in criminal OUI convictions. In both criminal and civil OUI convictions, however, penalties below the mandatory minimum, as well as above the maximum, continue to be imposed by courts.

As evident from the data presented on the next page, sentencing tends to be less severe in civil OUI convictions than in criminal convictions in relation to the mandatory minimum penalties required by law.



CIVIL OUI SENTENCING: 1982-1984

FINES

<u>Year</u>	<u>% Fined</u>	<u>Average</u>
1982	99.1	\$260
1983	99.8	\$261
1984	99.9	\$263

LICENCE SUSPENSIONS

<u>Year</u>	<u>% Suspended</u>	<u>Average (Days)</u>
1982	98.4	46
1983	99.9	45
1984	99.8	45

CRIMINAL OUI SENTENCING: 1982-1984

FINES

<u>Year</u>	<u>% Fined</u>	<u>Average</u>
1982	98.8	\$375
1983	99.1	\$385
1984	99.5	\$390

LICENSE SUSPENSIONS

<u>Year</u>	<u>% Suspended</u>	<u>Average (Days)</u>
1982	93.9	96
1983	98.5	124
1984	99.3	192

JAIL SENTENCES

<u>Year</u>	<u>% Jailed</u>	<u>Average (Days)</u>
1982	96.3	5
1983	98.9	9
1984	99.3	9

DEEP  
COMPLETION

A total of 7,375 OUI offenders participated in Maine's Driver Education Evaluation Program (DEEP) during calendar year 1984; forty percent of these participants were drivers whose OUI violation occurred in 1984. This forty percent represents 39.6 percent of the total 1984 OUI convictions (7,454).

As of March 18, 1985 (date DEEP data was compiled for this report), 2,950 drivers convicted of a 1984 OUI violation had met all DEEP requirements necessary for license restoration. Of this group, 938 OUI offenders (31.8%) were required and completed additional evaluation beyond the preliminary assessment conducted during the 10-hour course and, if indicated, alcohol-related rehabilitation.

At the time 1982 and 1983 DEEP data were compiled for OUI reports, a slightly greater percentage of OUI offenders had completed DEEP; 50.5 and 50.4 percent, respectively. The lower 1984 completion rate may be related to the longer license suspension periods imposed by courts, particularly in criminal OUI convictions. OUI offenders may be allowing more time to elapse between conviction and when they initiate participation in DEEP.

OAS CONVICTION  
AND DISMISSAL  
RATES

Based on the data presented in the annual OUI reports, courts adjudicated 12,612 OAS cases since the 1981 Drunk Driving Law was implemented. The conviction rate in these 12,612 cases was 75.2 percent and the combined dismissal rate was 23.7 percent.

As apparent by the statistics below, OAS conviction rates have gradually increased during the last three years, and dismissal rates have decreased.

DISPOSITION OF OAS CASES

<u>Year</u>	<u>Conviction</u> <u>Rates</u>	<u>Dismissal Rates</u>	
		<u>(1)</u>	<u>(2)</u>
1982	68.4	8.6	20.9
1983	74.8	3.0	21.2
1984	81.7	2.5	15.2

- (1) Dismissed for a plea of guilty to a lesser charge  
(2) Straight dismissals

As of April 19, 1985, the courts had adjudicated 4,515 OAS cases which were 1984 violations. In twenty-four percent of these instances (1,101 cases), drivers were caught operating a motor vehicle while their license was under suspension for an OUI conviction (or refusal). The conviction rate in the OUI-related OAS cases was 84.9 percent (935 cases).

OAS  
SENTENCING

Statistics suggest a general trend toward leniency in OAS sentencing. During the three-year reporting period, fines were imposed by courts most frequently, while jail sentences and additional license suspension periods were imposed relatively infrequently. With the exception of jail sentences, the severity of the penalties has declined. However, although jail sentences in 1984 OAS convictions were more severe than in 1982, fewer convictions resulted in a jail sentence.

OAS FINES

<u>Year</u>	<u>% Fined</u>	<u>Average</u>
1982	94.9	\$218
1983	89.4	\$127
1984	91.8	\$122

OAS LICENSE SUSPENSIONS

<u>Year</u>	<u>% Suspended</u>	<u>Average (Days)</u>
1982	6.5	303
1983	3.7	281
1984	3.1	199

OAS JAIL SENTENCES

<u>Year</u>	<u>% Jailed</u>	<u>Average (Days)</u>
1982	18.9	14
1983	14.2	22
1984	11.3	20

In OUI-related 1984 OAS convictions, 85.6 percent of the defendants were fined an average of \$174; 8.1 percent had their license suspension periods extended an average of 247 days; and 28.3 percent were sentenced to jail for an average of 21 days.

HO CONVICTION  
AND DISMISSAL  
RATES

Courts adjudicated 1,183 HO cases during the three-year reporting period. Convictions were obtained in 74.0 percent of the cases (876), and dismissals occurred in 24.9 percent of the cases (295).

HO conviction rates increased over the three-year reporting period, and the combined dismissal rate decreased.

DISPOSITION OF HO CASES

<u>Year</u>	<u>Conviction Rates</u>	<u>Dismissal Rates</u>	
		<u>(1)</u>	<u>(2)</u>
1982	55.5	4.6	37.4
1983	76.5	9.5	12.9
1984	78.1	8.3	12.9

(1) Dismissed for a plea of guilty to a lesser charge

(2) Straight dismissals

As of April 19, 1985, courts had adjudicated 394 HO cases having a 1984 violation date; 261 of these cases (66.2%) were HO offenders whose HO status was OUI-related. The conviction rate in these cases was 79.6 percent and the dismissal rate was 19.9 percent (straight dismissals and dismissals for a plea of guilty to a lesser charge).

HO  
SENTENCING

Courts extended license suspension periods in HO convictions with relative infrequency, fines were imposed somewhat more frequently, and imprisonment occurred with most frequency.

The average fine decreased over the three years, the average (additional) license suspension increased slightly. However, the average jail sentence more than doubled from 1982 to 1984: the average in 1982 was 70 days compared to 159 days in 1984.

HO FINES

<u>Year</u>	<u>% Fined</u>	<u>Average</u>
1982	29.5	\$529
1983	17.1	\$422
1984	19.2	\$361

#### HO LICENSE SUSPENSIONS (ADDITIONAL)

<u>Year</u>	<u>% Suspended</u>	<u>Average (Days)</u>
1982	1.1	183
1983	5.1	183
1984	8.8	198

#### HO JAIL SENTENCES

<u>Year</u>	<u>% Jailed</u>	<u>Average (Days)</u>
1982	61.1	70
1983	78.4	101
1984	74.4	159

In the 261 OUI-related HO convictions, courts imposed an average fine of \$342 in 32 convictions (15.4%), extended license suspension periods for an average of 208 days in 23 convictions (11.1%), and imposed an average jail sentence of 166 days in 165 convictions (79.3%).

Note: Based upon the way MVD provides statistics for OUI reports, the combination of penalties imposed by the courts cannot be determined. For example, in the case of HO statistics it is unknown whether the 32 persons who were fined and the 23 who had their license suspension periods extended were also part of the same defendant group that was jailed (165 individuals).

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## SUMMARY OF RECOMMENDATIONS

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### ESTABLISHMENT OF AN ON-GOING OUI COMMITTEE

- Establish an on-going OUI Committee to: (1) define the purpose and usefulness of annual OUI reports, and (2) assess the issues identified and develop recommendations for addressing both technical and policy related areas.

### ANNUAL OUI REPORTING MANDATE

#### Availability of Data

- Determine the original intent for including the specific data elements identified in the 1981 OUI Statutes, and ascertain the extent to which their inclusion/exclusion effects the utility of OUI reports.
- Based on the outcome of this assessment (1) identify options for collecting these statistics and their associated costs, and identify a state agency to implement the data collection, methodology, or (2) revise statutes deleting these statistics from the reporting requirement, if (a) their exclusion does not seriously limit evaluation of drinking and driving in Maine or (b) funds cannot be allocated to centrally collect and store these statistics for annual compilation and inclusion in OUI reports.

#### Completeness of Data

- Identify and resolve problems related to reporting arrest information to designated state agency so that future OUI reports will contain complete arrest statistics.
- Explore utility of including DEEP statistics related to (1) participants who are in process of meeting their requirements for license restoration at the time statistics are compiled for OUI reports, (2) participants who partially met their requirements; and, identify options for collecting and reporting this data and assess cost-benefits.
- Identify and examine the implications of the data gap related to pending cases, and identify and consider possible solutions and associated costs.

### Other Reporting and Data Issues

- If pending cases continue to be excluded from OUI reports, the time that elapses between the end of the calendar year and the point at which statistics are compiled for reports should be the same for all OUI reports; consider preparing addendum to annual OUI reports presenting eventual court findings and sentencing for pending cases.
- Consider alternatives to the March 1st reporting deadline given state agencies' resources and the increasing amount of data requiring analysis and interpretation, and evaluate the adequacy of resources currently available to state agencies for performing the functions necessary to produce annual OUI reports.
- Examine and assess the data presented in OUI reports in terms of its utility in evaluating and/or developing program and public policies.

## OPERATING UNDER THE INFLUENCE

### Disposition of Cases

- Identify jurisdictions where the court findings vary substantially from the statewide norm, and: (1) identify the factors which prohibit or impede obtaining convictions, and (2) identify and implement strategies to improve conviction and dismissal rates.

### Sentencing

- Identify and assess factors related to OUI convictions where sentencing excluded some or all penalties required by law, as well as penalties which were below the mandatory minimum; and, identify and implement policies and strategies which will result in improved compliance with applicable statutes.
- Evaluate sentencing patterns in civil OUI convictions and identify influencing factors; assess the feasibility and potential for an increased deterrent effect if tougher penalties were imposed in civil OUI convictions; and, if appropriate, develop and implement policies and strategies for promoting a tougher approach.

### Driver Education Evaluation Program

- Determine if DEEP statistics, as presented in annual OUI reports to date, are useful in addressing the intended program and policy questions; if not, ascertain what additional data is required to enhance the utility of the information.
- Identify strategies for collecting/reporting the additional DEEP data needed, as well as the resources required to implement the strategies; and, implement policies and procedures designed to enhance the utility of DEEP statistics included in future OUI reports.

## OPERATING AFTER SUSPENSION AND OPERATING WHILE LICENSE REVOKED AS A HABITUAL OFFENDER

### OAS and HO Data Requirement

- Clarify the original intent of the OAS and HO data requirement and establish guidelines for presentation of data in future OUI reports.

### Disposition of Cases

- Identify/clarify the state's goals and objectives pertaining to the new OAS and HO provisions (OUI-related suspensions/revocations) implemented in 1981, and define the reporting requirement in relationship to the 1981 Drunk Driving Law.

### OAS and HO Sentencing

- Assess 1984 OAS and HO statistics, particularly those related to OUI license suspension or revocation, to determine the extent to which sanctions imposed by courts are in compliance with the new OAS and HO provisions implemented in 1981.



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## I

### INTRODUCTION

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On April 14, 1982, President Reagan established "The Presidential Commission on Drunk Driving" to conduct a nationwide study of this problem. Chaired by John A. Volpe, the Commission held eight hearings across the country and heard from both victims of drunk drivers as well as experts in the field. The Presidential Commission on Drunk Driving culminated its 18-month effort by preparing and submitting to the President a Final Report (November 1983).

In describing the drunk driving problem in the Final Report, the Commission noted the following:

- At least 50 percent of all highway deaths involve the irresponsible use of alcohol.
- Over the past 10 years, 250,000 Americans have tragically lost their lives in alcohol-related crashes.
- Conservative estimates place the annual economic loss at \$21 billion, while others run as high as \$24 billion.
- In single vehicle fatal crashes, . . . upwards of 65 percent of those drivers who died were legally under the influence, i.e., their alcohol level was above .10 percent.
- The average BAC of these drunk drivers was .20 percent.
- From one in five hundred (1/500) to one in two thousand (1/2000) drivers on the road with a BAC greater than .10 percent are arrested for driving under the influence.
- The low likelihood of arrest, and a lenient judicial attitude fostered by a misperception of the seriousness of the offense, are important factors in perpetuating this nation's drunk driving problem.
- An even more pervasive problem is the social acceptability of intoxication and drunk driving.



The Final Report contains numerous recommendations which are intended to assist states and localities in developing programs and strategies to combat the drunk driving problem. These recommendations address ten major areas:

Public Awareness	Enforcement
Public Education	Prosecution
Private Sector	Adjudication
Alcoholic Beverage	Licensing Administration
Regulation	Education and
Systems Support	Treatment

One of the recommendations made by the Commission in the area of "Systems Support" deals with "Tracking and Reporting Systems":

Record System: Police, prosecutors, and courts should collect and report DUI apprehension, charging and sentencing information to the state licensing authority. Convictions on military and Federal lands, including Indian tribal lands, should also be reported. The State licensing authority must maintain a traffic records system capable of tracking offenders from arrest to conviction or other disposition, including sanctions imposed by both judicial and licensing authorities. This system should also be used for evaluation purposes.

Uniform Traffic Ticket: State and local governments should adopt a statewide uniform traffic ticket system.

Driver License Compact: Each state should adopt the Driver License Compact and the one license/one record policy, while also utilizing the National Driver Register.

In addition, the Commission also noted that "a single State agency should compile all information relative to charging, disposition and sentencing by jurisdiction and court. It should also report this information annually to the public, the legislative bodies, and the executive branches of State and local governments. This information should also be made available to military and Federal officials."

Maine implemented a comprehensive data collection- reporting system in September 1981; slightly more than two years prior to the publication of the Commission's Final Report (November 1983).

The 1984 OUI Report is the third annual OUI Report prepared by the Maine Department of Human Services, Office of Alcoholism and Drug Abuse Prevention (OADAP). These reports were begun in 1982 subsequent to the 1981 enactment and implementation of L.D. No. 1681, "An Act to reform the Statutes Relating to Driving Under the Influence of Intoxicating Liquor or Drugs".

The revised statutes, commonly referred to as the 1981 Drunk Driving Law, not only included tougher punitive measures but an annual reporting requirement as well. In 1981, numerous other states proposed or had already enacted tougher OUI legislation; however, very few states proposed or implemented reporting requirements similar to those in Maine. The legislation stipulates that a written report be prepared annually for the preceding calendar year concerning the enforcement of laws related to drinking and driving. Furthermore, the legislation specifies the type of statistics that should be contained in the report.

For the first OUI report, covering September 18, 1981 through September 17, 1982, Northeast Laboratories in Winslow, Maine provided OUI arrest and revocation of implied consent statistics. All other data was obtained from the 33 District and 16 Superior Courts in Maine by data collectors who visited each court and abstracted OUI, OAS and HO information from court dockets. This approach was necessary, at that time, because no single state agency was collecting and tabulating all the statistics required for the report. OADAP contracted the University of Southern Maine, Human Services Development Institute (HSDI) to collect, computerize and analyze the data and assist in preparing the first report. Concurrently, an OUI Committee was established to consider and select a more cost-efficient on-going data collection method to replace the court site-visit approach. After considering several options, the Committee consensus was to use the Uniform Traffic Ticket and Complaint (UTT) as the primary tool for collecting some of the additional statistics required for the OUI report. Court clerks were already using the UTT to transmit information to Maine's Motor Vehicle Division (MVD).

Court clerks began forwarding the additional information to MVD in November 1982. MVD computerizes the data and, consequently, is able to provide OADAP with most of the statistics needed for OUI reports. MVD provided the statistics for the 1983 and the 1984 Annual OUI Reports.

Although this report focuses on calendar year 1984, in some instances, 1982 and 1983 statistics are also presented for comparative purposes. However, caution should be used in drawing conclusions when comparing statistics for the three-year period for two reasons. First, the data collection method used for the first report differed from the method used for subsequent reports. Second, the time that elapsed between the end of the reporting period and the point at which data were collected/compiled also differed. For the first report, data was collected and tabulated October 1982 through mid-December 1982. Data for the second report was compiled in January 1985, and data for this report was tabulated March and April 1985. Thus, based on when the data was tabulated, courts had: one to 15 months to adjudicate 1981-82 cases; 3 to 15 months to adjudicate 1984 cases; and, 13 to 25 months to adjudicate the 1983 cases.

Assuming that all other factors remained constant, the method used to collect data appears to have less impact on the statistics than does the amount of time allowed to elapse between the end of a reporting period and when the data is actually compiled. This assumption is based on the observed similarity between the disposition statistics for the first 12 months under the 1981 Drunk Driving Law and calendar year 1984; different data collection methods were used, however, the time that elapsed between the end of the reporting period and the point at which statistics was tabulated was similar. Statistics for calendar years 1983 and 1984, however, were collected in the same manner (using the UTT) but the elapsed time between the end of the year and the point at which data were tabulated was substantially different. The 1983 statistics was tabulated 13 months later, while 1984 data were tabulated 3-4 months after the end of the calendar year. This may account for the substantial difference in the total number of 1983 cases adjudicated, as well as the dissimilarity in the disposition statistics. To enhance analysis of OUI data across calendar years, statistics for future OUI reports will be compiled no later than 3-4 months after the reporting period ends.

This report presents 1984 OUI, OAS and HO statistics, as well as selected statistics from the two prior reporting periods. In order for a 1984 offense to be included in this report: (1) the violation had to occur during calendar year 1984, and (2) the case had to be adjudicated and court findings reported to MVD prior to March 18, 1985 (date MVD generated OUI statistics) or April 19, 1985 (date MVD generated OAS and HO statistics). The types of statistics presented are similar to those contained in previous OUI reports with one major exception: OAS and HO statistics, in addition to total counts, are also broken down by OUI-related and non-OUI-related statistics.

Chapter 2 focuses on OUI. Statistics are presented for 1984 OUI arrests, revocation of implied consent, court findings and penalties imposed upon conviction, as well as Driver Education Evaluation Program (DEEP) completion and recidivism by program completors. Statistics are presented by county and, in many instances, by District and by Superior Court as well. Selected 1982 and 1983 statistics are also presented.

Chapter 3 describes 1984 OAS court findings and penalties imposed upon conviction. OAS data is presented as total counts by county, by District and by Superior Court. The data is broken down further according to (1) OAS violations where the driver's license was under suspension because of an OUI conviction, and (2) OAS violations where the driver's license was suspended for reason(s) other than an OUI conviction. Some 1982 and 1983 OAS data are also presented.

Chapter 4 describes 1984 HO violations: operating while license was revoked because of habitual offender status. HO data is also presented by county, by District Court, and by Superior Court. As with OAS data, HO statistics are also broken down into the OUI-related category: violations which resulted in the HO status included adjudication(s) and/or conviction(s) for OUI. Selected 1982 and 1983 statistics are also presented.

Chapter 5 identifies and describes the major areas of interest and concern to the OUI Work Group based on their review of the data, as well as their recommendations pertaining to each area.

Finally, the last section of this report contains numerous statistical tables which support the narrative contained in Chapters 2 through 4.

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## II

### OPERATING UNDER THE INFLUENCE

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This chapter focuses exclusively on operating under the influence (OUI). Civil and criminal OUI statutes, including penalties upon conviction, are described briefly before the data is presented. The remainder of the chapter is organized into six parts; each major section contains detailed statistics for calendar year 1984 and selected statistics pertaining to 1982 and 1983. The first section describes OUI arrests, refusals and blood alcohol count (BAC) test results. Section two presents a statewide summary. Subsequent sections present OUI data by county, by District and by Superior Court, respectively. The final section addresses participation in Maine's Driver Education Evaluation Program; a requirement which must be met prior to license restoration by the Secretary of State.

Subsequent to the implementation of the 1981 Drunk Driving Law, and applicable through 1984, the State had the option of charging an OUI offender with a criminal or a civil violation. (Prior to 1981 the civil prosecutorial route was not an option.) The determination that a driver be charged with a civil or a criminal offense depends largely on the circumstances at the time of arrest. Prosecution under the criminal statute is required if, at the time the person was stopped and arrested for OUI, the following existed: (1) the blood-alcohol concentration (BAC) was greater than .20%; (2) driving 30 miles in excess of the speed limit; (3) attempting to elude the officer; or (4) having been convicted of an OUI offense within 6 years preceding the new offense. Other circumstances at the time of the violation can also result in a criminal charge. These may include the following: (1) driving one to 30 miles in excess of the speed limit; (2) failing to stop for an officer; (3) being involved in a traffic accident; (4) having committed any other moving violation warranting criminal prosecution; or (5) having refused to take a blood or breath test within the preceding 6 years.

The penalty for refusing to submit to a chemical test, blood or breath, is suspension of license by the Secretary of State for 180 days if it is the first refusal within the preceding 6 years.

The penalties upon conviction for criminal OUI are more severe than for civil OUI. The minimum penalties required by law, as well as the maximum, are:

<u>Penalties</u>	<u>Criminal OUI</u>	<u>Civil OUI</u>
Fine	\$350-1000	\$250-500
License Suspension	90 Days-1 year	45 Days-180 Days
Imprisonment	2 Days-364 Days	None

In addition to the court imposed sanctions, Maine's Secretary of State may (1) suspend a person's drivers license if the court has not done so, (2) extend the license suspension period if it is less than the mandatory minimum, and (3) extend the license suspension period beyond the mandatory minimum, if indicated. Finally, all persons convicted of civil or criminal OUI are required to successfully complete Maine's Driver Education Evaluation Program, as well as alcohol-related rehabilitation if indicated, before a license or permit to operate a motor vehicle is restored.

## STATEWIDE OUI OVERVIEW

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Maine law enforcement officers made 31,951 OUI arrests from September 18, 1981 through calendar year 1984. At the time statistics were compiled for the OUI reports, 80.4 percent of the cases had been adjudicated by Maine courts (25,687 OUI cases). The State obtained convictions in 86.8 percent of the cases. In 1.3 percent of the adjudicated cases, the defendant was found not guilty (325 cases) and 11.9 percent of the cases were dismissed: 1,032 straight dismissals and 2,022 dismissals for a plea of guilty to a lesser charge.

Sixty-one percent of the adjudicated cases were civil OUI charges (15,760 cases) and 38.6 percent were criminal charges (9,927 cases). The State was somewhat more successful in convicting defendants charged with criminal OUI than it was in convicting those charged with a civil OUI violation. While the overall conviction rate in civil OUI cases was 85.5 percent, the conviction rate in criminal cases was 89.0 percent. Given this difference, it is not surprising that a smaller percentage of the criminal OUI charges were dismissed, 10.1 percent compared to a 13.0 percent dismissal rate in civil OUI adjudications.

In terms of the sanctions imposed by the courts since the 1981 OUI Law was implemented, the following observations are made. First, the consistency with which courts imposed penalties in both civil and criminal OUI convictions has improved during the three-year reporting period. Initially, criminal OUI appears to have been more problematic than civil OUI; and, that is where the notable positive change has occurred. In 1982, fines were imposed in 98.8 percent of the criminal convictions, licenses were suspended in 93.9 percent, and defendants received a jail sentence in 96.3 percent of the convictions. However, in 1984 criminal OUI charges, 99.3 to 99.5 percent of the defendants convicted were jailed, fined and had their licenses suspended.

Second, it appears that courts have tended to be less punitive in sanctioning OUI offenders convicted of a civil OUI offense than with those convicted of a criminal offense. Civil OUI sentencing statistics reflect a general tendency to impose mandatory minimum penalties. The average fine and license suspension period has remained essentially unchanged during the three OUI reporting periods: a fine of \$260-\$263 and a license suspension period of 45 days. This is not the case however in criminal OUI convictions. The sentencing statistics for the three-year period suggest an increasingly tougher approach assumed by courts in criminal OUI convictions, particularly, in suspension of licenses and imprisonment. The average license suspension period imposed by courts in 1984 was double that in 1982: 192 days compared to 96 days. The average jail sentence increased from 5 days to 9 days.

Third, and a somewhat less positive observation than the prior two, it appears that courts continue to impose penalties which are less than the statutorily mandated minimums with one exception: 1984 jail sentences were all 2 days or more. All other sanctions imposed by the courts in civil and criminal convictions have included penalties below the minimum. In addition, penalties exceeding the maximum have also been imposed by courts.

### Arrests, Revocation of Implied Consent and Blood-Alcohol Test Results

Maine law enforcement officers made 10,243 OUI arrests in 1984; 1,050 fewer arrests than were made in 1983 (11,293 arrests) and 172 fewer than in 1982 (10,415 arrests).<sup>(1)</sup>

Refusal to submit to a chemical test occurred in 13.1 percent of the 1984 arrests; the lowest refusal rate since the 1981 Drunk Driving Law was implemented. The refusal rate in 1983 was 14.3 percent (1,623 arrests), while in 1982 it was 15.7 percent (1,545 arrests).

In 1984 as in 1983, Knox County experienced the highest refusal rate (20.2%), and Piscataquis County had the lowest (8.3%).

Figure 1

OUI ARRESTS AND REVOCATION OF IMPLIED CONSENT BY COUNTY  
(Violation Date: January 1 – December 31, 1984)

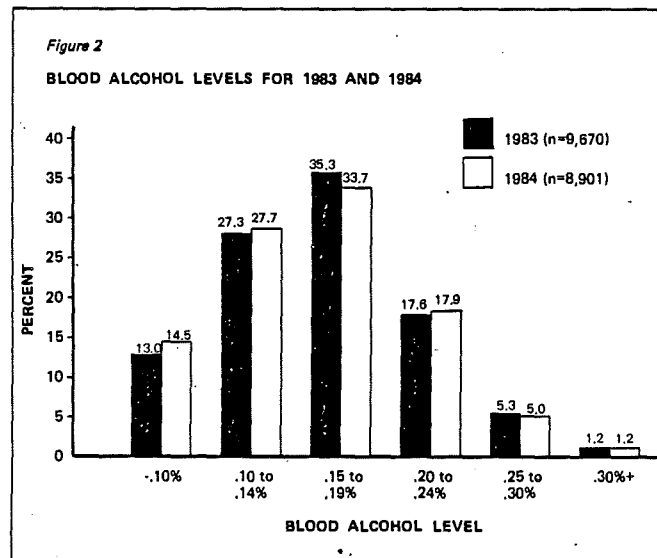
COUNTY	TEST NOT REFUSED		REVOCATION OF IMPLIED CONSENT		TOTAL ARRESTS	
	No.	%	No.	%	No.	% *
Androscoggin	542	85.4	93	14.6	635	6.2
Aroostook	631	91.1	62	8.9	693	6.8
Cumberland	1,528	87.3	222	12.7	1,750	17.1
Franklin	135	87.1	20	12.9	155	1.5
Hancock	235	85.5	40	15.5	275	2.7
Kennebec	642	86.1	104	13.9	746	7.3
Knox	170	79.8	43	20.2	213	2.1
Lincoln	221	88.0	30	12.0	251	2.4
Oxford	281	86.5	44	13.5	325	3.2
Penobscot	742	87.7	104	12.3	846	8.3
Piscataquis	144	91.7	13	8.3	157	1.5
Sagadahoc	220	87.0	33	13.0	253	2.5
Somerset	284	84.3	53	15.7	337	3.3
Waldo	200	90.5	21	9.5	221	2.1
Washington	255	87.9	35	12.1	290	2.8
York	925	85.6	155	14.4	1,080	10.5
(Unknown)	1,746	86.6	270	13.4	2,016	19.7
STATEWIDE	8,901	86.9	1,342	13.1	10,243	100.0

\* Percent of Total Arrests

<sup>(1)</sup>The 1984 arrest statistics were provided by MVD who also indicated that the data may be incomplete because of a reporting backlog. That is, at the time MVD generated the data (March 1985) all arrests may not have yet been reported to the agency.



The average BAC in 1984 was .19 percent (8,901 tests), while in 1983 and in 1982 it was .19 and .18 percent, respectively. A comparison of the 1983 and 1984 test results by the six blood-alcohol levels (depicted in Figure 2) indicates a slight overall decrease in the 1984 BAC's. During both 1983 and 1984, 24.1 percent of the BAC test results fell in the .20 percent and greater range, while a smaller percentage of the 1984 test results showed a BAC of .15 to .19 percent and a larger percentage were less than .10 percent.



The overall downward shift in 1984 BAC test results and the reduction in the number of arrests made during 1984, raises such questions as: Are fewer people drinking and driving? Are those who plan on driving after they drink, consuming less alcohol? Are fewer arrests and lower BAC's indicators of success in reducing OUI behavior or are they indicators of other influencing factors?

## Disposition of Cases

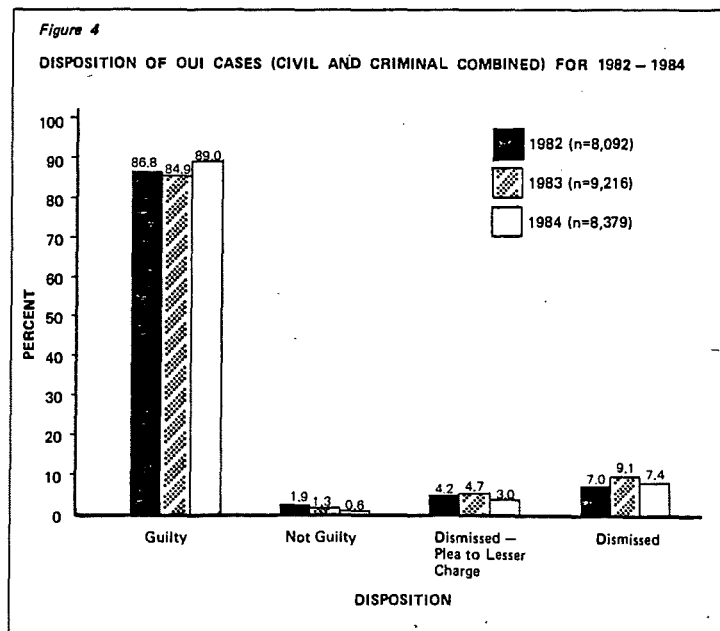
As of March 18, 1985, Maine courts had adjudicated 8,379 OUI cases: criminal and civil charges combined. As shown in Figures 3 and 4, courts achieved the highest conviction rate (89.0) and the lowest dismissal rate (10.4) in adjudicating 1984 OUI cases. Findings of not guilty were also reduced substantially over the three-year period.

Figure 3

### 1982 THROUGH 1984 DISPOSITION OF OUI CASES (Civil and Criminal Combined)

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	7,026	86.8	7,828	84.9	7,454	89.0
Not Guilty	155	1.9	119	1.3	51	.6
Dismissed - PLC*	343	4.2	434	4.7	255	3.0
Dismissed	568	7.0	835	9.1	619	7.4
Total No. Cases	8,092		9,216		8,379	

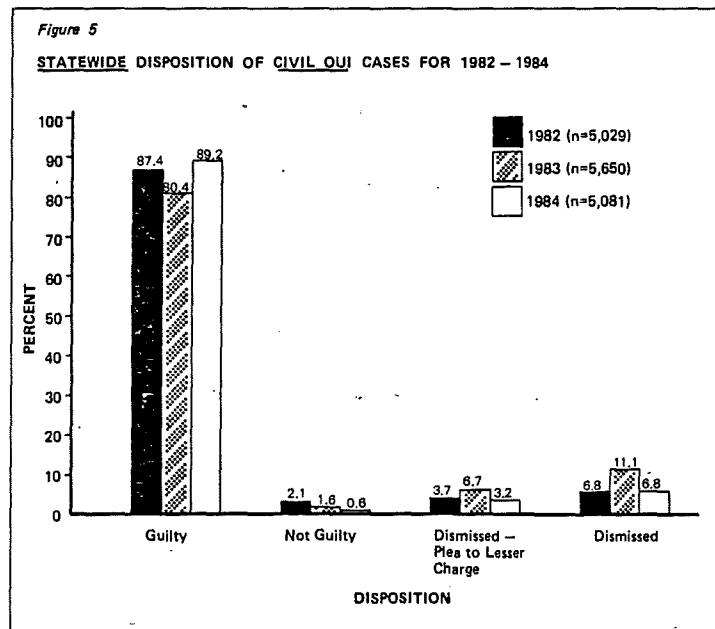
\* PLC= Plea to Lesser Charge



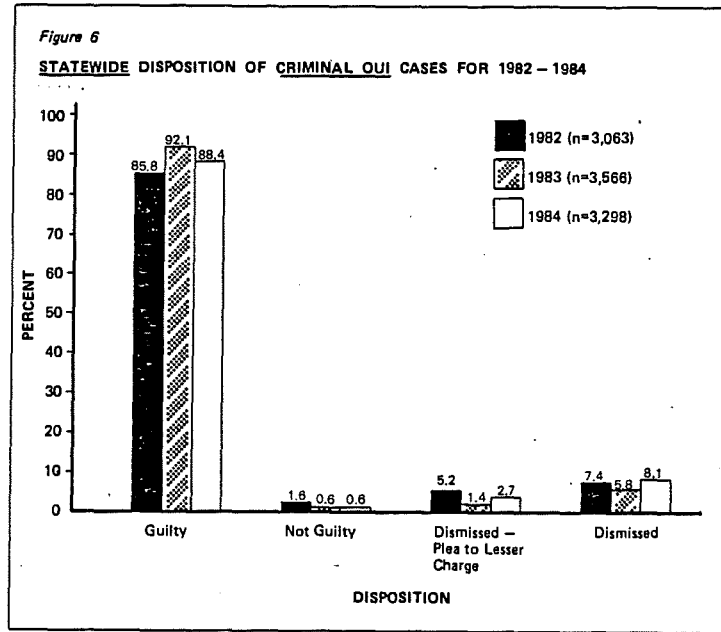
During each of the three reporting periods, civil OUI charges comprised almost two-thirds of all OUI charges brought by the State. Each year, however, the proportion of civil to criminal charges has decreased slightly.

<u>Year</u>	<u>Civil Charges</u>	<u>Criminal Charges</u>
1982	62.1%	37.9%
1983	61.3%	38.7%
1984	60.6%	39.4%

Based on the total number of cases adjudicated for each reporting period, the highest conviction rate was achieved in 1984 civil OUI violations (89.2%); the dismissal rate was also the lowest (10.0%). The lowest conviction rate and the highest dismissal rate occurred in 1983 civil OUI cases: 80.4 and 17.8 percent, respectively. (Figure 5)



As illustrated in Figure 6, convictions were obtained by the courts in 88.4 percent of the 1984 criminal OUI cases adjudicated as of March 18, 1985. Although this conviction rate exceeds the 1982 rate (85.5%) it is lower than the 1983 conviction rate (92.1%). The lowest dismissal rate was also in 1983 (7.2%).



### Sentences Imposed by Courts

Civil OUI. As apparent from Figure 7, courts imposed penalties more consistently in 1984 civil OUI cases than during the first reporting period. In all but one 1984 conviction, which could have been a reporting or keypunch error, fines were imposed; they ranged from \$50 to \$586 and the average was \$263. Licenses were suspended in all but nine 1984 convictions; license suspension periods ranged from 30 to 365 days with the average being 45 days.

Although courts imposed penalties with relative consistency across the three-year reporting period some of the sanctions were below the statutorily mandated minimum, and some exceeded the maximum.

Figure 7

1982 THROUGH 1984 CIVIL OUI:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE COURTS

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	4,396	87.4	4,543	80.4	4,537	89.2
Not Guilty	107	2.1	95	1.6	31	.6
Dismissed - PLC*	185	3.7	384	6.7	164	3.2
Dismissed	341	6.8	628	11.1	349	6.8
Total No. Cases	5,029		5,650		5,081	
* PLC = Plea to Lesser Charge						
PENALTIES	1982		1983		1984	
<b>FINE</b>						
• No. and % Fined	4,392 (99.1)		4,536 (99.8)		4,536 (99.9)	
• Average Fine	\$260		\$261		\$263	
• Low-High	\$50-500		\$50-500		\$50-586	
<b>LIC. SUSPENSION</b>						
• No. & % Lic. Susp.	4,327 (98.4)		4,538 (99.9)		4,528 (99.8)	
• Average License Suspension Period	46 Days		45 Days		45 Days	
• Low-High	30-183 Days		30-365 Days		30-365 Days	
<b>JAIL SENTENCE</b>						
• No. & % Jail Sent.	14 (0.3)		None		None	
• Average Jail Sent.	11 Days					
• Low-High	2-60 Days					

Criminal OUI. Individuals charged with and convicted of a 1984 criminal OUI were more frequently fined, had their licenses suspended and were sentenced to jail than was the case in 1982 and 1983 criminal convictions. Fines were imposed by the courts most frequently (99.5% of the convictions), while suspension of license and jail sentences occurred with somewhat lesser frequency. This occurred not only in 1984 OUI convictions, but each previous reporting period as well.

Penalties imposed by the courts tended to be somewhat more severe in 1984 criminal convictions than in 1982 and 1983 violations. The average 1984 fine was \$15 greater than in 1982 (\$390 versus \$375); the 1984 average license suspension period was double the average in 1982 (192 days versus 96 days); and, the 1984 average jail sentence was 4 days longer than in 1982 (9 days versus 5 days). As shown in Figure 8, although the consistency with which courts imposed penalties improved over the three-year period and, overall, the severity of the penalties increased, some of the penalties however were below the mandatory minimum with one exception: 1984 jail sentences.

Figure 8

**1982 THROUGH 1984 CRIMINAL OUI:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE COURTS**

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	2,630	85.8	3,285	92.1	2,917	88.4
Not Guilty	48	1.6	24	.6	20	.6
Dismissed -- PLC*	158	5.2	50	1.4	91	2.7
Dismissed	227	7.4	207	5.8	270	8.1
Total No. Cases	3,063		3,566		3,298	
* PLC = Plea to Lesser Charge						
PENALTIES	1982		1983		1984	
<b>FINE</b>						
• No. and % Fined	2,598 (98.8)		3,256 (99.1)		2,902 (99.5)	
• Average Fine	\$375		\$385		\$390	
• Low-High	\$50-1000		\$100-1000		\$100-1000	
<b>LIC. SUSPENSION</b>						
• No. & % Lic. Susp.	2,469 (93.9)		3,237 (98.5)		2,896 (99.3)	
• Average License Suspension Period	96 Days		124 Days		192 Days	
• Low-High	30-365 Days		30-825 Days		45-730 Days	
<b>JAIL SENTENCE</b>						
• No. & % Jail Sent.	2,532 (96.3)		3,249 (98.9)		2,898 (99.3)	
• Average Jail Sent.	5 Days		9 Days		9 Days	
• Low-High	1-304 Days		1-365 Days		2-365 Days	

The next section describes civil and criminal OUI case dispositions and penalties imposed (by courts) by county.

## COUNTY OUI STATISTICS

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### Civil OUI

Case Dispositions. County conviction rates in 1984 civil OUI violations ranged from 76.3 percent (Piscataquis County) to 100.0 percent (Franklin County). Franklin County also had the highest conviction rate in 1983 and Kennebec County had the highest rate in 1982. York County had the lowest conviction rate in both 1982 and 1983 civil OUI cases.

Piscataquis County had the highest dismissal rate (22.1%) in 1984; Cumberland County had the highest rate of dismissals for a plea of guilty to a lesser charge (7.8%); and, Hancock County had the highest rate of not guilty findings (2.5%). Franklin County had no court findings of not guilty and none of the cases adjudicated were dismissed.

Fewer 1984 civil cases were dismissed than during either previous reporting period. In 1984, only 513 civil cases were dismissed compared to 1,012 in 1983 and 526 in 1982.

Sentencing. Of the 4,536 persons convicted of a 1984 civil OUI violation, only one was not fined (Penobscot County). All county averages (fines) were above the mandatory minimum of \$250. However, courts in five counties imposed fines which were less than the mandatory minimum: Cumberland (\$200), Kennebec (\$200), Waldo (\$100), Washington (\$200), and York (\$50). Waldo and York County statistics indicate that fines below the mandated minimum were imposed during all three reporting periods; and in Cumberland, Kennebec and Washington Counties fines of less than the mandatory minimum were imposed during two reporting periods.

Licenses were not suspended in only nine 1984 civil convictions in the following six counties: Androscoggin (2), Aroostook (1), Cumberland (1), Kennebec (3), Somerset (1), and York (1). All counties suspended licenses for an average of 45 days; less than the mandatory minimum (45 days) was imposed by courts in only two counties, Kennebec and York (30 days). Penalties exceeding the maximum were imposed by courts in four counties: Androscoggin, Aroostook, Cumberland, and York.

Figure 9 on the next page presents disposition of cases by county as well as the penalties imposed by courts.

Figure 9

**CIVIL OUI: Court Findings and Penalties by County**  
(Violation Date: January 1 – December 31, 1984)

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	279	5	1.7					274	98.2	274	254	250	586	272	45	45	90				
Aroostook	347	11	3.1	3	.8	2	.5	331	95.3	331	253	250	500	330	48	45	365				
Cumberland	1071	57	5.3	84	7.8	4	.3	926	86.4	926	259	200	500	925	47	45	365				
Franklin	71							71	100.0	71	308	250	450	71	45	45	45				
Hancock	159	14	8.8	3	1.8	4	2.5	138	86.7	138	252	250	500	138	45	45	45				
Kennebec	485	5	1.0			4	.8	476	98.1	476	253	200	500	473	45	30	90				
Knox	257	13	5.0	11	4.2			233	90.6	233	298	250	500	233	45	45	105				
Lincoln	145	14	9.6	6	4.1	1	.6	124	85.5	124	303	250	500	124	45	45	45				
Oxford	110	7	6.3	1	.9			102	92.7	102	257	250	500	102	45	45	45				
Penobscot	515	19	3.6	1	.1	7	1.3	488	94.7	487	253	250	450	488	45	45	90				
Piscataquis	131	29	22.1	1	.7	1	.7	100	76.3	100	253	250	500	100	45	45	45				
Sagadahoc	94	7	7.4	3	3.1			84	89.3	84	284	250	350	84	45	45	45				
Somerset	214	16	7.4	1	.4	1	.4	196	91.5	196	307	250	500	195	45	45	45				
Waldo	92	18	19.5	3	3.2			71	77.1	71	248	100	300	71	45	45	45				
Washington	162	9	5.5	5	3.0	2	1.2	146	90.1	146	256	200	500	146	45	45	90				
York	949	125	13.1	42	4.4	5	.5	777	81.8	777	262	50	500	776	45	30	365				
STATEWIDE	5081	349	6.8	164	3.2	31	.6	4537	89.2	4536	263	50	586	4528	45	30	365				



## Criminal OUI

Case Dispositions. During the three-year reporting period various counties have had the distinction of having the "highest" and "lowest" conviction rates. In 1984, Kennebec County achieved the highest conviction rate (98.1%) and York County had the lowest rate (72.1%). In 1983, Piscataquis had the highest rate of conviction (98.4%) and Cumberland and Hancock had the lowest rates, 86.8 and 86.9 percent, respectively; in 1982, Hancock had the highest rate (95.0%) and Franklin County had the lowest conviction rate (74.0%).

York County had the highest dismissal rate in 1984 (20.5%) and Kennebec County had the lowest rate (1.5%). As shown in Figure 10 on the next page, none of the 1984 criminal cases adjudicated in nine (9) counties were dismissed for a plea of guilty to a lesser charge. Six counties did not have any findings of not guilty; depicted in Figure 10.

The highest rate of dismissal for a plea to a lesser charge in 1984 criminal OUI adjudications was in Cumberland and York Counties, 6.9 and 6.4 percent, respectively.

Sentencing. Only 15 of the 2,917 defendants convicted of a 1984 criminal OUI offense were not fined, 21 did not have their licenses suspended, and 19 were not sentenced to jail.

Fines imposed by courts ranged from \$100 to \$1000. However, although county averages (fines) were all above the mandatory minimum of \$350, courts in 11 counties imposed fines below the required minimum.

This also appears to be the case with license suspensions. Although the county averages far exceed the mandated minimum of 90 days, ranging from an average of 168 days (Sagadahoc) to 261 days (Somerset), licenses were suspended for less than 90 days in six (6) counties; it appears that a license suspension period exceeding the maximum was imposed in one county (Penobscot).

Jail sentences ranged from an average of 26 days in Somerset County to 3 days in Cumberland and Sagadahoc Counties. The individual jail sentences ranged from 2 days to 365 days. None of the jail sentences imposed by courts were below the mandated 2-day jail sentence. However, the data indicate that jail sentences exceeding the maximum of 364 days were imposed by courts in five counties: Androscoggin, Franklin, Kennebec, Penobscot, and Somerset.

District Court statistics are examined in the following section. Disposition and sentencing information is presented for each of the 33 District Courts in Maine. Statistics are presented for calendar year 1984 and for the prior two reporting periods as well.

Figure 10

**CRIMINAL OUI: Court Findings and Penalties by County**  
(Violation Date: January 1 – December 31, 1984)

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	184	6	3.2	1	.5			177	96.1	177	360	350	550	177	190	60	365	177	5	2	365
Aroostook	302	18	5.9			3	.9	281	93.0	281	368	100	650	278	197	90	365	280	6	2	240
Cumberland	593	40	6.7	41	6.9	1	.1	511	86.1	510	378	300	1000	506	153	45	365	507	3	2	90
Franklin	35	1	2.8					34	97.1	34	417	350	630	34	219	90	365	34	19	2	365
Hancock	80	15	18.7					65	81.2	61	427	350	750	62	205	90	365	65	12	2	270
Kennebec	384	6	1.5			1	.2	377	98.1	377	419	250	1000	372	234	90	365	376	15	2	365
Knox	119	4	3.3					115	96.6	115	449	250	1000	115	164	90	365	115	11	2	270
Lincoln	97	11	11.3	4	4.1			82	84.5	81	451	250	750	82	228	90	365	82	9	2	180
Oxford	92	6	6.5			2	2.1	84	91.3	84	385	350	700	84	148	90	365	84	8	2	120
Penobscot	433	27	6.2	6	1.3	2	.4	398	91.9	395	386	200	1000	396	186	45	730	396	8	2	365
Piscataquis	67	5	7.4			3	4.4	59	88.0	59	363	350	500	59	248	90	365	59	8	2	90
Sagadahoc	52	2	3.8			2	3.8	48	92.3	47	378	250	500	48	168	90	365	48	3	2	30
Somerset	138	8	5.7	1	.7	1	.7	128	92.7	124	467	250	1000	128	261	90	365	126	26	2	365
Waldo	70	4	5.7					66	94.2	66	406	300	600	65	173	45	365	65	8	2	270
Washington	127	9	7.0	4	3.1	1	.7	113	88.9	112	371	150	600	113	193	45	365	113	4	2	60
York	525	108	20.5	34	6.4	4	.7	379	72.1	379	357	250	1000	377	185	45	365	371	8	2	364
STATEWIDE	3298	270	8.1	91	2.7	20	.6	2917	88.4	2902	390	100	1000	2896	192	45	730	2898	9	2	365

## COURT OUI STATISTICS

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Prior to the implementation of the 1981 Drunk Driving Law, OUI studies suggested substantial variation in adjudication of OUI cases across the state. Since the OUI Law was implemented, the variation in adjudications appears to have decreased. Court differences are noted in subsequent sections of this chapter; however, based on data available for three years, the following general observations are presented here.

### Civil OUI - 1982 Through 1984

- Overall, District Courts have been more successful in obtaining convictions in civil OUI cases than have Superior Courts.

#### Civil OUI Conviction Rates

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	87.4	100.0
1983	80.5	38.0
1984	89.2	100.0

- District Courts tended to be more consistent than Superior Courts in imposing penalties upon conviction for civil OUI.

#### Fines as a Percentage of Convictions

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	99.9	100.0
1983	99.9	87.5
1984	99.9	100.0

- Superior Courts tended to fine OUI offenders more severely than District Courts. However, at both court levels the average fine in 1984 civil OUI convictions was greater than in 1982.

<u>Average Fine</u>		
<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	\$260	\$250
1983	\$261	\$278
1984	\$263	\$266

- Licenses were suspended with greater frequency in District than in Superior Courts.

<u>License Suspensions as a Percentage of Convictions</u>		
<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	98.4	100.0
1983	99.9	87.5
1984	99.8	66.7

- The average license suspension period imposed by courts (District and Superior) differed very little.

<u>Average License Suspension Period (Days)</u>		
<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	46	45
1983	45	45
1984	45	45

- When Superior Court sentencing included a fine and suspension of license, these penalties were all in compliance with the mandatory minimum. This was not the case at the District Court level: during each reporting period the data indicate that sentencing included \$50 fines and 30-day license suspension periods.

### Criminal OUI - 1982 Through 1984

- As in civil OUI adjudications, District Courts achieved higher annual conviction rates in criminal charges than did Superior Courts.

#### Conviction Rates

<u>Year</u>	<u>District Court</u>	<u>Superior Court</u>
1982	86.1	84.6
1983	95.3	83.8
1984	88.8	85.8

- Fines were imposed and licenses suspended more frequently in District Courts than in Superior Courts. However, the frequency with which Superior Courts fined defendants and suspended their licenses has increased since the first reporting period.

#### Fines as a Percentage of Convictions

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	99.3	96.1
1983	99.3	98.5
1984	99.6	98.9

#### License Suspensions as a Percentage of Convictions

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	96.3	80.6
1983	99.3	96.3
1984	99.7	96.5

- Although fines imposed by Superior Courts tended to be higher and license suspension periods longer than those imposed by District Courts, the severity of these penalties tended to increase at both court levels each year.

#### Average Fine

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	\$372	\$389
1983	\$380	\$403
1984	\$387	\$414

Average License Suspension (Days)

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	95	99
1983	124	121
1984	189	214

- From the outset, Superior Courts sentenced defendants to jail more frequently and for much longer terms than District Courts.

Jail Sentences as a Percentage of Convictions

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	95.9	98.3
1983	98.8	99.3
1984	99.3	100.0

Average Jail Sentence (Days)

<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
1982	4	9
1983	6	18
1984	6	25

- A less positive observation pertains to the minimum penalties imposed by Maine Courts. During each reporting period, penalties were imposed at both court levels that were below the mandatory minimum.

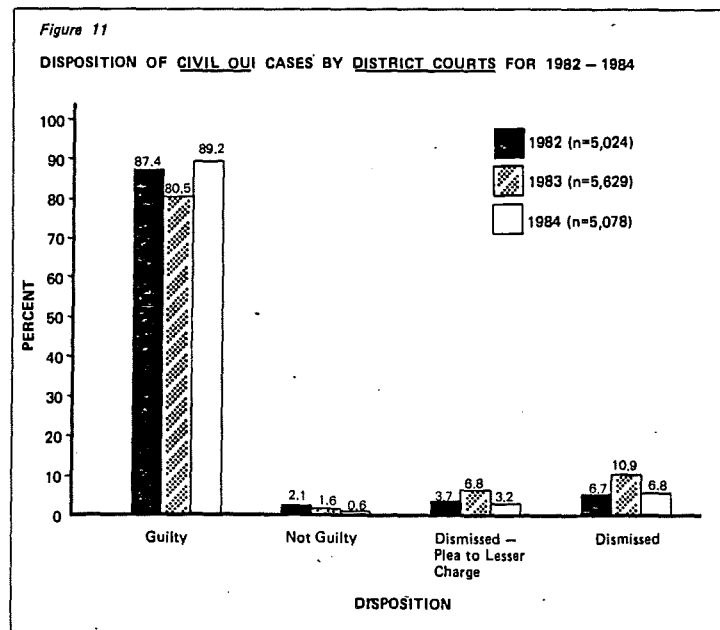
	<u>Year</u>	<u>District Courts</u>	<u>Superior Courts</u>
<u>Fines</u>	1982	\$50	\$250
	1983	\$100	\$175
	1984	\$100	\$350
<u>License Suspension (Days)</u>	1982	30	30
	1983	30	60
	1984	45	45
<u>Jail Sentence (Days)</u>	1982	1	2
	1983	1	2
	1984	2	2

In sum, there is evidence to suggest that Maine Courts are more consistently imposing the penalties required by law and tend to be more severe in sentencing OUI offenders, especially defendants convicted of criminal OUI.

## DISTRICT COURTS

### Civil OUI

Case Dispositions. As depicted in Figure 11, Maine District Courts achieved the highest conviction rate in adjudicating 1984 civil cases (89.2%) as well as the lowest dismissal rate (10.0%). These rates are slightly better than the 1982 rates and a substantial improvement over 1983.



District Court conviction rates in 1984 civil OUI violations ranged from 76.3 percent in two courts (Biddeford and Dover-Foxcroft) to 100.0 percent in four (4) courts (Madawaska, Van Buren, Farmington and Lincoln). The statistics indicate that five District Courts had no 1984 civil OUI charges that resulted in a straight dismissal; and, twelve courts had no civil cases dismissed for a plea of guilty to a lesser charge. Furthermore, a substantial number of District Courts (16) did not have any civil OUI cases that resulted in a not guilty finding.

**Sentencing.** Fines were imposed in all but one of the 1984 civil OUI convictions and licenses were suspended in all but eight convictions. As evident from Figure 12, the average fine imposed by District Courts in 1984 was slightly greater than in 1982 or 1983; and, the average 1984 license suspension period of 45 days was less than the 1982 average (46 days) but the same as the 1983 average (45 days).

Figure 12

**1982 THROUGH 1984 CIVIL OUI: STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE DISTRICT COURTS**

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	4,391	87.4	4,535	80.5	4,534	89.2
Not Guilty	107	2.1	93	1.6	31	.6
Dismissed - PLC*	185	3.7	384	6.8	164	3.2
Dismissed	341	6.7	617	10.9	349	6.8
Total No. Cases	5,024		5,629		5,078	
* PLC = Plea to Lesser Charge						
PENALTIES	1982		1983		1984	
<b>FINE</b>						
• No. and % Fined	4,387	(99.9)	4,529	(99.9)	4,533	(99.9)
• Average Fine	\$260		\$261		\$263	
• Low-High	\$50-500		\$50-500		\$50-586	
<b>LIC. SUSPENSION</b>						
• No. & % Lic. Susp.	4,322	(98.4)	4,531	(99.9)	4,526	(99.8)
• Average License Suspension Period	46 Days		45 Days		45 Days	
• Low-High	30-183 Days		30-365 Days		30-365 Days	
<b>JAIL SENTENCE</b>						
• No. & % Jail Sent.	14	(0.3)	None		None	
• Average Jail Sent.	11 Days					
• Low-High	2-60 Days					

The average fine imposed by District Courts in 1984 civil OUI convictions was \$263. All individual District Court averages (fines) were \$250 or more, with one exception: the average fine in Belfast District Court was \$248. The 1984 statistics indicate that fines of less than the mandatory minimum were imposed in five District Courts: Portland, Augusta, Belfast, Calais and Biddeford. In 1983, Portland; Augusta, Biddeford and Wiscasset District Courts imposed fines that were less than the mandated minimum; and in 1982, this was the case in Bangor, Belfast, Biddeford, Calais and Lewiston.

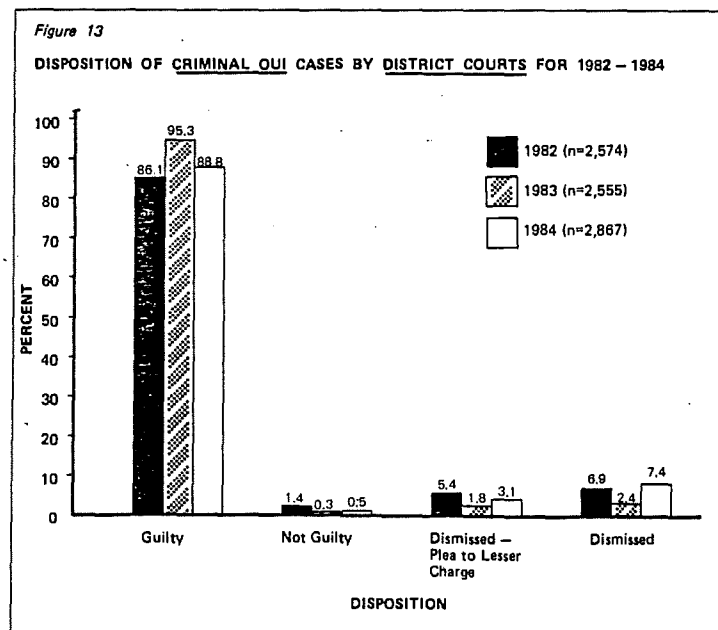


All District Courts suspended licenses for an average of 45 days or more with one exception: Biddeford's average suspension period in 1984 was 44 days. In terms of individual license suspensions, the statistics indicate licenses were suspended for only 30 days in two District Courts (Waterville and Biddeford). In 1983, 30-day license suspensions also occurred in two District Courts (Belfast and Portland); and, in 1982, six courts imposed 30-day suspensions (Augusta, Bangor, Biddeford, Lewiston, Portland and Wiscasset).

Additional 1984 District Court civil OUI statistics are presented in Figure A-1 in Appendix A of this report.

### Criminal OUI

Case Dispositions. Maine District Courts obtained convictions in 88.8 percent of the 1984 criminal OUI violations; dismissals (straight dismissals and dismissals for a plea to a lesser charge) comprised 10.5 percent of the cases adjudicated as of March 1985. As apparent from Figure 13, although the 1984 conviction and dismissal rates were an improvement over the 1982 rates, the best rates were achieved in 1983 criminal OUI cases.



Three District Courts obtained convictions in all of the 1984 criminal OUI cases that they had adjudicated as of March 1985. Those courts were: Lewiston, Fort Kent and Van Buren. Fort Kent and Van Buren District Courts had conviction rates of 100.0 percent during the prior two reporting periods also. The lowest 1984 conviction rate was 67.8 percent in Springvale District Court.

Twenty-two of the 33 District Courts did not have any 1984 criminal OUI charges dismissed for a plea of guilty to a lesser charge; five courts did not have any charges that resulted in a straight dismissal. The largest number of straight dismissals occurred in Biddeford (47 cases); and, the greatest number of cases dismissed for a plea to a lesser charge occurred in Portland (32 cases). Only 16 cases, in 12 District Courts, resulted in a court finding of "not guilty". Court specific data is presented in Appendix A, Figure A-2.

**Sentencing.** Penalties were imposed more consistently by District Courts in 1984 criminal OUI convictions than was the case during the previous two reporting periods. The areas of greatest improvement were suspension of licenses and jail sentencing. As depicted in Figure 14, licenses were suspended in 96.3 percent of the 1982 convictions, and in 95.9 percent of the convictions defendants were sentenced to jail. In 1984, however, jail sentencing and suspension of license occurred in 99.3 and 99.7 percent of the convictions, respectively.

Figure 14

**1982 THROUGH 1984 CRIMINAL OUI: STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE DISTRICT COURTS**

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	2,216	86.1	2,437	95.3	2,547	88.8
Not Guilty	38	1.4	8	.3	16	.5
Dismissed - PLC*	140	5.4	47	1.8	90	3.1
Dismissed	180	6.9	63	2.4	214	7.4
Total No. Cases	2,574		2,555		2,867	
* PLC = Plea to Lesser Charge						
PENALTIES	1982		1983		1984	
<b>FINE</b>						
• No. and % Fined	2,200	(99.3)	2,421	(99.3)	2,536	(99.6)
• Average Fine	\$372		\$380		\$387	
• Low-High	\$50-1000		\$100-1000		\$100-1000	
<b>LIC. SUSPENSION</b>						
• No. & % Lic. Susp.	2,135	(96.3)	2,420	(99.3)	2,539	(99.7)
• Average License Suspension Period	95 Days		124 Days		189 Days	
• Low-High	30-365 Days		30-365 Days		45-730 Days	
<b>JAIL SENTENCE</b>						
• No. & % Jail Sent.	2,125	(95.9)	2,407	(98.8)	2,528	(99.3)
• Average Jail Sent.	4 Days		6 Days		6 Days	
• Low-High	1-243 Days		1-364 Days		2-365 Days	

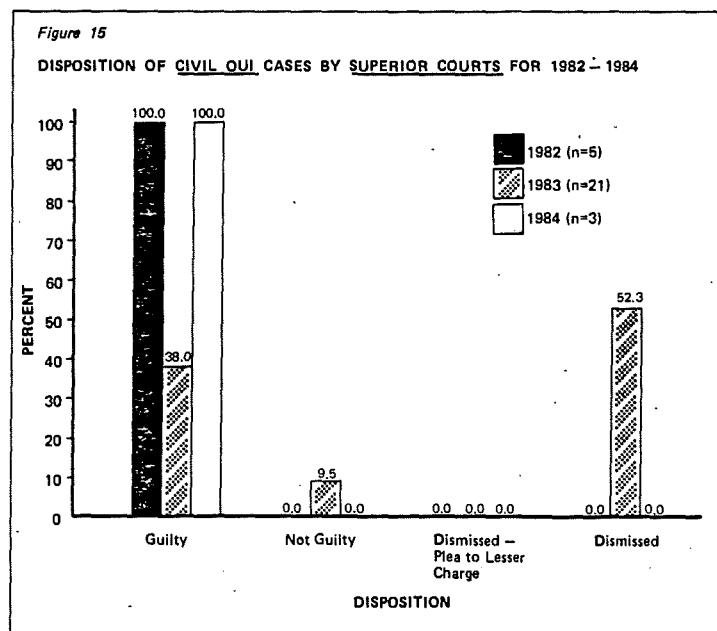
The penalties imposed by District Courts have become increasingly more severe during the three years. The greatest change appears to be the length of the license suspension period; the average in 1984 was 189 days, almost double the 1982 average (95 days). The average fine in 1984 was \$15 more than in 1982; and the average jail sentence increased from 4 days in 1982 to 6 days in 1984.

Although, overall, District Courts have become more punitive in sanctioning the OUI offender convicted of a criminal offense, the statistics indicate that some of the 1984 penalties were below the mandatory minimum. Almost one-half of the courts (14) imposed fines that were less than the mandatory minimum of \$350; and seven courts suspended licenses for less than the required minimum of 90 days. (Appendix A, Figure A-2)

## SUPERIOR COURTS

### Civil OUI

**Case Dispositions.** As of March 1985 only three 1984 civil OUI cases had been adjudicated by Maine Superior Courts. A conviction was obtained in each instance. As shown in Figure 15, findings in 1984 OUI violations were identical to those in 1982: 100 percent conviction rate.



**Sentencing.** As shown in Figure 16 on the next page, all three defendants convicted of a 1984 civil OUI violation were fined an average of \$266; and two defendants had their licenses suspended for 45 days. The average fine in 1982 was \$250; and the average license suspension period was the same as in 1984 (45 days).

The three 1984 civil OUI cases were adjudicated in Aroostook, Franklin and Sagadahoc County Superior Courts. Court specific statistics are presented in Appendix A, Figure A-3.

Figure 16

1982 THROUGH 1984 CIVIL OUI: STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE SUPERIOR COURTS

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	5	100.0	8	38.0	3	100.0
Not Guilty	0	0.0	2	9.5	0	0.0
Dismissed — PLC*	0	0.0	0	0.0	0	0.0
Dismissed	0	0.0	11	52.3	0	0.0
Total No. Cases	5		21		3	
* PLC = Plea to Lesser Charge						
PENALTIES	1982		1983		1984	
<b>FINE</b>						
• No. and % Fined	5	(100.0)	7	(87.5)	3	(100.0)
• Average Fine	\$250		\$278		\$266	
• Low-High	\$250-250		\$250-450		\$250-300	
<b>LIC. SUSPENSION</b>						
• No. & % Lic. Susp.	5	(100.0)	7	(87.5)	2	(66.7)
• Average License Suspension Period	45 Days		45 Days		45 Days	
• Low-High	45-45 Days		45-45 Days		45-45 Days	
<b>JAIL SENTENCE</b>						
• No. & % Jail Sent.	None		None		None	
• Average Jail Sent.						
• Low-High						

## Criminal OUI

**Case Dispositions.** A total of 431, 1984 criminal OUI cases had been adjudicated by Superior Courts at the time statistics were compiled for this report (March 1985). As depicted in Figure 17, the conviction rate in 1984 criminal OUI cases was greater than the rate during either previous reporting period.

The 1984 combined dismissal rate, cases dismissed for a plea to a lesser charge and straight dismissals, was 13.0 percent; the 1982 and 1983 rates were 13.2 and 14.4 percent, respectively.

Of the 56 cases dismissed by the courts in 1984, more than one-half (30 cases) were dismissed in Cumberland (19 cases) and York (11 cases). None of the 1984 criminal charges in Franklin Superior Court were dismissed.

**Sentencing.** As with District Courts, Maine Superior Courts imposed penalties with greater consistency in 1984 criminal convictions than they did in either 1982 or 1983 cases (Figure 18). Furthermore, the 1984 penalties were more severe than during the previous reporting periods. The average fine in 1984 was \$25 greater than the average 1982 fine; the average license suspension period was 93 days longer than in 1982; and the average jail sentence was 16 days longer.

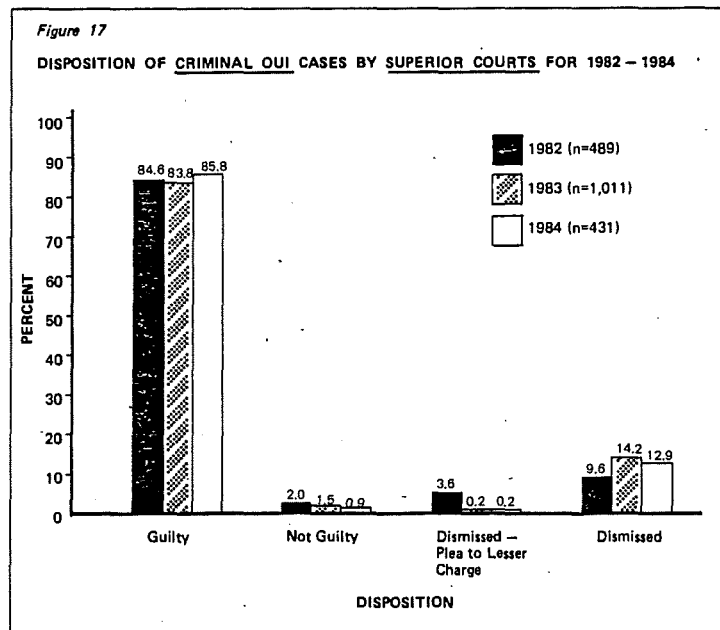


Figure 18

1982 THROUGH 1984 CRIMINAL OUI: STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE SUPERIOR COURTS

DISPOSITION	1982		1983		1984	
	No.	%	No.	%	No.	%
Guilty	414	84.6	848	83.8	370	85.8
Not Guilty	10	2.0	16	1.5	4	.9
Dismissed — PLC*	18	3.6	3	.2	1	.2
Dismissed	47	9.6	144	14.2	56	12.9
Total No. Cases	489		1,011		431	
* PLC = Plea to Lesser Charge						
PENALTIES	1982		1983		1984	
FINE						
● No. and % Fined	398	(96.1)	835	(98.5)	366	(98.9)
● Average Fine	\$389		\$403		\$414	
● Low-High	\$250-1000		\$175-1000		\$350-1000	
LIC. SUSPENSION						
● No. & % Lic. Susp.	334	(80.6)	817	(96.3)	357	(96.5)
● Average License Suspension Period	99 Days		121 Days		214 Days	
● Low-High	30-365 Days		60-825 Days		45-365 Days	
JAIL SENTENCE						
● No. & % Jail Sent.	407	(98.3)	842	(99.3)	370	(100.0)
● Average Jail Sent.	9 Days		18 Days		25 Days	
● Low-High	2-304 Days		2-365 Days		2-365 Days	

In examining the individual court statistics (Figure A-4, Appendix A), it appears that all penalties imposed in 1984 criminal convictions were in compliance with the statutorily mandated minimums with one exception: a 45-day license suspension period imposed in Penobscot.

## DRIVER EDUCATION EVALUATION PROGRAM

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### Program Description

Legislation enacted in 1977 resulted in the Driver Rehabilitation course being transferred from the Motor Vehicle Division to the Maine Department of Human Services, Bureau of Rehabilitation. Subsequent legislation in 1979 resulted in program design changes as well as a new name: Driver Education Evaluation Program. The new name more accurately reflected the amended program focus. In addition to continuing the educational efforts, the program implemented strategies designed to: (1) increase the extent to which the multiple OUI offender population was being addressed by the program, and (2) identify and refer OUI offenders determined to have a drinking problem for additional evaluation and, if indicated, alcohol-related treatment/rehabilitation.

The current program focus is essentially the same with one exception: as of February 1984 a separate program was implemented for teen OUI offenders (ages 15 to 19). Consequently, DEEP became the Division of Driver Education Evaluation Programs: DEEP-ADULTS and DEEP-TEENS. The mission and objectives of the programs are essentially the same.

Mission: To lessen the incidence of drinking and driving on Maine highways and to reduce the number of deaths and disabling conditions resulting from alcohol-related crashes.

Objectives:

- To educate the clients about the effects of alcohol on their behavior, especially behavior involving the operation of a motor vehicle;
- To conduct a preliminary assessment concerning a client's alcohol use/abuse; and
- When appropriate, to refer the client for additional evaluation and/or treatment.

All persons convicted of either a civil or a criminal OUI offense are required to participate in and satisfactorily complete DEEP.

MRSA 29 §1312-D(2) states that "following the expiration of 2/3 of the total period of suspension pursuant to . . . §1312-B or §1312-C. . . , the Secretary of State may issue a license or a 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 successfully completed an alcohol treatment or rehabilitation program approved or licensed by the Department."



Additional confirmation of the state's position pertaining to the DEEP requirement was contained in a memo issued by the Secretary of State on August 12, 1981 stating 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".

Drivers convicted of OUI are notified of the DEEP requirement by court clerks and by written notification from MVD. The next step is up to the individual; he or she must call the DEEP office in Augusta at which time the location and dates of classes are provided as well as information concerning registration. A person must be completely registered prior to attending classes. During calendar year 1984, DEEP classes were offered at 27 locations throughout the State of Maine.

Upon satisfactory completion of DEEP, MVD is notified (by DEEP) that all requirements have been met by the driver. Satisfactory completion is defined in the DEEP regulations as "timely attendance at all scheduled sessions, payment of the required fees, and full compliance with any evaluation or treatment requirements imposed as the result of the Preliminary Assessment or the Evaluation."

#### 1984 DEEP Statistics

The 1981 Drunk Driving Law mandates that annual OUI reports contain the following for the preceding calendar year:

The rates of successful completion of the Driver Education Evaluation Program and rates of recidivism for individuals completing the Driver Education Evaluation Program.

One particular factor should be considered when DEEP statistics are assessed and conclusions drawn. For each reporting period, DEEP statistics reflect only the number of individuals whose violations occurred during the reporting period, and completion statistics represent only those drivers who had met all the DEEP requirements as of the date statistics were compiled for the OUI report.

For example, the data in Figure 19 shows that as of March 18, 1985 (1) the courts had convicted 7,454 drivers of an OUI violation which occurred during calendar year 1984; and (2) 2,950 of the drivers convicted had met all the DEEP requirements. Clearly, OUI offenders convicted of a 1984 OUI violation in March (or late February 1985) may not have had sufficient time to meet all DEEP requirements. In addition, the longer license suspension periods imposed by courts, particularly in criminal convictions, may have resulted in drivers delaying participation in DEEP. Although it cannot be substantiated, it is possible that these two factors may account for the lower 1984 DEEP completion rate as compared to previous reporting periods.

As shown in Figure 19, at the time statistics were compiled for this report (March 18, 1985) 39.6 percent of the drivers, convicted of a 1984 OUI violation, had met all the DEEP requirements for license restoration. At the time the 1982 and 1983 OUI reports were prepared, the statewide DEEP completion rates were 51.0 and 50.4 percent, respectively.

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 No. %		Completed 10-Hr. Program No. %		Completed 10-Hr. Program & Other Add'l Eval. - Rehab. No. %		RECIDIVISM RATES BY OFFENSE					
								OUI		OAS		Habitual Offender	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Androscoggin	451	178	39.5	116	65.2	62	34.8	3	1.7	1	.5		
Aroostook	612	237	38.7	169	71.3	68	28.7	4	1.7	3	1.3		
Cumberland	1,437	543	37.8	349	64.3	194	35.7	5	.9	6	1.1		
Franklin	105	41	39.0	30	73.2	11	26.8						
Hancock	203	97	47.8	60	61.9	37	38.1	3	3.1	1	1.0		
Kennebec	853	306	35.9	205	66.7	102	33.3	3	1.0	3	1.0		
Knox	348	115	33.0	92	80.0	23	20.0	1	.9	2	1.7		
Lincoln	206	86	41.7	59	68.6	27	31.4						
Oxford	186	97	52.2	66	68.0	31	32.0						
Penobscot	886	335	37.8	209	62.4	126	37.6	7	2.1	1	.3		
Piscataquis	159	64	40.3	39	60.9	25	39.1						
Sagadahoc	132	55	41.7	40	72.7	15	27.3			1	1.8		
Somerset	324	115	35.5	86	74.8	29	25.2	2	1.7	2	1.7		
Waldo	137	66	48.2	47	71.2	19	28.8						
Washington	259	91	35.1	65	71.4	26	28.6	1	1.1				
York	1,156	355	30.7	244	68.7	111	31.3	3	.8	3	.8		
Unknown	-	169	-	137	81.1	32	18.9	2	1.2	1	.6		
TOTAL	7,454	2,950	39.6	2,013	68.2	938	31.8	34	1.2	24	.8		

Sixty-eight percent of the 2,950 OUI offenders were required to participate only in the ten-hour DEEP course and preliminary assessment (2,013 drivers). Almost 32 percent of the participants (938 drivers) were also required to undergo additional evaluation and, if necessary, treatment/rehabilitation. (At this time, the DEEP-related data provided to and computerized by MVD does not permit a breakdown of the number of OUI offenders who were required to undergo just evaluation versus those who were required both additional evaluation and treatment.)

Based on a manual count done by DEEP in June 1985, a total of 7,375 OUI offenders participated in DEEP during calendar year 1984. This count differs from MVD statistics because it includes all DEEP participants, not just those whose violation occurred in 1984. Of the 7,375 drivers who participated in DEEP, 53.7 percent of the drivers (3,959) were required to complete only the 10-hour course; 46.3 percent (3,416 drivers) were referred for additional evaluation/treatment by DEEP instructors.

The recidivism statistics as presented in Figure 19 are of limited use in evaluating the deterrent effect of DEEP completion on subsequent drinking and driving behavior for a couple of reasons.

First, the time frame during which all events, depicted in Figure 19, had to occur is within a much shorter time frame than is generally used in conducting studies of recidivism (24 to 36 months after initial OUI violation). In order for a recidivism statistic to be included in Figure 19, the following had to occur: (1) initial 1984 OUI arrest, conviction, completion of DEEP and, subsequent OUI arrest had to occur within calendar year 1984; and (2) the conviction for the subsequent OUI violation had to occur before data was compiled for this report (March 18, 1985). Reporting recidivism statistics as described permits, at most, eleven months for recidivism to occur.

Second, using DEEP completor recidivism rates as the only indicator of program success is inadequate. Doing so assumes that only those who are stopped, arrested and convicted of an OUI are indeed the only drivers who drank and drove after being convicted of an OUI offense and completing DEEP. Recent studies have found that the actual risk of arrest while operating under the influence of alcohol is relatively low (1/500 to 1/2000 drivers with a BAC of .10 percent are arrested).

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### III

#### OPERATING AFTER SUSPENSION

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The 1981 OUI reporting requirement stipulates that OAS statistics must also be included in annual OUI reports. The type of information required by statute is similar to OUI data: arrests; court findings (convictions, dismissals, and dismissals for a guilty plea to a lesser charge); court sentencing (number of persons fined, jailed and licenses suspended, and the average fine, jail sentence and license suspension period). This data has been included in previous reports by county, as required by statute, and also by District and by Superior Court; the OAS statistics represented charges for a reporting period irrespective of the traffic violation that resulted in the license suspension. This report contains OAS data as previously reported, as well as an additional breakdown: OUI-related OAS violations and not OUI-related OAS violations.

Penalties for operating a motor vehicle while one's license is under suspension because of an OUI conviction (or refusal), based on new provisions implemented in 1981 are:

##### OUI-Related OAS Penalties

<u>Penalties</u>	<u>Minimum</u>	<u>Maximum</u>
Fine	\$350	\$2500
Imprisonment	7 Days	1 Year
License Suspension	1 Year (Additional)	3 Years (Additional)

The above mandatory penalties apply to first and subsequent offenders whose suspension was the result of a civil or criminal OUI conviction and drivers whose licenses were suspended because they refused to take a blood or breath test.

As with the OUI chapter, a statewide overview is presented first, followed by county, District and Superior Court data. In addition to the statistical tables contained within the text, several OAS statistical tables are also contained in Appendix B of this report.

## STATEWIDE OVERVIEW

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Based on the data collected/compiled for the annual OUI reports, a total of 12,612 OAS cases were adjudicated during the three-year reporting period. Seventy-five percent of these cases resulted in a conviction (9,487 cases), and 23.7 percent of the charges were dismissed (2,993 cases). Conviction rates have steadily increased over the three-year period, and dismissal rates have decreased.

Although conviction rates have increased during the last three years, there has been a decline in the percentage of convictions where sentencing included a fine, additional license suspension and imprisonment. For example, in 1982, 94.9 percent of the drivers convicted of OAS were fined; in 1984, 91.8 percent were fined. Additional license suspension periods were imposed by the courts in 6.5 percent of the 1982 convictions, compared to 3.1 percent in 1984.

With the exception of jail sentences, penalties imposed by the courts tended to decrease in severity each year. The average fine was \$218 in 1982 compared to \$122 in 1984; license suspensions decreased from an average of 303 days in 1982 to 199 days in 1984.

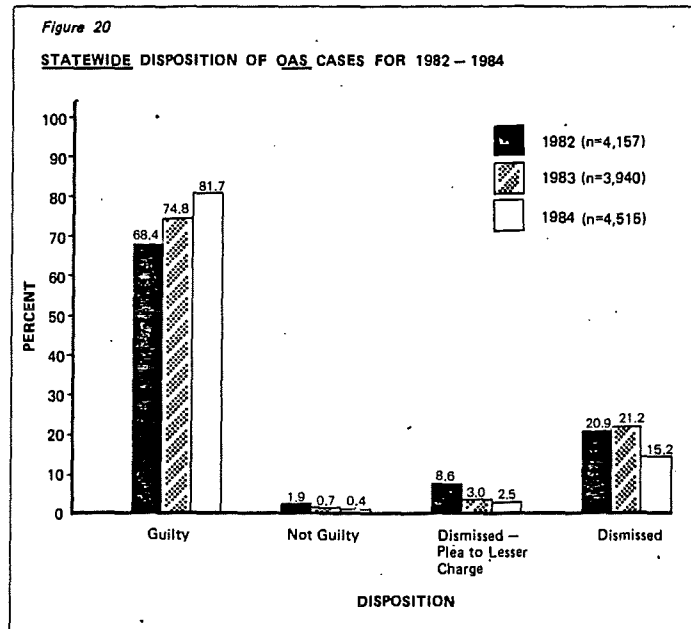
Twenty-four percent of the 1984 OAS cases, adjudicated as of April 19, 1985, were OUI-related OAS cases (1,101); 84.9 percent of these cases resulted in a conviction (935). An average fine of \$174 was imposed in 85.6 percent of the convictions; an average of 247 days additional license suspension was imposed in 8.1 percent; and, in 28.3 percent of the convictions, OUI-related OAS offenders were sentenced to an average of 21 days in jail.

### Disposition of Cases

As of March 18, 1985 the courts had adjudicated 4,515 OAS cases having a 1984 violation date. This represents an increase of 8.6 percent over 1982 (4,157 cases) and a 14.6 percent increase over 1983 (3,940 cases). As shown in Figure 20, OAS conviction rates have steadily increased over the last three years, and the combined dismissal rates have decreased (29.5%, 24.2% and 17.7%).

An additional 844 OAS charges resulted in a conviction in 1984 than in 1982; an increase of 29.7 percent. At the same time, 53.1 percent fewer 1984 OAS cases resulted in a dismissal.

Court Findings in OUI-Related OAS Cases. Of the total 1984 OAS cases adjudicated by the courts (4,515), 24.4 percent were OUI-related (1,101); drivers operating a motor vehicle while their license was under suspension for an OUI conviction (or refusal). Convictions were obtained in 84.9 percent of the OUI-related OAS cases (935); dismissals occurred in 14.8 percent (164 cases).



### Sentences Imposed by the Courts

Although fines were imposed by the courts in 689 more cases in 1984 than in 1982, fines were imposed in a lesser percentage of the 1984 convictions than in 1982: 91.8 percent compared to 94.9 percent respectively. Imprisonment and extension of license suspension period also occurred in a lesser percentage of the 1984 convictions than in 1982 convictions.

As apparent from Figure 21, the average fine in 1984 was \$96 less than in 1982 and the additional average license suspension period was 104 days shorter. The average jail term in 1984 however increased by 6 days.

Sentences Imposed by the Courts in OUI-Related OAS Convictions. Fines were imposed in 85.6 percent of the OUI-related OAS convictions, jail sentences in 28.3 percent, and additional license suspension periods were imposed by the courts in 8.1 percent.

The average jail sentence imposed by the courts was 21 days: three times greater than the mandatory minimum (7 days). However, both the average 1984 fine and the average additional license suspension period imposed by courts were below the mandatory minimum required by law. The average fine was \$174; the mandatory minimum is \$350. The average additional license suspension was 247 days; the required minimum is one year. The lowest penalties imposed were: fine, \$25; additional license suspension period, 60 days; and, jail sentence, one day.

Figure 21

1982 THROUGH 1984 OAS VIOLATIONS:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE COURTS

DISPOSITION	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related No.	%	Not OUI-Related No.	%
Guilty	2,846	68.4	2,951	74.8	3,690	81.7	935	84.9	2,755	80.6
Not Guilty	80	1.9	31	.7	21	.4	2	.1	19	.5
Dismissed - PLC*	360	8.6	122	3.0	115	2.5	30	2.7	85	2.4
Dismissed	871	20.9	836	21.2	689	15.2	134	12.1	555	16.2
Total No. Cases	4,157		3,940		4,515		1,101		3,414	
* PLC = Plea to Lesser Charge										
PENALTIES	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
<b>FINE</b>										
• No. and % Fined	2,701	(94.9)	2,638	(89.4)	3,390	(91.8)	800	(85.6)	2,590	(94.0)
• Average Fine	\$218		\$127		\$122		\$174		\$105	
• Low-High	\$25-1000		\$25-1000		\$25-1000		\$25-1000		\$25-1000	
<b>LIC. SUSPENSION</b>										
• No. & % Lic. Susp.	186	(6.5)	109	(3.7)	115	(3.1)	76	(8.1)	39	(1.4)
• Average License Suspension Period	303 Days		281 Days		199 Days		247 Days		107 Days	
• Low-High	7-1096 Days		30-365 Days		20-675 Days		60-675 Days		20-225 Days	
<b>JAIL SENTENCE</b>										
• No. & % Jail Sent.	539	(18.9)	419	(14.2)	416	(11.3)	265	(28.3)	151	(5.5)
• Average Jail Sent.	14 Days		22 Days		20 Days		21 Days		18 Days	
• Low-High	1-335 Days		1-364 Days		1-364 Days		1-364 Days		2-364 Days	

## COUNTY STATISTICS

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### Disposition of Cases

As shown in Figure 22 on the following page, the county conviction rates in 1984 OAS cases ranged from a high of 94.9 percent (Kennebec) and 94.2 percent (Androscoggin) to a low of 62.2 percent (Piscataquis). Four counties did not have any OAS cases dismissed for a plea of guilty to a lesser charge. The counties were: Aroostook, Franklin, Oxford, and Washington. Although Waldo County had the highest rate of dismissal of OAS cases for a plea to a lesser charge, in absolute numbers, however, 79.1 percent of the 115 cases dismissed statewide were in Cumberland (58 cases) and York (33 cases).

Court Findings in OUI-Related Cases. In OUI-related 1984 OAS cases, Oxford County had the highest conviction rate (96.6%) and York County had the lowest (71.0%). Cases were dismissed for a plea to a lesser charge in only six (6) counties: Androscoggin (1), Cumberland (17), Hancock (1), Penobscot (1), Sagadahoc (1), and York (9). In terms of straight dismissals, Androscoggin and Oxford counties had the lowest rates, 3.2 and 3.3 percent respectively; and, York County had the highest rate, 23.6 percent.

### Sentences Imposed by Courts

Using 1984 averages, Franklin County fined OAS offenders most severely (\$209), Penobscot County imposed the longest license suspension periods (376 days), and Kennebec and Piscataquis jail sentences were longest (34 days). Androscoggin County's average fine, and average jail sentence, was lowest, \$94 and 6 days in jail; and Sagadahoc's average license suspension period was the shortest (60 days).

Sentences Imposed by the Courts in OUI-Related OAS Convictions. Some fines, additional license suspension periods and jail sentences that were less than the mandatory minimums were imposed by courts in all counties with one exception: two OUI-related OAS convictions in Oxford County both resulted in a 7-day jail sentence. All county averages, fines and additional license suspension periods, were below the mandatory minimum of \$350 and licenses were suspended for less than one additional year. County averages in terms of jail sentence were all above the required minimum except in Sagadahoc where the average jail sentence was six (6) days.

Additional county statistics are presented in Appendix B of this report: Figure B-1 contains OUI-related OAS data and Figure B-2 contains OAS statistics that are not OUI-related.



Figure 22

**OPERATING AFTER SUSPENSION: Court Findings and Penalties by County**  
**(Violation Date: January 1 – December 31, 1984)**

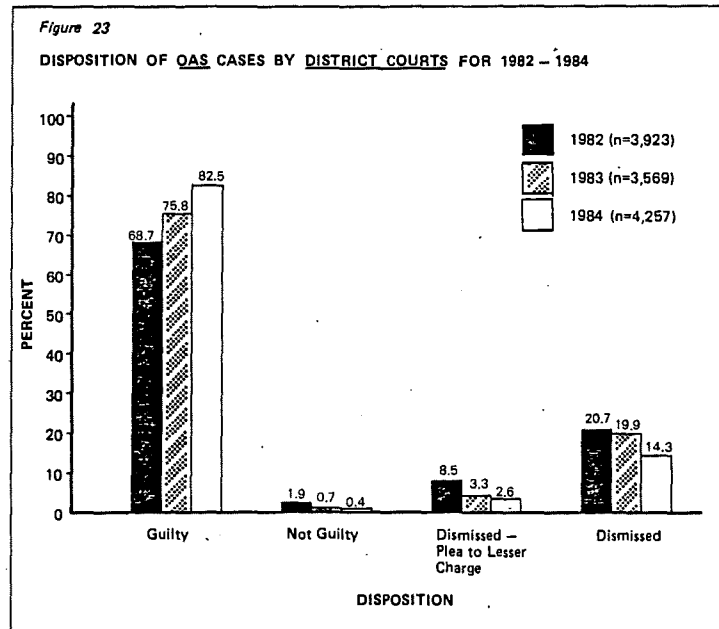
COUNTY  (Superior and District Courts Combined)	COURT FINDINGS								PENALTIES												
									FINE				LICENSE SUSPENSION				JAIL SENTENCE				
	No. Cases	Dismissed No.	%	Dismissed Plea Lesser Charge No.	%	Not Guilty No.	%	Guilty No.	%	No. Fined	Avg. Fine	Range Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	High
Androscoggin	280	13	4.6	3	1.0			264	94.2	257	94	50	500	5	192	60	225	8	6	2	15
Aroostook	213	21	9.8			1	.4	191	89.6	162	141	25	1000	13	197	30	225	35	15	2	65
Cumberland	1134	207	18.2	58	5.1	2	.1	867	76.4	830	102	25	500	15	146	30	225	41	12	1	181
Franklin	43	5	11.6					38	88.3	37	209	25	500	2	90	90	90	8	9	2	21
Hancock	132	34	25.7	1	.7	2	1.5	95	71.9	78	144	50	500	1	90	90	90	26	30	3	180
Kennebec	434	18	4.1	4	.9			412	94.9	347	126	25	1000	27	194	20	225	73	34	2	364
Knox	145	16	11.0	1	.6	1	.6	127	87.5	121	158	50	1000	6	235	60	450	20	8	2	30
Lincoln	99	16	16.1	1	1.0			82	82.8	78	169	50	750	4	183	60	225	11	10	2	60
Oxford	109	7	6.4					102	93.5	101	108	50	350	3	170	60	225	5	11	7	30
Penobscot	459	55	11.9	1	.2	3	.6	400	87.1	345	155	40	750	14	376	90	675	71	17	2	90
Piscataquis	61	17	27.8	3	4.9	3	4.9	38	62.2	34	101	50	250					6	34	2	90
Sagadahoc	128	13	10.1	4	3.1	2	1.5	109	85.1	100	115	25	400	3	60	30	90	10	12	2	60
Somerset	170	16	9.4	2	1.1	1	.5	151	88.8	120	203	50	800	9	203	30	225	46	32	2	364
Waldo	67	8	11.9	4	5.9	1	1.4	54	80.5	50	131	25	500	2	225	225	225	11	12	3	60
Washington	111	9	8.1			1	.9	101	90.9	94	114	50	600	3	170	60	225	12	8	2	14
York	930	234	25.1	33	3.5	4	.4	659	70.8	636	102	25	1000	8	106	30	225	33	16	1	180
STATEWIDE	4515	689	15.2	115	2.5	21	.4	3690	81.7	3390	122	25	1000	115	199	20	675	416	20	1	364

## DISTRICT COURT OAS STATISTICS

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### Disposition of Cases

As apparent from Figure 23, the dismissal rate decreased gradually over the three-year reporting period and the conviction rate increased. The 1984 OAS conviction rate at the District Court level was 82.5 percent, slightly greater than the statewide conviction rate (81.7). This represents a 13.8 percent increase in the conviction rate over 1982, and a 12.3 percent reduction in the dismissal rate.



District Court Findings in OUI-Related Cases. District Courts were more successful in obtaining convictions in OUI-related OAS cases than they were in other OAS cases, 85.8 percent and 81.5 percent respectively. They also fared better in terms of dismissals; 13.8 percent of the OUI-related charges were dismissed whereas 17.8 percent of the non-OUI-related cases were dismissed.

### Sentences Imposed by Courts

The average fine imposed by District Courts in 1984 OAS convictions was \$118; \$96 less than the average fine in 1982. The average additional license suspension period imposed by District Courts in 1984 was also less than in 1982: 199 days compared to 301 days. However, the average jail sentence, as shown in Figure 24, increased from 11 days in 1982 to 17 days in 1984. (Individual court statistics pertaining to OAS case dispositions and penalties imposed upon conviction are presented in Appendix B, Figure B-3).

Figure 24

1982 THROUGH 1984 OAS VIOLATIONS:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE DISTRICT COURTS

DISPOSITION	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
Guilty	2,696	68.7	2,708	75.8	3,513	82.5	840	85.8	2,673	81.5
Not Guilty	77	2.0	28	.7	21	.4	2	.2	19	.5
Dismissed - PLC*	335	8.5	120	3.3	114	2.6	30	3.0	84	2.5
Dismissed	815	20.8	713	19.9	609	14.3	106	10.8	503	15.3
Total No. Cases	3,923		3,569		4,257		978		3,279	
* PLC = Plea to Lesser Charge										
PENALTIES	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
<b>FINE</b>										
• No. and % Fined	2,582	(95.8)	2,462	(90.9)	3,260	(92.8)	740	(88.1)	2,520	(94.3)
• Average Fine	\$214		\$120		\$118		\$169		\$104	
• Low-High	\$25-1000		\$25-1000		\$25-1000		\$25-1000		\$25-1000	
<b>LIC. SUSPENSION</b>										
• No. & % Lic. Susp.	174	(6.5)	94	(3.5)	107	(3.1)	69	(8.2)	38	(1.4)
• Average License Suspension Period	301 Days		284 Days		199 Days		251 Days		103 Days	
• Low-High	7-1096 Days		1-365 Days		20-675 Days		60-675 Days		20-225 Days	
<b>JAIL SENTENCE</b>										
• No. & % Jail Sent.	419	(15.5)	320	(11.8)	353	(10.1)	216	(25.7)	137	(5.1)
• Average Jail Sent.	11 Days		18 Days		17 Days		19 Days		14 Days	
• Low-High	1-184 Days		1-364 Days		1-181 Days		1-180 Days		2-181 Days	

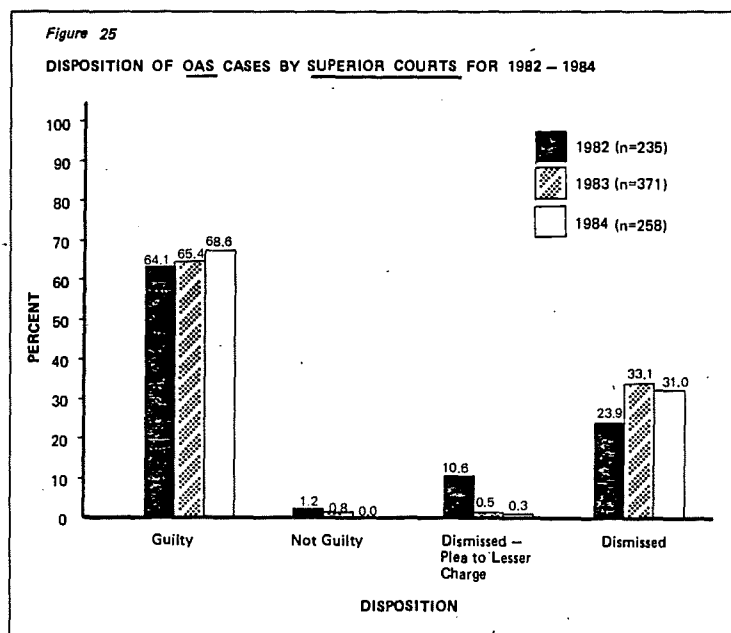
Sentences Imposed by District Courts in OUI-Related Cases. Fines were imposed by the courts more frequently in OUI-related OAS convictions (88.1) and ranged from \$25 to \$1000. Jail sentences ranged from one to 180 days and were imposed by courts in 25.7 percent of the convictions. Additional license suspension periods were imposed in 8.2 percent and ranged from 60 to 675 days.

Statistical tables in Appendix B contain District Court findings and sentencing data both for OUI-related 1984 OAS adjudicated cases (Figure B-4) and not OUI-related cases (Figure B-5).

## SUPERIOR COURT OAS STATISTICS

### Disposition of Cases

As of April 19, 1985, Superior Courts had adjudicated 258, 1984 OAS cases: 23 more cases than were adjudicated at the time the first OUI report was prepared. As apparent from Figure 25, the OAS conviction rate increased slightly during each of three reporting periods. The conviction rate in 1984 was 68.6 percent compared to 64.1 percent in 1982, a 4.5 percent increase. The 1984 dismissal rate was 7.1 percent greater than in 1982 but lower than in 1983 by 2.1 percent.



Superior Court Findings in OUI-Related Cases. Almost one-half of the 1984 OAS cases adjudicated by Superior Courts were OUI-related at the time data were compiled on April 19, 1985. Of the 123 cases adjudicated, 95 cases resulted in a conviction (77.2%) and 28 cases were dismissed (22.7%). The conviction rate in OAS cases not related to OUI was lower (60.7%) and the dismissal rate was higher (39.2%).

### Sentences Imposed by Courts

Penalties were imposed by Superior Courts with lesser frequency in 1984 OAS convictions than in 1982 convictions. As shown in Figure 26, 73.4 percent of the defendants convicted of OAS were fined in 1984 compared to 79.3 percent in 1982. A smaller proportion of the 1984 OAS offenders were jailed, 35.6 percent compared to 46.7 percent; and 35.6 percent received additional license suspensions in 1984 compared to 46.7 percent in 1982.

Figure 26

1982 THROUGH 1984 OAS VIOLATIONS:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE SUPERIOR COURTS

DISPOSITION	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
Guilty	150	64.1	243	65.5	177	68.6	95	77.2	82	60.7
Not Guilty	3	1.3	3	.8	0	.0	0	.0	0	.0
Dismissed - PLC*	25	10.7	2	.5	1	.3	0	.0	1	.7
Dismissed	56	23.9	123	33.1	80	31.0	28	22.7	52	38.5
Total No. Cases	234		371		258		123		135	
* PLC = Plea to Lesser Charge										
PENALTIES	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
<b>FINE</b>										
• No. and % Fined	119	(79.3)	176	(72.4)	130	(73.4)	60	(63.2)	70	(85.4)
• Average Fine	\$296		\$223		\$205		\$242		\$174	
• Low-High	\$50-600		\$50-750		\$25-800		\$25-600		\$50-800	
<b>LIC. SUSPENSION</b>										
• No. & % Lic. Susp.	12	(8.0)	18	(7.4)	8	(4.5)	7	(7.4)	1	(1.2)
• Average License Suspension Period	334 Days		220 Days		208 Days		205 Days		225 Days	
• Low-High	90-548 Days		30-365 Days		90-225 Days		90-225 Days		225-225 Days	
<b>JAIL SENTENCE</b>										
• No. & % Jail Sent.	70	(46.7)	99	(40.7)	63	(35.6)	49	(51.6)	14	(17.1)
• Average Jail Sent.	33 Days		36 Days		38 Days		33 Days		57 Days	
• Low-High	2-335 Days		2-364 Days		2-364 Days		2-364 Days		2-364 Days	

During the past three years, the average fine imposed by Superior Courts decreased slightly each year as has also the average additional license suspension period; however, the average jail sentence increased. The average fine in 1984 was \$91 less than in 1982 and the average additional license suspension period was 126 days shorter in 1984 than in 1982. Jail sentences increased from an average of 33 days (1982) to 38 days (1984). Superior Court findings and sentencing statistics are contained in Appendix B, Figure B-6.

Sentences Imposed by Superior Courts in OUI-Related Cases. Of the 95 defendants who were convicted, 63.2 percent were fined, 7.4 percent had their license suspension periods extended, and 51.6 percent were sentenced to jail.

The penalties imposed by the courts were: an average fine of \$242; an average license suspension period of 205 days; and an average jail sentence of 33 days.

Additional statistics concerning 1984 OAS violations may be found in Appendix B: Figure B-7 contains OUI-related OAS data and Figure B-8, non-OUI-related data.

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#### IV

### OPERATING AFTER HABITUAL OFFENDER STATUS

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The 1981 Law specifies that annual OUI reports also contain data pertaining to habitual offender (HO) violations. The HO data requirement is identical to the OAS requirement, i.e arrests, court findings and penalties imposed by county. As with OAS, HO arrest statistics are not available in aggregate.

The available HO data is presented in this report by county, by District court and by Superior court -- as was also done in the previous two annual reports. An additional breakdown of the HO statistics is provided in this report: OUI-related HO's (OUI was one of the convictions or adjudications upon which the HO status was based) and non-OUI-related HO's.

New HO provisions implemented in 1981 stipulate that if a person is caught driving while his/her license is revoked because of habitual offender status, and if OUI was one of the convictions or adjudications resulting in the HO status, the person is subject to the following sanctions upon conviction.

#### OUI-Related HO Penalties

<u>Penalties</u>	<u>Minimum</u>	<u>Maximum</u>
Fine	\$1,000	\$5,000
Imprisonment	60 Days	5 Years
License Suspension	3 Years	-----

The remainder of this chapter is organized into three major sections: a statewide overview of HO court findings and penalties imposed is presented first, followed by District and Superior court statistics. In addition to the statistical tables contained in this chapter, several HO statistical tables are also appended (Appendix C).

## STATEWIDE OVERVIEW

Based on the data available for OUI reports, 1,183 HO cases have been adjudicated since the 1981 Drunk Driving Law was implemented. Convictions were obtained by courts in 74.0 percent of these cases.

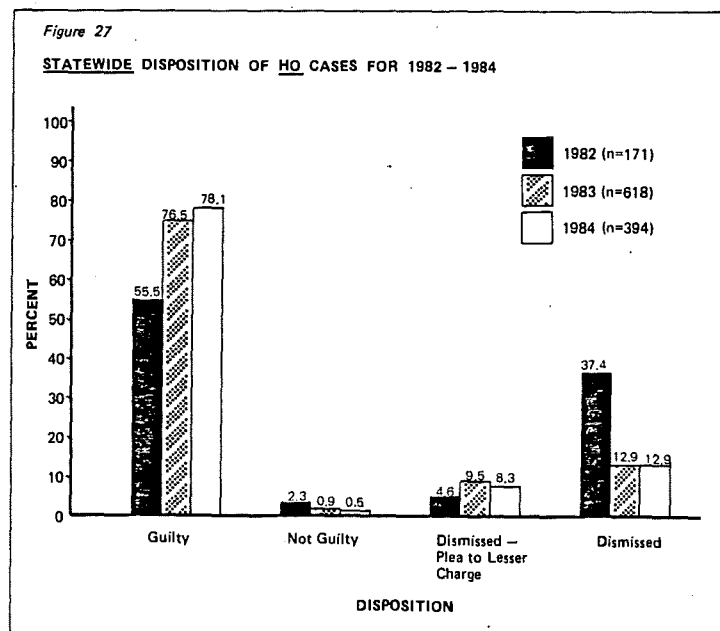
During this period, conviction rates increased steadily each year and dismissal rates decreased. The 1984 conviction rate was 22.6 percent higher in 1984 than 1982 (78.1% compared to 55.5%).

Compared to 1982, fines were imposed less frequently and were less severe in 1984 HO convictions; additional license suspension periods and jail sentences, however, were imposed more frequently in 1984 and tended to be more severe than in 1982.

Two-thirds of the 1984 HO cases adjudicated were OUI-related HO statuses (261 cases). Convictions were obtained in 208 of these cases. Thirty-two persons were fined an average of \$342; 23 had their license suspension periods extended an average of 208 days; and 165 individuals were sentenced to jail for an average of 166 days.

### Disposition of Cases

As of April 19, 1985, 394 cases of operation by an HO had been adjudicated. The conviction rate in 1984 HO violations was 78.1 percent compared to 55.5 percent in 1982; an increase in the conviction rate of 22.6 percent. As apparent from Figure 27, the dismissal rate was substantially lower in 1984 than in 1982, 21.2 percent compared to 42.0 percent.



Court Findings in HO Cases: OUI-Related HO Status. Of the total 394 HO cases adjudicated, two-thirds of the violations were committed by habitual offenders whose HO status was OUI-related (261 cases). Eighty percent of these defendants were convicted (208 cases), and 19.9 percent of the charges were dismissed (52 cases).

### Sentences Imposed by Courts

Jail terms were imposed in almost seventy-five percent of the 1984 HO convictions; fines were imposed in less than twenty percent; and additional license suspension periods were imposed by the courts in almost nine percent of the convictions.

As apparent from Figure 28, jail sentences and additional license suspension periods were imposed with greater frequency in 1984 than in 1982. However, courts imposed fines less frequently in HO convictions related to 1984 violations than they did in 1982 violations. The average fine in 1984 was \$168 less than in 1982; however, the average additional license suspension and the jail term was greater in 1984 than in 1982. The average license suspension increased by 15 days, and the average jail term increased by 89 days.

Figure 28

1982 THROUGH 1984 HO VIOLATIONS:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE COURTS

DISPOSITION	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
Guilty	95	55.5	473	76.5	308	78.1	208	79.6	100	75.1
Not Guilty	4	2.3	6	0.9	2	.5	1	.3	1	.7
Dismissed - PLC*	8	4.6	59	9.5	33	8.3	23	8.8	10	7.5
Dismissed	64	37.4	80	12.9	51	12.9	29	11.1	22	16.5
Total No. Cases	171		618		394		261		133	
* PLC = Plea to Lesser Charge										
PENALTIES	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
<b>FINE</b>										
• No. and % Fined	28	(29.5)	81	(17.1)	59	(19.2)	32	(15.4)	27	(27.0)
• Average Fine	\$529		\$422		\$361		\$342		\$383	
• Low-High	\$100-1000		\$50-1000		\$50-500		\$50-500		\$100-500	
<b>LIC. SUSPENSION</b>										
• No. & % Lic. Susp.	1	(1.1)	24	(5.1)	27	(8.8)	23	(11.1)	4	(4.0)
• Average License Suspension Period	183 Days		183 Days		198 Days		208 Days		140 Days	
• Low-High	183-183 Days		60-365 Days		20-675 Days		60-675 Days		20-225 Days	
<b>JAIL SENTENCE</b>										
• No. & % Jail Sent.	58	(61.1)	371	(78.4)	229	(74.4)	165	(79.3)	64	(64.0)
• Average Jail Sent.	70 Days		101 Days		159 Days		166 Days		140 Days	
• Low-High	2-365 Days		1-1825 Days		1-999 Days		2-999 Days		1-730 Days	



Sentences Imposed by Courts in HO Cases: OUI-Related HO Status. Jail sentences were imposed most frequently (79.3%) and license suspension periods were extended least frequently by the courts (11.1%). Of the 208 habitual offenders (OUI-related) who were convicted, 15.4 percent were fined (32 defendants).

The average fine in OUI-related status HO convictions was \$342; the average license suspension period was 208 days; and, the average jail sentence was 166 days.

## COUNTY STATISTICS

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### Disposition of Cases

As shown in Figure 29 on the next page, the 1984 HO conviction rates ranged from a low of 42.8 percent in one county (Washington) to a high of 100.0 percent in two counties (Franklin and Oxford). No HO cases were dismissed in Franklin and Oxford Counties. Washington County had the highest dismissal rate (57.0%), however, in absolute numbers, Cumberland County dismissed the greatest number of HO charges (21).

Court Findings in HO Cases: OUI-Related HO Status. The conviction rates in these HO cases ranged from 40.0 percent in one county (Lincoln) to 100.0 percent in four counties (Franklin, Oxford, Sagadahoc and Waldo). The highest dismissal rate was in Lincoln County (60.0%). Penobscot County, however, dismissed the greatest number of HO cases (13) but it also adjudicated more 1984 HO cases than any other county. At the time statistics were compiled, 261 HO cases had been adjudicated statewide -- 63 cases (24.1%) were adjudicated in Penobscot County.

### Sentences Imposed By Courts

Fines ranged from an average of \$250 in Knox to \$500 in Aroostook and Somerset Counties. License suspension periods (additional) ranged from an average of 90 days in York to 337 days in Aroostook; and jail terms ranged from 38 days (Oxford County) to 314 days (Somerset).

Sentences Imposed by Courts in HO Cases: OUI-Related HO Status. Fines ranged from an average of \$310 in Penobscot County to \$500 in Somerset. Additional license suspension periods ranged from an average of 90 days in York County to 337 days in Aroostook County; and jail sentences ranged from an average of 40 days in Sagadahoc to 337 days in Somerset County.

Additional HO county data are available in Appendix C. Court findings and sentencing statistics for 1984 HO violations are contained in Figure C-1 (OUI-related HO status) and in Figure C-2 (not OUI-related HO status).

Figure 29

**OPERATING AFTER HO: Court Findings and Penalties by County**  
(Violation Date: January 1 – December 31, 1984)

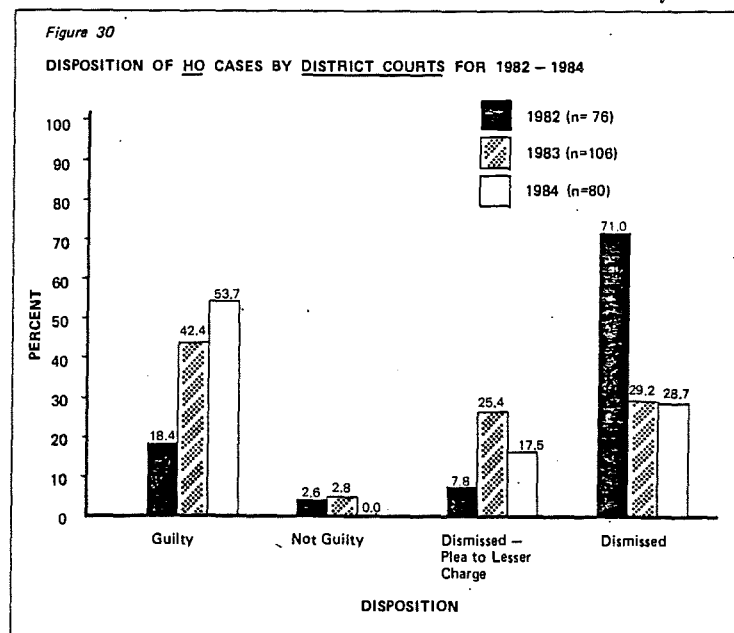
COUNTY  (Superior and District Courts Combined)	COURT FINDINGS								PENALTIES												
	No. Cases	Dismissed		Dismissed Plea Lesser Charge		Not Guilty		Guilty		FINE				LICENSE SUSPENSION				JAIL SENTENCE			
		No.	%	No.	%	No.	%	No.	%	No. Fined	Avg. Fine	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	25	2	8.0	2	8.0			21	84.0	1	350	350	350	1	225	225	225	18	121	60	365
Aroostook	30	2	6.6	3	10.0			25	83.3	5	500	500	500	4	337	225	675	19	147	15	540
Cumberland	77	14	18.1	7	9.0	1	1.2	55	71.4	4	425	350	500	7	187	60	400	31	246	1	999
Franklin	10							10	100.0	3	316	250	350					9	111	15	365
Hancock	10	2	20.0	1	10.0			7	70.0	2	425	350	500					6	58	10	90
Kennebec	26	1	3.8	1	3.8			24	92.3	2	375	350	400	2	122	20	225	16	120	15	999
Knox	15	1	6.6	1	6.6			13	86.6	1	250	250	250					12	57	30	90
Lincoln	12	4	33.3	1	8.3			7	58.3									6	90	60	120
Oxford	8							8	100.0	3	350	350	350	1	225	225	225	6	38	15	60
Penobscot	84	10	11.9	7	8.3			67	79.7	24	314	50	500	9	161	60	225	47	190	2	999
Piscataquis	4	1	25.0	1	25.0			2	50.0									2	60	60	60
Sagadahoc	11	1	9.0					10	90.9									6	78	10	270
Somerset	18	2	11.1	2	11.1			14	77.7	1	500	500	500	1	225	225	225	12	314	60	999
Waldo	8			1	12.5			7	87.5	2	350	350	350					5	186	3	730
Washington	7	3	42.8	1	14.2			3	42.8	1	350	350	350	1	225	225	225	3	190	60	330
York	49	8	16.3	5	10.2	1	2.0	35	71.4	10	380	350	500	1	90	90	90	31	138	2	540
STATEWIDE	394	51	12.9	33	8.3	2	.5	308	78.1	59	361	50	500	27	198	20	675	229	159	1	999

## DISTRICT COURT HO STATISTICS

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### Disposition of Cases

As illustrated in Figure 30, HO conviction rates have increased over the three-year reporting period and dismissal rates have decreased.



The 80 HO cases adjudicated as of April 19, 1985 were done so in 21 of the 33 Maine District Courts. Bangor District Court adjudicated the greatest number of 1984 HO's (14 cases).

Conviction rates in the 21 courts ranged from zero percent in three courts (Livermore Falls, Ellsworth and Newport) to 100.0 percent in seven courts (Lewiston, Caribou, Presque Isle, Augusta, Millinocket, Bath and Machias).

Court Findings in HO Cases: OUI-Related HO Status. Of the 80 cases adjudicated by the courts, 61.3 percent (49 cases) were OUI-related HO statuses. As shown in Figure 31, the conviction rate was greater in OUI-related HO status cases than in not OUI-related, 55.1 percent and 51.6 percent respectively.

Figure 31

1982 THROUGH 1984 HO VIOLATIONS:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE DISTRICT COURTS

DISPOSITION	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
							No.	%	No.	%
Guilty	14	18.4	45	42.4	43	53.7	27	55.1	16	51.6
Not Guilty	2	2.6	3	2.8	0	.0	0	.0	0	.0
Dismissed — PLC*	6	7.9	27	25.4	14	17.5	7	14.2	7	22.5
Dismissed	54	71.1	31	29.2	23	28.7	15	30.6	8	25.8
Total No. Cases	76		106		80		49		31	
* PLC = Plea to Lesser Charge										
PENALTIES	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
<b>FINE</b>										
• No. and % Fined	10	(71.4)	15	(33.3)	11	(25.6)	5	(18.5)	6	(37.5)
• Average Fine	\$415		\$496		\$359		\$390		\$333	
• Low—High	\$100—1000		\$100—1000		\$100—500		\$350—500		\$100—500	
<b>LIC. SUSPENSION</b>										
• No. & % Lic. Susp.	1	(7.1)	1	(2.2)	5	(11.6)	4	(14.8)	1	(6.3)
• Average License Suspension Period	183 Days		90 Days		157 Days		191 Days		20 Days	
• Low—High	183—183 Days		90—90 Days		20—225 Days		90—225 Days		20—20 Days	
<b>JAIL SENTENCE</b>										
• No. & % Jail Sent.	8	(57.1)	33	(73.3)	35	(81.4)	25	(92.6)	10	(62.5)
• Average Jail Sent.	42 Days		101 Days		75 Days		84 Days		53 Days	
• Low—High	10—75 Days		7—548 Days		4—540 Days		4—540 Days		15—120 Days	

### Sentences Imposed by Courts

Both the frequency and severity of jail sentences in 1984 HO cases increased as compared to 1982. The frequency with which license suspension periods were extended in 1984 convictions increased by about five percent, but the average suspension period decreased by 26 days. Again, as shown in Figure 31, fines were imposed with far less frequency in 1984 than in 1982 and tended to be less severe. (Average fine in 1984 was \$56 less than in 1982.)

Sentences Imposed by Courts in HO Cases: OUI-Related HO Status. Of the 27 persons convicted for operating while his or her license was revoked (HO, OUI-related), almost ninety-three percent were sentenced to an average of 84 days in jail. A much smaller percentage of the HO's were fined (18.5%) and had their licenses suspended (18.5%).

Jail sentences ranged from 4 days in Bangor to 540 days in Biddeford; fines ranged from a low of \$350 to a high of \$500, both in Bangor; and additional license suspension periods ranged from 90 days in Bangor to 225 days in Presque Isle, Waterville and Machias.

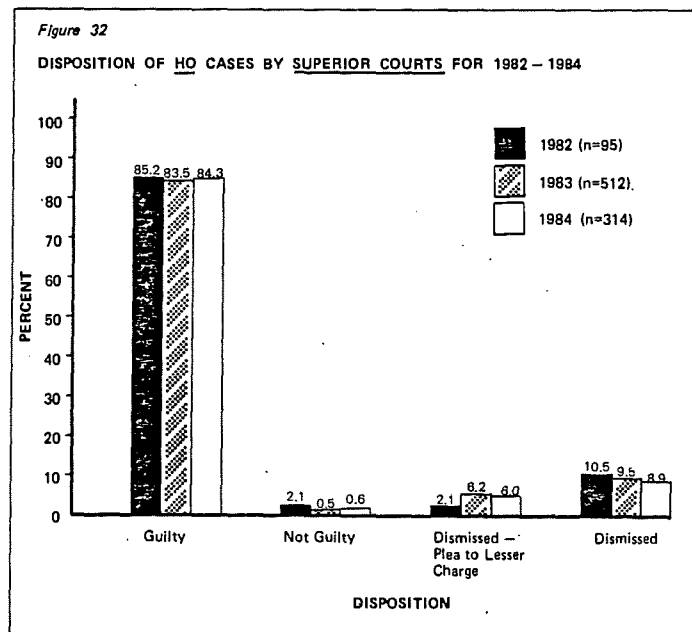
Additional District Court statistics for calendar year 1984 are included in Appendix C: Figure C-3, HO Statistics by District Court; Figure C-4, OUI-Related HO Statistics; and, Figure C-5, Not OUI-Related HO Statistics.

## SUPERIOR COURT HO STATISTICS

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### Disposition of Cases

As illustrated in Figure 32, the Superior Court HO conviction rate was slightly lower in 1984 than in 1982, and the 1984 dismissal rate was higher.



When the data was compiled for this report, April 19, 1985, Superior Courts had adjudicated a total of 314, 1984 HO cases. This represents three times as many cases as were adjudicated at the time the first annual OUI report was prepared in 1982, and 38.7 percent fewer HO cases than were adjudicated when the second report was written.

Slightly more than one-half of the 1984 HO cases were adjudicated in three courts: Cumberland, 71 cases; Penobscot, 67 cases; and, York, 35 cases. The conviction rate in these three courts ranged from 77.4 percent in Cumberland to 88.0 percent in Penobscot. The statewide HO conviction rate was 84.3 percent; the lowest conviction rate was 33.3 percent (Washington) and the highest rate was 100.0 percent (Franklin, Kennebec, Lincoln, Oxford and Piscataquis).

Court Findings in HO Cases: OUI-Related HO Status. Slightly more than two-thirds of the 1984 HO violations were OUI-related HO statuses (212 HO's). The conviction rate in these cases was 85.3 percent, and the combined dismissal rate was 14.1 percent (dismissals for a plea to a lesser charge and straight dismissals). Penobscot County Superior Court adjudicated more HO cases than any other court: twenty-five percent of the 212 cases adjudicated statewide.

Conviction rates in OUI-related HO cases ranged from 40.0 percent in one court (Washington) to 100.0 percent in seven courts (Franklin, Kennebec, Lincoln, Oxford, Piscataquis, Sagadahoc and Waldo).

### Sentences Imposed by Courts

Fines and jail sentences were imposed by Superior Courts less frequently in 1984 than in 1982 HO convictions, but additional license suspension periods were imposed more frequently. As apparent from Figure 33, the average fine imposed by courts has decreased substantially over the three years. The average fine in 1984 was \$231 less than in 1982. However, the average jail sentence, and additional license suspension period, increased dramatically.

Figure 33

1982 THROUGH 1984 HO VIOLATIONS:  
STATEWIDE DISPOSITION OF CASES AND PENALTIES IMPOSED BY THE SUPERIOR COURTS

DISPOSITION	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
Guilty	81	85.3	428	83.5	265	84.3	181	85.3	84	82.3
Not Guilty	2	2.1	3	0.5	2	.6	1	.4	1	.9
Dismissed - PLC*	2	2.1	32	6.2	19	6.0	16	7.5	3	2.9
Dismissed	10	10.5	49	9.5	28	8.9	14	6.6	14	13.7
Total No. Cases	95		512		314		212		102	
* PLC = Plea to Lesser Charge										
PENALTIES	1982		1983		1984		1984			
	No.	%	No.	%	No.	%	OUI-Related		Not OUI-Related	
<b>FINE</b>										
• No. and % Fined	18	(22.2)	66	(15.4)	48	(18.1)	27	(14.9)	21	(25.0)
• Average Fine	\$592		\$405		\$361		\$333		\$397	
• Low-High	\$200-1000		\$50-1000		\$50-500		\$50-500		\$200-500	
<b>LIC. SUSPENSION</b>										
• No. & % Lic. Susp.	None		23	(5.4)	22	(8.3)	19	(10.5)	3	(3.6)
• Average License Suspension Period			188 Days		207 Days		212 Days		180 Days	
• Low-High			60-365 Days		60-675 Days		60-675 Days		90-225 Days	
<b>JAIL SENTENCE</b>										
• No. & % Jail Sent.	80	(98.8)	338	(79.0)	194	(73.2)	140	(77.3)	54	(64.3)
• Average Jail Sent.	73 Days		101 Days		174 Days		181 Days		157 Days	
• Low-High	2-365 Days		1-1825 Days		1-999 Days		2-999 Days		1-730 Days	

Sentences Imposed by Courts in HO Cases: OUI-Related HO Status. Again as shown in Figure 33, Superior Courts tended to sentence HO's to jail much more frequently than they fined them or extended license suspension periods. In 77.3 percent of the convictions, offenders were sentenced to jail, but only 14.9 percent were fined and 10.5 percent had their license suspension periods extended.

## SUMMARY AND RECOMMENDATIONS

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### ESTABLISHMENT OF AN ON-GOING OUI COMMITTEE

Numerous technical, program and policy issues related to the annual OUI report need to be addressed. The OUI Work Group continues to perceive a need for establishing an on-going OUI Committee as was recommended in the 1983 OUI Report. Committee membership should represent various state and other agencies/concerned groups who can address the issues identified herein, as well as develop and recommend program and public policy changes and propose legislation if needed.

#### Recommendation

- Establish an on-going OUI Committee to: (1) define the purpose and usefulness of annual OUI reports, and (2) assess the issues identified herein and develop recommendations for addressing both technical and policy-related areas.

### ANNUAL OUI REPORTING MANDATE

In order to enhance the usefulness of OUI, OAS and HO data reported in annual OUI reports, as well as facilitating analysis of data concerning the enforcement of drunk driving laws across reporting periods, the following areas need to be addressed.

#### Availability of Data

The 1981 Drunk Driving Law reporting requirement specifies that OAS and HO arrest statistics be included in annual reports. These arrest statistics, as well as the number of OUI, OAS and HO complaints filed during a given calendar year, are currently not available for inclusion in annual OUI reports because they are not being collected and compiled by a single state or other agency/organization.

#### Recommendations

- Determine the original intent for including the specific data elements identified in the 1981 statutes, and ascertain the extent to which their inclusion/exclusion influence the utility of OUI reports.
- Based on the outcome of this assessment (1) identify options for collecting these statistics and their associated costs, and identify a state agency to implement the data collection, methodology, or (2) revise statutes deleting these statistics from the reporting requirement, if (a) their exclusion does not seriously limit evaluation of drinking and driving in Maine or (b) funds cannot be allocated to centrally collect and store these statistics for annual compilation and inclusion in OUI reports.



### Completeness of Data

Three areas appear to require attention. First, there is some indication that the 1984 arrest statistics were incomplete due to a time lag in reporting them to MVD.

Second, DEEP completion statistics reflect only the number of individuals who, at the time statistics are compiled for a given calendar year, had met all DEEP requirements. Persons in process of meeting requirements, for example, are not included in the data nor are individuals who partially met their requirements.

Third, and perhaps the most difficult problem to solve, are cases which are "pending" at the time data are compiled for OUI reports. Since courts do not report information to MVD until cases are adjudicated, statistics in OUI reports reflect only those cases that had been adjudicated. Consequently, cases in pending status are excluded from OUI reports. For example, the statistics in the 1984 OUI report were generated by MVD in March and April 1985 for calendar year 1984. For a statistic to be included, the following had to apply: (1) the OUI, OAS and HO violation had to occur during calendar year 1984; (2) the case had to be adjudicated by the court and pertinent information transmitted to MVD prior to March 1985; and (3) MVD had to keypunch the data prior to March 1985. Clearly, 1984 OUI cases still in pending status as of March 1985 could not be included in the 1984 report because they had not yet been adjudicated. To date, cases in a pending status at the end of one reporting period have not been reflected in a subsequent OUI report.

### Recommendations

- Identify and resolve problems related to reporting arrest information to designated state agency so that future OUI reports will contain complete arrest statistics.
- Explore utility of including DEEP statistics related to (1) participants who are in process of meeting their requirements for license restoration at the time statistics are compiled for OUI reports, and (2) participants who partially met their requirements; and, identify options for collecting and reporting this data and assess cost-benefits.
- Identify and examine the implications of the data gap related to pending cases; and, identify and consider possible solutions and associated costs.

### Other Reporting and Data Issues

First, as long as pending cases continue to be excluded from annual OUI reports, it is important that the time that is permitted to elapse between the end of the reporting period (calendar year) and when statistics are compiled be the same each year. This will enhance comparability of statistics across reporting periods because the time frame for adjudication of cases will be consistent. As noted earlier in this report, statistics for calendar year 1983 were not compiled until February 1985, while data for 1982 and 1984 were compiled two to three months after the reporting period ended. The relative difference in the 1983 OUI conviction and dismissal rates in comparison to 1982 and 1984 rates may very well be related to the significant difference in the amount of time courts had to adjudicate cases.

Second, the 1981 revised OUI statutes stipulate that a separate written report be prepared not later than March 1st each year . . . on the enforcement of laws relating to drinking and driving during the preceding calendar year. The March 1st deadline essentially allows only two months for numerous and time consuming tasks to be performed. All the statistics currently available for inclusion in the OUI reports are received, keypunched and stored by MVD; MVD also generates the computer printouts containing OUI, OAS and HO statistics by county, by District and by Superior Courts. OADAP must then analyze the data, write and produce the report. As data are accumulated over the years and comparisons across reporting periods are possible, data analysis and report writing requires more time and resources.

Third, all annual OUI reports prepared to date have contained not only county statistics as required by law, but also statistics by District and Superior Court. To break down data by Maine's 49 courts for each of the three offenses (OUI, OAS, and HO) represents a substantial amount of time and effort. The question which arises, pertaining not only to court statistics but other data presented in annual OUI reports as well, is: Are these statistics useful or should resources be redirected to other OUI-related data analysis?

#### Recommendations

- If pending cases continue to be excluded from OUI reports, the time that elapses between the end of the calendar year and the point at which statistics are compiled for reports should be the same for all OUI reports.
- Consider alternatives to the March 1st reporting deadline given state agencies' resources and the increasing amount of data requiring analysis and interpretation, and evaluate the adequacy of resources currently available to state agencies for performing the functions necessary to produce annual OUI reports.
- Examine and assess the data presented in OUI reports in terms of its utility in evaluating and/or developing program and public policies.

### OPERATING UNDER THE INFLUENCE

#### OUI Disposition of Cases

Statistics for the three-year reporting period indicate an improvement in OUI conviction and dismissal rates compared to the prevailing rates prior to the implementation of the 1981 Drunk Driving Law. Although these rates continue to vary somewhat from one court to another, statewide statistics indicate an overall improvement in OUI adjudications.

#### Recommendation

- Identify jurisdictions where the court findings vary substantially from the statewide norm, and: (1) identify the factors which prohibit or impede obtaining convictions, and (2) identify and implement strategies to improve conviction and dismissal rates.

### OUI Sentencing

The 1981 Drunk Driving Law clearly identifies the types of penalties that must be imposed by courts when a defendant is found guilty of a civil or a criminal OUI, as well as the mandatory minimum for each penalty. Although, the consistency with which penalties were imposed by courts in OUI convictions improved over the three years, the data suggest that (1) some of the penalties imposed were below the mandatory minimum, and in some cases they were above the maximum, and (2) in some instances one or more of the penalties were excluded from the sentencing.

In addition, there appears to be a tendency to impose the mandatory minimum sentences in civil OUI convictions compared to the increasingly tougher sentences imposed in criminal OUI convictions. Assuming that the civil OUI prosecutorial route continues to be an option available to the State, the question that perhaps should be addressed is whether the intended deterrent effect of prosecution for civil OUI is weakened by imposing the minimum penalties allowable by law. Given that about sixty percent of the cases adjudicated during the last three years were civil OUI charges (15,760), a slightly tougher sentencing approach could, potentially, serve as a greater deterrent to subsequent drinking and driving behavior which might result in a criminal OUI charge.

### Recommendations

- Identify and assess factors related to OUI convictions where sentencing excluded some or all penalties required by law, as well as penalties which were below the mandatory minimum; and, identify and implement policies and strategies which will result in improved compliance with applicable statutes.
- Evaluate sentencing patterns in civil OUI convictions and identify influencing factors; assess the feasibility and potential for an increased deterrent effect if tougher penalties were imposed in civil OUI convictions; and, if appropriate, develop and implement policies and strategies for promoting a tougher approach.

### Driver Education Evaluation Program

The major area that should be addressed is data-related. The 1981 reporting requirement specifies that "The rates of successful completion of the Driver Education Evaluation Program and rates of recidivism for individuals completing the . . . Program" for the preceding calendar year must be included in annual OUI reports. The availability and inclusion of this data is not a problem at all. However, the utility of presenting data as stipulated in the 1981 OUI Law is questionable for reasons already discussed in Chapter II of this report. In sum, presenting the statistics as prescribed by law, (1) does not provide a "total picture" of DEEP participation-completion; and, (2) the recidivism time frame of one year for evaluating program impact is inadequate since most recent studies use two-to-three years to track recidivism. Other than comparing DEEP completion rates across counties, the DEEP statistics presented in OUI reports to date are insufficient for program or public policy evaluation.

### Recommendations

- Determine if DEEP statistics, as presented in annual OUI reports prepared to date, are useful in addressing the intended program and policy questions; if not, ascertain what additional data is required to enhance the utility of the information.
- Identify strategies for collecting/reporting the additional DEEP data needed, as well as the resources required to implement the strategies; and, implement policies and procedures designed to enhance the utility of DEEP statistics included in future OUI reports.

## **OPERATING AFTER SUSPENSION AND OPERATING WHILE LICENSE REVOKED AS A HABITUAL OFFENDER**

### OAS and HO Data Requirement

OAS and HO statistics in the 1982 and 1983 Annual OUI Reports were presented as total (combined) counts; that is, no distinction was made between OAS and HO violations that occurred while the driver's license was suspended/revoked because of an OUI conviction or adjudication. In terms of assessing the enforcement of drinking and driving laws, the combined statistic certainly seemed somewhat inappropriate. Thus, this additional breakdown was presented in this report. However, since the 1981 OUI Law does not address this issue at all, the intent of the legislation requires clarification.

### Recommendation

- Clarify the original intent of the OAS and HO data requirement and establish guidelines for presentation of data in future OUI reports.

### Disposition of Cases

The conviction rates have gradually increased over the three-year reporting period, and the OAS and HO dismissal rates have decreased. Conviction rates in 1984 OAS and HO violations where license suspension/revocation was OUI-related were slightly higher than in non-OUI-related OAS and HO's. Since the original intent of this data requirement is unclear, the following recommendation is made.

### Recommendation

- Identify/clarify the state's goals and objectives pertaining to the new OAS and HO provisions (OUI-related suspensions/revocations) implemented in 1981, and define the reporting requirement in relationship to the 1981 Drunk Driving Law.

### OAS and HO Sentencing

Overall, the frequency with which courts imposed penalties upon conviction for OAS has gradually declined during the three-year reporting period. Fines were imposed with greatest frequency (about 90% of the convictions), while additional license suspension periods and jail sentences were imposed in less than nineteen percent of the convictions. In addition, the severity of the penalties also decreased over the last three years.

Jail sentences were imposed most frequently in HO convictions, while fines and additional license suspension periods were imposed infrequently. The average jail sentence more than doubled during the three-year reporting period, fines decreased somewhat and license suspension periods (additional) increased slightly.

### Recommendation

- Assess 1984 OAS and HO statistics, particularly those related to OUI license suspension or revocation, to determine the extent to which sanctions imposed by courts are in compliance with the new OAS and HO provisions implemented in 1981.

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VI

1984 STATISTICAL TABLES

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APPENDIX A  
1984 OUI STATISTICAL TABLES

Figure A-1

**CIVIL OUI: Court Findings and Penalties by District Court**  
(Violation Date: January 1 – December 31, 1984)

DISTRICT COURT (County)      (Court)		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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	Lewiston	239	2	.8				237	99.1	237	253	250	586	235	45	45	90					
	Livermore Falls	40	3	7.5				37	92.5	37	258	250	550	37	45	45	45					
Aroostook	Caribou	77	1	1.2			1	1.2	75	97.4	75	253	250	300	75	45	45	45				
	Fort Kent	27	4	14.8	1	3.7	1	3.7	21	77.7	21	250	250	250	21	45	45	45				
	Houlton	58	5	8.6	2	3.4			51	87.9	51	250	250	300	51	47	45	180				
	Madawaska	18							18	100.0	18	250	250	250	18	45	45	45				
	Presque Isle	159	1	.6					158	99.3	158	254	250	500	158	51	45	365				
	Van Buren	7							7	100.0	7	250	250	250	7	45	45	45				
Cumberland	Bridgton	89	5	5.6	5	5.6			79	88.7	79	254	250	350	79	47	45	180				
	Brunswick	251	11	4.3	29	11.5	1	.3	210	83.6	210	266	250	500	209	45	45	45				
	Portland	731	41	5.6	50	6.8	3	.4	637	87.1	637	257	200	500	637	47	45	365				
Franklin	Farmington	70							70	100.0	70	309	250	450	70	45	45	45				
Hancock	Bar Harbor	39	1	2.5	2	5.1	1	2.5	35	89.7	35	250	250	250	35	45	45	45				
	Ellsworth	120	13	10.8	1	.8	3	2.5	103	85.8	103	253	250	500	103	45	45	45				
Kennebec	Augusta	287					3	1.0	284	98.9	284	253	200	500	281	45	45	45				
	Waterville	198	5	2.5			1	.5	192	96.9	192	254	250	500	192	45	30	90				
Knox	Rockland	257	13	5.0	11	4.2			233	90.6	233	298	250	500	233	45	45	105				
Lincoln	Wiscasset	145	14	9.6	6	4.1	1	.6	124	85.5	124	303	250	500	124	45	45	45				
Oxford	Rumford	53	3	5.6	1	1.8			49	92.4	49	255	250	350	49	45	45	45				
	So. Paris	57	4	7.0					53	92.9	53	259	250	500	53	45	45	45				
Penobscot	Bangor	363	15	4.1	1	.2	7	1.9	340	93.6	339	253	250	450	340	45	45	90				
	Lincoln	38							38	100.0	38	250	250	250	38	45	45	45				
	Millinocket	56	2	3.5					54	96.4	54	251	250	350	54	45	45	45				
	Newport	58	2	3.4					56	96.5	56	253	250	350	56	45	45	90				
Piscataquis	Dover-Foxcroft	131	29	22.1	1	.7	1	.7	100	76.3	100	253	250	500	100	45	45	45				
Sagadahoc	Bath	93	7	7.5	3	3.2			83	89.2	83	284	250	350	83	45	45	45				
Somerset	Skowhegan	214	16	7.4	1	.4	1	.4	196	91.5	196	307	250	500	195	45	45	45				
Waldo	Belfast	92	18	19.5	3	3.2			71	77.1	71	248	100	300	71	45	45	45				
Washington	Calais	99	6	6.0	4	4.0	1	1.0	88	88.8	88	253	200	350	88	45	45	90				
	Machias	63	3	4.7	1	1.5	1	1.5	58	92.0	58	262	250	500	58	45	45	45				
York	Biddeford	363	73	20.1	9	2.4	4	1.1	277	76.3	277	258	50	500	276	44	30	45				
	Kittery	378	19	5.0	24	6.3	1	.2	334	88.3	334	262	250	500	334	45	45	45				
	Springvale	208	33	15.8	9	4.3			166	79.8	166	268	250	500	166	47	45	365				
STATEWIDE		5078	349	6.8	164	3.2	31	.6	4534	89.2	453	263	50	586	4526	45	30	365				



Figure A-2

**CRIMINAL OUI: Court Findings and Penalties by District Court**  
**(Violation Date: January 1 – December 31, 1984)**

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	Lewiston	149							149	100.0	149	361	350	550	149	191	60	365	149	5	2	365	
	Livermore Falls	15	1	6.6	1	6.6			13	86.6	13	361	350	400	13	153	90	365	13	4	2	30	
Aroostook	Caribou	71	2	2.8					69	97.1	69	376	350	650	69	241	90	365	68	5	2	90	
	Fort Kent	23							23	100.0	23	363	350	500	23	221	90	365	23	2	2	5	
	Houlton	63	11	17.4			2	3.1	50	79.3	50	363	350	500	50	161	90	365	50	3	2	45	
	Madawaska	13	1	7.6					12	92.3	12	354	350	400	12	181	90	365	12	2	2	5	
	Presque Isle	116	2	1.7			1	.8	113	97.4	113	371	100	600	111	172	90	365	113	6	2	65	
	Van Buren	4							4	100.0	4	350	350	350	4	227	90	365	4	2	2	2	
Cumberland	Bridgton	37	5	13.5					32	86.4	32	396	350	500	32	141	90	365	32	5	2	90	
	Brunswick	78	1	1.2	9	11.5			68	87.1	68	375	350	750	68	195	90	365	68	3	2	20	
	Portland	383	15	3.9	32	8.3	1	.2	335	87.4	335	374	300	750	335	144	45	365	331	3	2	90	
Franklin	Farmington	20	1	5.0					19	95.0	19	463	350	630	19	205	90	365	19	27	2	365	
Hancock	Bar Harbor	15	3	20.0					12	80.0	12	437	350	500	12	250	90	365	12	3	2	10	
	Ellsworth	63	11	17.4					52	82.5	48	427	350	750	50	194	90	365	52	9	2	180	
Kennebec	Augusta	199	3	1.5					196	98.4	196	435	300	1000	194	240	90	365	195	17	2	365	
	Waterville	134	2	1.4					132	98.5	132	387	250	500	132	210	90	365	132	4	2	45	
Knox	Rockland	93	2	2.1					91	97.8	91	453	250	1000	91	184	90	365	91	10	2	180	
Lincoln	Wiscasset	78	9	11.5	4	5.1			65	83.3	64	435	250	750	65	197	90	365	65	5	2	90	
Oxford	Rumford	43	3	6.9			1	2.3	39	90.6	39	389	350	700	39	146	90	365	39	14	2	120	
	So. Paris	37	1	2.7					36	97.2	36	372	350	600	36	135	90	365	36	2	2	15	
Penobscot	Bangor	298	21	7.0	2	.6	1	.3	274	91.9	272	386	200	750	273	186	45	730	273	5	2	365	
	Lincoln	21					1	4.7	20	95.2	20	397	350	1000	20	200	90	365	20	3	2	10	
	Millinocket	32	1	3.1	3	9.3			28	87.5	27	357	350	500	28	237	90	365	28	3	2	30	
	Newport	43					1	2.3	42	97.6	42	392	250	750	42	196	90	365	41	5	2	45	
Piscataquis	Dover-Foxcroft	66	4	6.0			3	4.5	59	89.3	59	363	350	500	59	248	90	365	59	8	2	90	
Sagadahoc	Bath	40	1	2.5			1	2.5	38	95.0	37	372	250	500	38	152	90	365	38	3	2	30	
Somerset	Skowhegan	83	8	9.6					75	90.3	74	468	250	1000	75	233	90	365	73	11	2	180	
Waldo	Belfast	48	3	6.2					45	93.7	45	406	300	600	45	174	45	365	44	3	2	21	
Washington	Calais	66	3	4.5	1	1.5	1	1.5	61	92.4	60	365	150	600	61	210	45	365	61	5	2	60	
	Machias	57	3	5.2	3	5.2			51	89.4	51	380	350	600	51	174	90	365	51	3	2	15	
York	Biddeford	194	47	24.2	7	3.6	2	1.0	138	71.1	138	350	250	500	138	180	48	365	132	4	2	90	
	Kittery	176	21	11.9	21	11.9	2	1.1	132	75.0	132	354	250	700	132	177	45	365	131	6	2	180	
	Springvale	109	29	26.6	6	5.5			74	67.8	74	355	350	500	73	206	90	365	73	9	2	270	
STATEWIDE		2867	214	7.4	90	3.1	16	.5	2547	88.8	2536	387	100	1000	2539	189	45	730	2528	6	2	365	

Figure A-3

**CIVIL OUI. Court Findings and Penalties by Superior Court**  
(Violation Date: January 1 – December 31, 1984)

SUPERIOR COURT	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																		
Aroostook	1					1	100.0	1	250	250	250							
Cumberland																		
Franklin	1					1	100.0	1	250	250	250	1	45	45	45			
Hancock																		
Kennebec																		
Knox																		
Lincoln																		
Oxford																		
Penobscot																		
Piscataquis																		
Sagadahoc	1					1	100.0	1	300	300	300	1	45	45	45			
Somerset																		
Waldo																		
Washington																		
York																		
STATEWIDE	3					3	100.0	3	266	250	300	2	45	45	45			

Figure A-4

**CRIMINAL OUI: Court Findings and Penalties by Superior Court**  
(Violation Date: January 1 – December 31, 1984)

SUPERIOR COURT	COURT FINDINGS						PENALTIES														
	No. Cases	Dismissed		Dismissed Plea Lesser Charge	Not Guilty	Guilty	FINE				LICENSE SUSPENSION				JAIL SENTENCE						
		No.	%				No.	Avg. Fine	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High			
Androscoggin	20	5	25.0			15	75.0	15	350	350	350	15	218	90	365	15	3	2	10		
Aroostook	12	2	16.6			10	83.3	10	360	350	400	9	303	90	365	10	43	2	240		
Cumberland	95	19	20.0			76	80.0	75	392	350	1000	71	164	90	365	76	6	2	60		
Franklin	15					15	100.0	15	360	350	500	15	236	90	365	15	9	2	45		
Hancock	2	1	50.0			1	50.0	1	350	350	350					1	270	270	270		
Kennebec	51	1	1.9		1	1.9	49	96.0	49	436	350	900	46	281	90	365	49	39	2	364	
Knox	26	2	7.6			24	92.3	24	431	350	500	24	90	90	90	24	15	2	270		
Lincoln	19	2	10.5			17	89.4	17	511	350	750	17	348	90	365	17	24	2	180		
Oxford	12	2	16.6		1	8.3	9	75.0	9	416	350	700	9	212	90	365	9	6	2	30	
Penobscot	39	5	12.8			34	87.1	34	397	350	600	33	118	45	365	34	40	2	365		
Piscataquis	1	1	100.0																		
Sagadahoc	12	1	8.3		1	8.3	10	83.3	10	400	350	500	10	227	90	365	10	2	2	5	
Somerset	55			1	1.8	1	1.8	53	96.3	50	465	350	1000	53	302	90	365	53	46	2	365
Waldo	22	1	4.5			21	95.4	21	407	350	500	20	172	90	365	21	20	2	270		
Washington	4	3	75.0			1	25.0	1	350	350	350	1	90	90	90	1	4	4	4		
York	46	11	23.9			35	76.0	35	397	350	1000	34	195	90	365	35	31	2	364		
STATEWIDE	431	56	12.9	1	.2	4	.9	370	85.8	366	414	350	1000	357	214	45	365	370	25	2	365

**APPENDIX B**  
**1984 OAS STATISTICAL TABLES**

Figure B-1

**OPERATING AFTER SUSPENSION (OUI-Related): Court Findings and Penalties by County**  
(Violation Date. January 1 – December 31, 1984)

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	62	2	3.2	1	1.6			59	95.1	57	116	50	500	3	170	60	225	6	7	2	15
Aroostook	68	5	7.3					63	92.6	49	192	50	350	10	225	225	225	23	14	2	65
Cumberland	210	38	18.0	17	8.0			155	73.8	144	124	50	350	8	219	180	225	19	7	1	45
Franklin	17	3	17.6					14	82.3	13	248	75	500	1	90	90	90	5	9	2	15
Hancock	40	8	20.0	1	2.5			31	77.5	23	207	75	350					16	40	5	180
Kennebec	147	6	4.0					141	95.9	107	171	25	1000	19	216	60	225	53	36	3	364
Knox	44	2	4.5					42	95.4	38	202	50	500	5	270	225	450	14	8	3	30
Lincoln	33	2	6.0					31	93.9	29	227	100	750	3	225	225	225	9	12	2	60
Oxford	30	1	3.3					29	96.6	29	153	50	350	1	225	225	225	2	7	7	7
Penobscot	120	10	8.3	1	.8	2	1.6	107	89.1	86	228	50	750	13	387	90	675	42	18	2	60
Piscataquis	13	3	23.0					10	76.9	8	100	100	100					3	30	2	60
Sagadahoc	24	2	8.3	1	4.1			21	87.5	17	149	35	350	1	90	90	90	6	6	4	10
Somerset	63	7	11.1					56	88.8	39	291	100	800	5	225	225	225	28	28	3	180
Waldo	20	2	10.0					18	90.0	17	158	25	500	2	225	225	225	5	20	5	60
Washington	37	2	5.4					35	94.5	30	180	50	600	2	225	225	225	10	8	2	14
York	173	41	23.6	9	5.2			123	71.0	114	160	50	1000	3	225	225	225	24	19	1	180
STATEWIDE	1101	134	12.1	30	2.7	2	.1	935	84.9	800	174	25	1000	76	247	60	675	265	21	1	364

Figure B-2

**OPERATING AFTER SUSPENSION (Not OUI-Related): Court Findings and Penalties by County**  
(Violation Date: January 1 – December 31, 1984)

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	218	11	5.0	2	.9			205	94.0	200	88	50	350	2	225	225	225	2	4	2	7
Aroostook	145	16	11.0			1	.6	128	88.2	113	118	25	1000	3	105	30	225	12	16	5	30
Cumberland	924	169	18.2	41	4.4	2	.2	712	77.0	686	98	25	500	7	62	30	225	22	17	2	181
Franklin	26	2	7.6					24	92.3	24	189	25	400	1	90	90	90	3	9	2	21
Hancock	92	26	28.2			2	2.1	64	69.5	55	117	50	500	1	90	90	90	10	15	3	90
Kennebec	287	12	4.1	4	1.3			271	94.4	240	106	25	500	8	141	20	225	20	27	2	240
Knox	101	14	13.8	1	.9	1	.9	85	84.1	83	138	50	1000	1	60	60	60	6	7	2	15
Lincoln	66	14	21.2	1	1.5			51	77.2	49	135	50	400	1	60	60	60	2	5	5	5
Oxford	79	6	7.5					73	92.4	72	90	50	350	2	142	60	225	3	14	7	30
Penobscot	339	45	13.2			1	.2	293	86.4	259	131	40	500	1	225	225	225	29	14	2	90
Piscataquis	48	14	29.1	3	6.2	3	6.2	28	58.3	26	101	50	250					3	38	10	90
Sagadahoc	104	11	10.5	3	2.8	2	1.9	88	84.6	83	109	25	400	2	45	30	60	4	19	2	60
Somerset	107	9	8.4	2	1.8	1	.9	95	88.7	81	161	50	400	4	176	30	225	18	37	2	364
Waldo	47	6	12.7	4	8.5	1	2.1	36	76.5	33	117	50	500					6	7	3	14
Washington	74	7	9.4			1	1.3	66	89.1	64	83	50	350	1	60	60	60	2	4	2	7
York	757	193	25.4	24	3.1	4	.5	536	70.8	522	89	25	500	5	36	30	60	9	8	2	20
STATEWIDE	3414	555	16.2	85	2.4	19	.5	2755	80.6	2590	105	25	1000	39	107	20	225	151	18	2	364

Figure B-3

**OPERATING AFTER SUSPENSION: Court Findings and Penalties by District Court**  
(Violation Date: January 1 – December 31, 1984)

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	Lewiston	240						240	100.0	234	93	50	350	5	192	60	225	6	5	2	8		
	Livermore Falls	28	5	17.8	3	10.7		20	71.4	20	96	50	500										
Aroostook	Caribou	52	4	7.6				48	92.3	47	142	50	350	9	206	60	225	8	7	3	15		
	Fort Kent	16						16	100.0	15	85	50	250	1	30	30	30						
	Houlton	32	8	25.0				24	75.0	20	142	25	350	1	225	225	225	5	12	5	20		
	Madawaska	9				1	11.1	8	88.8	7	110	50	250					1	30	30	30		
	Presque Isle	95	9	9.4				86	90.5	68	145	50	1000	2	225	225	225	19	7	2	15		
	Van Buren	6						6	100.0	3	100	50	200					2	11	2	20		
Cumberland	Bridgton	58						58	100.0	57	77	35	350	1	180	180	180						
	Brunswick	166	34	20.4	19	11.4	1	112	67.4	107	109	25	350	3	160	30	225	6	33	2	181		
	Portland	853	141	16.5	39	4.5	1	672	78.7	647	102	50	500	11	139	30	225	30	9	1	60		
Franklin	Farmington	29						29	100.0	29	218	25	500	1	90	90	90	7	9	2	21		
Hancock	Bar Harbor	33	6	18.1	1	3.0		26	78.7	24	136	50	350					2	5	3	7		
	Ellsworth	95	28	29.4		2	2.1	65	68.4	52	137	50	500	1	90	90	90	20	25	3	180		
Kennebec	Augusta	252	2	.7				250	99.2	215	116	25	350	10	191	20	225	33	29	2	180		
	Waterville	157	15	9.5	4	2.5		138	87.8	119	133	40	1000	15	192	30	225	26	21	2	90		
Knox	Rockland	128	12	9.3	1	.7	1	114	89.0	109	159	50	1000	6	235	60	450	19	7	2	15		
Lincoln	Wiscasset	93	15	16.1	1	1.0		77	82.7	74	172	50	750	4	183	60	225	10	10	2	60		
Oxford	Rumford	46	4	8.6				42	91.3	42	97	50	350	2	142	60	225	2	7	7	7		
	So. Paris	58	1	1.7				57	98.2	57	113	50	350	1	225	225	225	2	7	7	7		
Penobscot	Bangor	307	42	13.6		2	.6	263	85.6	233	164	50	750	11	417	90	675	47	16	2	60		
	Lincoln	32						32	100.0	30	105	50	250					2	15	10	20		
	Millinocket	41	4	9.7		1	2.4	36	87.8	32	116	50	400	1	225	225	225	2	4	2	7		
	Newport	59	6	10.1	1	1.6		52	88.1	38	145	40	450	2	225	225	225	14	21	3	90		
Piscataquis	Dover-Foxcroft	60	17	28.3	3	5.0	3	37	61.6	33	107	50	250					6	34	2	90		
Sagadahoc	Bath	117	11	9.4	4	3.4	2	100	85.4	93	110	25	350	3	60	30	90	9	12	2	60		
Somerset	Skowhegan	129	15	11.6	2	1.5	1	111	86.0	92	205	50	800	5	186	30	225	28	26	2	180		
Waldo	Belfast	59	7	11.8	4	6.7	1	47	79.6	43	109	50	500	2	225	225	225	8	8	3	21		
Washington	Calais	55	1	1.8			1	53	96.3	47	101	50	350	3	170	60	225	7	6	2	14		
	Machias	52	7	13.4				45	86.5	44	100	50	350					3	7	7	7		
York	Biddeford	378	125	33.0	5	1.3	4	244	64.5	237	92	25	400	4	86	30	225	8	11	2	30		
	Kittery	297	30	10.1	20	6.7		247	83.1	239	108	50	1000	1	225	225	225	12	6	1	30		
	Springvale	225	60	26.6	7	3.1		158	70.2	153	103	30	500	2	30	30	30	10	29	2	180		
STATEWIDE		4257	609	14.3	114	2.6	21	3513	82.5	3260	118	25	1000	107	199	20	675	353	17	1	181		

Figure B-4

**OPERATING AFTER SUSPENSION (OUI-Related): Court Findings and Penalties by District Court**  
(Violation Date: January 1 – December 31, 1984)

DISTRICT 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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
(County)	(Court)																						
Androscoggin	Lewiston	50						50	100.0	49	105	50	350	3	170	60	225	4	6	2	8		
	Livermore Falls	7			1	14.2		6	85.7	6	162	75	500										
Aroostook	Caribou	24	1	4.1				23	95.8	22	198	50	350	8	225	225	225	8	7	3	15		
	Fort Kent	4						4	100.0	3	100	100	100										
	Houlton	11	3	27.2				8	72.7	6	220	100	350					3	15	7	20		
	Madawaska	2						2	100.0	2	175	100	250										
	Presque Isle	23	1	4.3				22	95.6	15	193	100	350	2	225	225	225	11	19	7	65		
	Van Buren	3						3	100.0	1	200	200	200					1	2	2	2		
Cumberland	Bridgton	13						13	100.0	12	112	50	350	1	180	180	180						
	Brunswick	29	5	17.2	5	17.2		19	65.5	19	160	50	350	2	225	225	225	4	4	2	7		
	Portland	147	22	14.9	12	8.1		113	76.8	105	118	50	350	5	225	225	225	14	8	1	45		
Franklin	Farmington	7						7	100.0	7	289	75	500					4	9	2	15		
Hancock	Bar Harbor	10			1	10.0		9	90.0	9	208	75	350					1	7	7	7		
	Ellsworth	28	8	28.5				20	71.4	13	196	100	350					13	34	5	180		
Kennebec	Augusta	79	1	1.2				78	98.7	62	145	25	350	5	225	225	225	20	35	4	180		
	Waterville	51	4	7.8				47	92.1	38	205	50	1000	12	211	60	225	20	25	3	90		
Knox	Rockland	38	1	2.6				37	97.3	34	200	50	500	5	270	225	450	13	7	3	10		
Lincoln	Wiscasset	31	2	6.4				29	93.5	28	232	100	750	3	225	225	225	8	12	2	60		
Oxford	Rumford	13	1	7.6				12	92.3	12	116	50	350					1	7	7	7		
	So. Paris	15						15	100.0	15	176	50	350	1	225	225	225	1	7	7	7		
Penobscot	Bangor	78	8	10.2			1	1.2	69	88.4	56	245	50	750	10	436	90	675	30	19	2	60	
	Lincoln	6						6	100.0	5	100	100	100					1	20	20	20		
	Millinocket	10					1	10.0	9	90.0	8	156	50	350	1	225	225	225	1	7	7	7	
	Newport	16	1	6.2	1	6.2			14	87.5	11	234	75	450	2	225	225	225	5	16	7	45	
Piscataquis	Dover-Foxcroft	13	3	23.0				10	76.9	8	100	100	100					3	30	2	60		
Sagadahoc	Bath	20	2	10.0	1	5.0		17	85.0	15	145	35	350	1	90	90	90	5	6	4	7		
Somerset	Skowhegan	38	6	15.7				32	84.2	26	296	100	800	2	225	225	225	12	35	3	180		
Waldo	Belfast	16	2	12.5				14	87.5	13	144	50	500	2	225	225	225	3	11	5	21		
Washington	Calais	22						22	100.0	17	139	50	350	2	225	225	225	6	7	2	14		
	Machias	12	2	16.6				10	83.3	10	142	75	350					2	7	7	7		
York	Biddeford	61	18	29.5	2	3.2		41	67.2	38	136	50	350	1	225	225	225	6	10	2	30		
	Kittery	57	4	7.0	4	7.0		49	85.9	47	184	50	1000	1	225	225	225	10	6	1	30		
	Springvale	44	11	25.0	3	6.8		30	68.1	28	148	50	350					6	43	7	180		
STATEWIDE		978	106	10.8	30	3.0	2	.2	840	85.8	740	169	25	1000	69	251	60	675	216	19	1	180	



Figure B-5

**OPERATING AFTER SUSPENSION (Not OUI-Related): Court Findings and Penalties by District Court**  
(Violation Date: January 1 – December 31, 1984)

DISTRICT 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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High	
(County)	(Court)																							
Androscoggin	Lewiston	190						190	100.0	185	90	50	350	2	225	225	225	2	4	2	7			
	Livermore Falls	21	5	23.8	2	9.5		14	66.6	14	67	50	100											
Aroostook	Caribou	28	3	10.7				25	89.2	25	93	50	250	1	60	60	60							
	Fort Kent	12						12	100.0	12	81	50	250	1	30	30	30							
	Houlton	21	5	23.8				16	76.1	14	108	25	350	1	225	225	225	2	7	5	10			
	Madawaska	7					1	14.2	6	85.7	5	85	50	125					1	30	30	30		
	Presque Isle	72	8	11.1				64	88.8	53	131	50	1000					7	17	5	30			
	Van Buren	3						3	100.0	2	50	50	50					1	20	20	20			
Cumberland	Bridgton	45						45	100.0	45	68	35	150											
	Brunswick	137	29	21.1	14	10.2	1	.7	93	67.8	88	98	25	300	1	30	30	30	2	91	2	181		
	Portland	706	119	16.8	27	3.8	1	.1	559	79.1	542	99	50	500	6	67	30	225	16	9	2	60		
Franklin	Farmington	22						22	100.0	22	196	25	400	1	90	90	90	3	9	2	21			
Hancock	Bar Harbor	23	6	26.0				17	73.9	15	93	50	200					1	3	3	3			
	Ellsworth	67	20	29.8			2	2.9	45	67.1	39	117	50	500	1	90	90	90	7	8	3	15		
Kennebec	Augusta	173	1	.5				172	99.4	153	105	25	350	5	157	20	225	13	19	2	45			
	Waterville	106	11	10.3	4	3.7		91	85.8	81	99	40	400	3	115	30	225	6	8	2	30			
Knox	Rockland	90	11	12.2	1	1.1	1	1.1	77	85.5	75	141	50	1000	1	60	60	60	6	7	2	15		
Lincoln	Wiscasset	62	13	20.9	1	1.6		48	77.4	46	136	50	400	1	60	60	60	2	5	5	5			
Oxford	Rumford	33	3	9.0				30	90.9	30	89	50	350	2	142	60	225	1	7	7	7			
	So. Paris	43	1	2.3				42	97.6	42	91	50	350					1	7	7	7			
Penobscot	Bangor	229	34	14.8			1	.4	194	84.7	177	139	50	500	1	225	225	225	17	10	2	30		
	Lincoln	26						26	100.0	25	106	50	250					1	10	10	10			
	Millinocket	31	4	12.9				27	87.0	24	103	50	400					1	2	2	2			
	Newport	43	5	11.6				38	88.3	27	109	40	350					9	24	3	90			
Piscataquis	Dover-Foxcroft	47	14	29.7	3	6.3	3	6.3	27	57.4	25	102	50	250					3	38	10	90		
Sagadahoc	Bath	97	9	9.2	3	3.0	2	2.0	83	85.5	78	103	25	350	2	45	30	60	4	19	2	60		
Somerset	Skowhegan	91	9	9.8	2	2.1	1	1.0	79	86.8	66	170	50	400	3	160	30	225	16	19	2	60		
Waldo	Belfast	43	5	11.6	4	9.3	1	2.3	33	76.7	30	94	50	350					5	7	3	14		
Washington	Calais	33	1	3.0			1	3.0	31	93.9	30	79	50	150	1	60	60	60	1	2	2	2		
	Machias	40	5	12.5				35	87.5	34	88	50	350					1	7	7	7			
York	Biddeford	317	107	33.7	3	.9	4	1.2	203	64.0	199	85	25	400	3	40	30	60	2	15	10	20		
	Kittery	240	26	10.8	16	6.6		198	82.5	192	89	50	350					2	6	2	10			
	Springvale	181	49	27.0	4	2.2		128	70.7	125	93	30	500	2	30	30	30	4	8	2	15			
STATEWIDE		3279	503	15.3	84	2.5	19	.5	2673	81.5	2520	104	25	1000	38	103	20	225	137	14	2	181		

Figure B-6

**OPERATING AFTER SUSPENSION: Court Findings and Penalties by Superior Court**  
**(Violation Date: January 1 – December 31, 1984)**

SUPERIOR COURT	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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	12	8	66.6				4	33.3	3	200	100	350						2	11	7	15
Aroostook	3						3	100.0	2	550	300	800						1	5	5	5
Cumberland	57	32	56.1				25	43.8	19	139	75	250						5	9	2	37
Franklin	14	5	35.7				9	64.2	8	178	100	350	1	90	90	90		1	10	10	10
Hancock	4						4	100.0	2	425	350	500						4	70	5	180
Kennebec	25	1	4.0				24	96.0	13	234	50	500	2	225	225	225		14	70	4	364
Knox	17	4	23.5				13	76.4	12	147	50	350						1	30	30	30
Lincoln	6	1	16.6				5	83.3	4	112	50	200						1	10	10	10
Oxford	5	2	40.0				3	60.0	2	200	200	200						1	30	30	30
Penobscot	20	3	15.0				17	85.0	12	233	75	500						6	17	7	30
Piscataquis	1						1	100.0	1	100	100	100									
Sagadahoc	11	2	18.1				9	81.8	7	185	50	400						1	10	10	10
Somerset	41	1	2.4				40	97.5	28	194	50	500	4	225	225	225		18	41	2	364
Waldo	8	1	12.5				7	87.5	7	267	25	500						3	24	7	60
Washington	4	1	25.0				3	75.0	3	533	400	600						2	14	14	14
York	30	19	63.3	1	3.3		10	33.3	7	192	50	350	1	225	225	225		3	24	5	60
STATEWIDE	258	80	31.0	1	.3		177	68.6	130	205	25	800	8	208	90	225		63	38	2	364

Figure B-7

**OPERATING AFTER SUSPENSION (OUI-Related): Court Findings and Penalties by Superior Court**  
(Violation Date: January 1 – December 31, 1984)

SUPERIOR COURT	COURT FINDINGS						PENALTIES												
	No. Cases	Dismissed		Dismissed Plea Lesser Charge		Not Guilty		FINE				LICENSE SUSPENSION				JAIL SENTENCE			
		No.	%	No.	%	No.	%	No. Fined	Avg. Fine	Range		No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range		No. Jailed	Avg. Jail Sent. (Days)	Range	
Androscoggin	5	2	40.0			3	60.0	2	250	150	350				2	11	7	15	
Aroostook	1					1	100.0												
Cumberland	21	11	52.3			10	47.6	8	140	75	250				1	2	2	2	
Franklin	10	3	30.0			7	70.0	6	200	100	350	1	90	90	90	1	10	10	10
Hancock	2					2	100.0	1	350	350	350				2	92	5	180	
Kennebec	17	1	5.8			16	94.1	7	228	150	350	2	225	225	225	13	57	4	364
Knox	6	1	16.6			5	83.3	4	225	100	350				1	30	30	30	
Lincoln	2					2	100.0	1	100	100	100				1	10	10	10	
Oxford	2					2	100.0	2	200	200	200								
Penobscot	10	1	10.0			9	90.0	6	266	100	500				5	19	7	30	
Piscataquis																			
Sagadahoc	4					4	100.0	2	175	150	200				1	10	10	10	
Somerset	25	1	4.0			24	96.0	13	280	150	500	3	225	225	225	16	24	5	120
Waldo	4					4	100.0	4	206	25	350				2	33	7	60	
Washington	3					3	100.0	3	533	400	600				2	14	14	14	
York	11	8	72.7			3	27.2	1	350	350	350	1	225	225	225	2	33	7	60
STATEWIDE	123	28	22.7			95	77.2	60	242	25	600	7	205	90	225	49	33	2	364

Figure B-8

**OPERATING AFTER SUSPENSION (Not OUI-Related): Court Findings and Penalties by Superior Court**  
**(Violation Date: January 1 – December 31, 1984)**

SUPERIOR COURT	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	Range High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	Range High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	Range High
Androscoggin	7	6	85.7					1	14.2	1		100	100								
Aroostook	2							2	100.0	2	550	300	800					1	5	5	5
Cumberland	36	21	58.3					15	41.6	11	138	75	250					4	11	2	37
Franklin	4	2	50.0					2	50.0	2	112	100	125								
Hancock	2							2	100.0	1	500	500	500					2	47	5	90
Kennebec	8							8	100.0	6	241	50	500					1	240	240	240
Knox	11	3	27.2					8	72.7	8	109	50	250								
Lincoln	4	1	25.0					3	75.0	3	116	50	200								
Oxford	3	2	66.6					1	33.3									1	30	30	30
Penobscot	10	2	20.0					8	80.0	6	200	75	300					1	7	7	7
Piscataquis	1							1	100.0	1	100	100	100								
Sagadahoc	7	2	28.5					5	71.4	5	190	50	400								
Somerset	16							16	100.0	15	120	50	300	1	225	225	225	2	183	2	364
Waldo	4	1	25.0					3	75.0	3	350	200	500					1	7	7	7
Washington	1	1	100.0																		
York	19	11	57.8	1	5.2			7	36.8	6	166	50	300					1	5	5	5
STATEWIDE	135	52	38.5	1	.7			82	60.7	70	174	50	800	1	225	225	225	14	57	2	364

**APPENDIX C**  
**1984 HO STATISTICAL TABLES**

Figure C-1

**OPERATING AFTER HO (OUI-Related): Court Findings and Penalties by County**  
**(Violation Date: January 1 – December 31, 1984)**

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	22	1	4.5	2	9.0			19	86.3	1	350	350	350	1	225	225	225	16	127	60	365	
Aroostook	21			2	9.5			19	90.4					4	337	225	675	17	161	60	540	
Cumberland	39	7	17.9	4	10.2			28	71.7	3	400	350	500	4	193	60	400	18	212	7	999	
Franklin	6							6	100.0									6	150	60	365	
Hancock	5	1	20.0	1	20.0			3	60.0	1	350	350	350					2	75	60	90	
Kennebec	18	1	5.5					17	94.4	2	375	350	400	1	225	225	225	11	156	45	999	
Knox	10	1	10.0	1	10.0			8	80.0									8	63	60	75	
Lincoln	5	3	60.0					2	40.0									1	60	60	60	
Oxford	2							2	100.0	1	350	350	350	1	225	225	225	2	60	60	60	
Penobscot	63	7	11.1	6	9.5			50	79.3	15	310	50	500	9	161	60	225	40	181	2	999	
Piscataquis	3			1	33.3			2	66.6									2	60	60	60	
Sagadahoc	9							9	100.0									5	40	10	60	
Somerset	17	2	11.7	2	11.7			13	76.4	1	500	500	500	1	225	225	225	11	337	60	999	
Waldo	5							5	100.0	2	350	350	350					4	50	3	110	
Washington	6	2	33.3	1	16.6			3	50.0	1	350	350	350	1	225	225	225	3	190	60	330	
York	30	4	13.3	3	10.0	1	3.3	22	73.3	5	350	350	350	1	90	90	90	19	175	2	540	
STATEWIDE	261	29	11.1	23	8.8	1	.3	208	79.6	32	342	50	500	23	208	60	675	165	166	2	999	

Figure C-2

**OPERATING AFTER HO (Not OUI-Related): Court Findings and Penalties by County**  
(Violation Date: January 1 – December 31, 1984)

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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High	
Androscoggin	3	1	33.3				2	66.6								2	75	60	90			
Aroostook	9	2	22.2	1	11.1		6	66.6	5	500	500	500				2	30	15	45			
Cumberland	38	7	18.4	3	7.8	1	2.6		27	71.0	1	500	500	500	3	180	90	225	13	294	1	730
Franklin	4						4	100.0	3	316	250	350				3	32	15	60			
Hancock	5	1	20.0				4	80.0	1	500	500	500				4	50	10	90			
Kennebec	8			1	12.5		7	87.5					1	20	20	20	5	43	15	75		
Knox	5						5	100.0	1	250	250	250				4	45	30	90			
Lincoln	7	1	14.2	1	14.2		5	71.4								5	96	60	120			
Oxford	6						6	100.0	2	350	350	350				4	27	15	60			
Penobscot	21	3	14.2	1	4.7		17	80.9	9	322	100	500				7	239	5	600			
Piscataquis	1	1	100.0																			
Sagadahoc	2	1	50.0				1	50.0								1	270	270	270			
Somerset	1						1	100.0								1	60	60	60			
Waldo	3			1	33.3		2	66.6								1	730	730	730			
Washington	1	1	100.0																			
York	19	4	21.0	2	10.5		13	68.4	5	410	350	500				12	80	2	365			
STATEWIDE	133	22	16.5	10	7.5	1	.7	100	75.1	27	383	100	500	4	140	20	225	64	140	1	730	

Figure C-3

**OPERATING AFTER HO: Court Findings and Penalties by District Court**  
(Violation Date: January 1 – December 31, 1984)

DISTRICT COURT		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	Range High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	Range High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	Range High
(County)	(Court)																					
Androscoggin	Lewiston	2						2	100.0									2	60	60	60	
	Livermore Falls	1	1	100.0																		
Aroostook	Caribou	6						6	100.0	1	500	500	500					5	63	45	90	
	Fort Kent																					
	Houlton																					
	Madawaska																					
	Presque Isle	3						3	100.0					1	225	225	225	3	80	60	120	
	Van Buren	1			1	100.0																
Cumberland	Bridgton																					
	Brunswick																					
	Portland	6	3	50.0	3	50.0																
Franklin	Farmington																					
Hancock	Bar Harbor																					
	Ellsworth	2	2	100.0																		
Kennebec	Augusta	9						9	100.0					1	20	20	20	8	60	15	120	
	Waterville	6	1	16.6	1	16.6		4	66.6	2	375	350	400	1	225	225	225	3	41	35	45	
Knox	Rockland																					
Lincoln	Wiscasset	5	4	80.0	1	20.0																
Oxford	Rumford																					
	So. Paris																					
Penobscot	Bangor	14	4	28.5	3	21.4		7	50.0	4	387	200	500	1	90	90	90	4	49	4	120	
	Lincoln	1			1	100.0																
	Millinocket	1						1	100.0	1	100	100	100									
	Newport	1	1	100.0																		
Piscataquis	Dover-Foxcroft	3	1	33.3	1	33.3		1	33.3									1	60	60	60	
Sagadahoc	Bath	1						1	100.0									1	60	60	60	
Somerset	Skowhegan	3	1	33.3				2	66.6									2	75	60	90	
Waldo	Belfast																					
Washington	Calais																					
	Machias	1						1	100.0	1	350	350	350	1	225	225	225	1	60	60	60	
York	Biddeford	9	4	44.4	2	22.2		3	33.3									3	250	90	540	
	Kittery	1			1	100.0																
	Springvale	4	1	25.0				3	75.0	2	350	350	350					2	45	30	60	
STATEWIDE		80	23	28.7	14	17.5		43	53.7	11	359	100	500	5	157	20	225	35	75	4	540	



Figure C-4

**OPERATING AFTER HO (OUI-Related): Court Findings and Penalties by District Court**  
 (Violation Date: January 1 – December 31, 1984)

DISTRICT COURT (County)                      (Court)		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	Low	High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Low	High	No. Jailed	Avg. Jail Sent. (Days)	Low	High
Androscoggin	Lewiston	1						1	100.0									1	60	60	60	
	Livermore Falls																					
Aroostook	Caribou	4						4	100.0									4	67	60	90	
	Fort Kent																					
	Houlton																					
	Madawaska																					
	Presque Isle	3						3	100.0					1	225	225	225	3	80	60	120	
	Van Buren																					
Cumberland	Bridgton																					
	Brunswick																					
	Portland	3	2	66.6		1	33.3															
Franklin	Farmington																					
Hancock	Bar Harbor																					
	Ellsworth	1	1	100.0																		
Kennebec	Augusta	6						6	100.0									6	65	45	120	
	Waterville	4	1	25.0				3	75.0	2	375	350	400	1	225	225	225	2	45	45	45	
Knox	Rockland																					
Lincoln	Wiscasset	3	3	100.0																		
Oxford	Rumford																					
	So. Paris																					
Penobscot	Bangor	10	4	40.0		3	30.0		3	30.0	2	425	350	500	1	90	90	90	2	24	4	45
	Lincoln	1				1	100.0															
	Millinocket																					
	Newport																					
Piscataquis	Dover-Foxcroft	2				1	50.0		1	50.0								1	60	60	60	
Sagadahoc	Bath	1							1	100.0								1	60	60	60	
Somerset	Skowhegan	2	1	50.0					1	50.0								1	90	90	90	
Waldo	Belfast																					
Washington	Calais																					
	Machias	1							1	100.0	1	350	350	350	1	225	225	225	1	60	60	60
York	Biddeford	6	3	50.0					3	50.0								3	250	90	540	
	Kittery	1				1	100.0															
	Springvale																					
STATEWIDE		49	15	30.6		7	14.2		27	55.1	5	390	350	500	4	191	90	225	25	84	4	540

Figure C-5

**OPERATING AFTER HO (Not OUI-Related): Court Findings and Penalties by District Court**  
 (Violation Date: January 1 – December 31, 1984)

DISTRICT COURT (County)      (Court)		COURT FINDINGS						PENALTIES												
		No. Cases	Dismissed No.      %		Dismissed Plea Lesser Charge      %		Not Guilty      %		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	1					1	100.0								1	60	60	60	
	Livermore Falls	1	1	100.0																
Aroostook	Caribou	2					2	100.0	1	500	500	500				1	45	45	45	
	Fort Kent																			
	Houlton																			
	Madawaska																			
	Presque Isle																			
	Van Buren	1			1	100.0														
Cumberland	Bridgton																			
	Brunswick																			
	Portland	3	1	33.3	2	66.6														
Franklin	Farmington																			
Hancock	Bar Harbor																			
	Ellsworth	1	1	100.0																
Kennebec	Augusta	3					3	100.0					1	20	20	20	2	45	15	75
	Waterville	2			1	50.0	1	50.0									1	35	35	35
Knox	Rockland																			
Lincoln	Wiscasset	2	1	50.0	1	50.0														
Oxford	Rumford																			
	So. Paris																			
Penobscot	Bangor	4					4	100.0	2	350	200	500				2	75	30	120	
	Lincoln																			
	Millinocket	1					1	100.0	1	100	100	100								
	Newport	1	1	100.0																
Piscataquis	Dover-Foxcroft	1	1	100.0																
Sagadahoc	Bath																			
Somerset	Skowhegan	1					1	100.0								1	60	60	60	
Waldo	Belfast																			
Washington	Calais																			
	Machias																			
York	Biddeford	3	1	33.3	2	66.6														
	Kittery																			
	Springvale	4	1	25.0			3	75.0	2	350	350	350				2	45	30	60	
STATEWIDE		31	8	25.8	7	22.5	16	51.6	6	333	100	500	1	20	20	20	10	53	15	120

Figure C-6

**OPERATING AFTER HO: Court Findings and Penalties by Superior Court**  
(Violation Date: January 1 – December 31, 1984)

SUPERIOR COURT	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	Range High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	Range High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	Range High
Androscoggin	22	1	4.5	2	9.0			19	86.3	1	350	350	350	1	225	225	225	16	129	60	365
Aroostook	20	2	10.0	2	10.0			16	80.0	4	500	500	500	3	375	225	675	11	204	15	540
Cumberland	71	11	15.4	4	5.6	1	1.4	55	77.4	4	425	350	500	7	187	60	400	31	246	1	999
Franklin	10							10	100.0	3	316	250	350					9	111	15	365
Hancock	8			1	12.5			7	87.5	2	425	350	500					6	58	10	90
Kennebec	11							11	100.0									5	265	30	999
Knox	15	1	6.6	1	6.6			13	86.6	1	250	250	250					12	57	30	90
Lincoln	7							7	100.0									6	90	60	120
Oxford	8							8	100.0	3	350	350	350	1	225	225	225	6	38	15	60
Penobscot	67	5	7.4	3	4.4			59	88.0	19	310	50	500	8	170	60	225	43	203	2	999
Piscataquis	1							1	100.0									1	60	60	60
Sagadahoc	10	1	10.0					9	90.0									5	82	10	270
Somerset	15	1	6.6	2	13.3			12	80.0	1	500	500	500	1	225	225	225	10	362	60	999
Waldo	8			1	12.5			7	87.5	2	350	350	350					5	186	3	730
Washington	6	3	50.0	1	16.6			2	33.3									2	255	180	330
York	35	3	8.5	2	5.7	1	2.8	29	82.8	8	387	350	500	1	90	90	90	26	132	2	365
STATEWIDE	314	28	8.9	19	6.0	2	.6	265	84.3	48	361	50	500	22	207	60	675	194	174	1	999

Figure C-7

**OPERATING AFTER HO (OUI-Related): Court Findings and Penalties by Superior Court**  
(Violation Date: January 1 – December 31, 1984)

SUPERIOR COURT	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	Range High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	Range High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	Range High
Androscoggin	21	1	4.7	2	9.5			18	85.7	1	350	350	350	1	225	225	225	15	131	60	365
Aroostook	14			2	14.2			12	85.7					3	375	225	675	10	223	60	540
Cumberland	36	5	13.8	3	8.3			28	77.7	3	400	350	500	4	193	60	400	18	212	7	999
Franklin	6							6	100.0									6	150	60	365
Hancock	4			1	25.0			3	75.0	1	350	350	350					2	75	60	90
Kennebec	8							8	100.0									3	413	60	999
Knox	10	1	10.0	1	10.0			8	80.0									8	63	60	75
Lincoln	2							2	100.0									1	60	60	60
Oxford	2							2	100.0	1	350	350	350	1	225	225	225	2	60	60	60
Penobscot	52	3	5.7	2	3.8			47	90.3	13	292	50	500	8	170	60	225	38	190	2	999
Piscataquis	1							1	100.0									1	60	60	60
Sagadahoc	8							8	100.0									4	35	10	60
Somerset	15	1	6.6	2	13.3			12	80.0	1	500	500	500	1	225	225	225	10	362	60	999
Waldo	5							5	100.0	2	350	350	350					4	50	3	110
Washington	5	2	40.0	1	20.0			2	40.0									2	255	180	330
York	23	1	4.3	2	8.6	1	4.3	19	82.6	5	350	350	350	1	90	90	90	16	161	2	365
STATEWIDE	212	14	6.6	16	7.5	1	.4	181	85.3	27	333	50	500	19	212	60	675	140	181	2	999

Figure C-8

**OPERATING AFTER HO (Not OUI-Related): Court Findings and Penalties by Superior Court**  
(Violation Date: January 1 – December 31, 1984)

SUPERIOR COURT	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	Range High	No. Lic. Susp.	Avg. Lic. Susp. (Days)	Range Low	Range High	No. Jailed	Avg. Jail Sent. (Days)	Range Low	Range High
Androscoggin	1						1	100.0										1	90	90	90
Aroostook	6	2	33.3				4	66.6	4	500	500	500						1	15	15	15
Cumberland	35	6	17.1	1	2.8	1	2.8	27	77.1	1	500	500	500	3	180	90	225	13	294	1	730
Franklin	4						4	100.0	3	316	250	350						3	32	15	60
Hancock	4						4	100.0	1	500	500	500						4	50	10	90
Kennebec	3						3	100.0										2	45	30	60
Knox	5						5	100.0	1	250	250	250						4	45	30	90
Lincoln	5						5	100.0										5	96	60	120
Oxford	6						6	100.0	2	350	350	350						4	27	15	60
Penobscot	15	2	13.3	1	6.6		12	80.0	6	350	200	500						5	305	5	600
Piscataquis																					
Sagadahoc	2	1	50.0				1	50.0										1	270	270	270
Somerset																					
Waldo	3			1	33.3		2	66.6										1	730	730	730
Washington	1	1	100.0																		
York	12	2	16.6				10	83.3	3	450	350	500						10	87	2	365
STATEWIDE	102	14	13.7	3	2.9	1	.9	84	82.3	21	397	200	500	3	180	90	225	54	157	1	730