

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND ELEVENTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1984

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the Second Regular Session of the 111th Legislature. The summaries are arranged alphabetically, and indexed separately by committee.



<u>LD</u>	<u>TITLE</u>	<u>SPONSOR</u>	<u>DISPOSITION</u>
			<ul style="list-style-type: none"> <li>- Requiring that, prior to a contested divorce or separation hearing where the parties have minor children, the court shall refer the parties to mediation;</li> <li>- Granting the courts discretion to order mediation in any divorce or separation case;</li> <li>- Requiring every final court order in a divorce or separation action involving children to contain a provision for child support and a provision for both parents' access to their child's medical and school records, or a statement as to why child support or access to records is not ordered;</li> <li>- Prohibiting a court in a divorce or separation action involving children from applying a preference for one parent over the other in determining parental rights and responsibilities because of the parent's sex or the child's age or sex.</li> </ul>

2476	AN ACT TO AMEND THE LAW CONCERNING SUSPENSIONS OF DRIVERS' LICENSES ON ADMINISTRATIVE DETERMINATION OF BLOOD-ALCOHOL CONTENT	Hayden	PL. 1983, c. 850 (EMERGENCY)
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SUMMARY: This new draft of LD 2431 repeals and replaces sections 1311-A and 2241-G(2)(B)-(F) of Title 29. Section 1311-A deals with the suspension of drivers' licenses by the Secretary of State upon an administrative determination of driving with an excessive blood alcohol level (i.e. a blood-alcohol test showing at least a .10% level). Section 2241-G is the Teen Drinking Law which allows the Secretary of State to suspend the drivers' license of a teenager tested to have been driving with a .02% blood-alcohol level. The revision of these laws is, in part, in response to a court decision finding that the administrative hearing process involved under the sections as originally enacted violates due process in permitting the driver to challenge only the law enforcement officer's finding of probable cause to believe that the nonteenager was driving with a .10% blood-alcohol level or that the teenager was driving with a .02% blood-alcohol level. Due process requires that the driver be able to contest all the elements of the offense. This new draft, then, requires the scope of a hearing requested under section 1311-A to include: whether there was probable cause to believe the person was driving with at least a .10% blood-alcohol level; whether the person operated or attempted to operate a motor vehicle; and whether the person did have at least a .10% blood-alcohol level at the time. The scope of a hearing requested under section 2241-G includes: whether there was probable cause to believe the person was not 20 years of age and was driving with at least a .02% blood-alcohol level; whether the person operated or attempted to operate the motor vehicle; whether the person did have at least a .02% blood-alcohol level at the time; and whether the person was not in fact 20 years old. The burden of proof at these hearings is by a preponderance of the evidence. Other changes made in current law by the bill include:

- Provisions for work-restricted licenses for teenagers suspended under section 2241-G similar to those provided under section 1311-A for adults;

LD      TITLE

SPONSOR

DISPOSITION

- A requirement that notices of suspension under sections 1311-A or 2241-G state that the law enforcement officer's report and a copy of the blood-alcohol test certificate are available from the Secretary of State;

- A requirement that all persons under 20 years of age and all adults whose licenses are suspended under any of the drinking and driving laws must complete an alcohol educational program before their licenses may be restored after the expiration of the suspension period; and

- A requirement that the court notify the Secretary of State if a person is adjudicated not to have committed a drunk driving traffic infraction or if the drunk driving traffic infraction charge has been dismissed. Upon such notification, the Secretary of State will restore the administratively suspended license of the person.