

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Make Technical Corrections to the Operating Under the Influence Laws**

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

**Sec. 1. 29-A MRSA §2451, sub-§3, ¶B**, as enacted by PL 1995, c. 368, Pt. AAA, §17, is amended to read:

B. ~~Eighteen months~~Three years, if the person has 2 OUI offenses within a 10-year period; or

**Sec. 2. 29-A MRSA §2451, sub-§3, ¶C**, as enacted by PL 1995, c. 368, Pt. AAA, §17, is amended to read:

C. ~~Four~~Six years, if the person has 3 or more OUI offenses within a 10-year period; ~~or.~~

**Sec. 3. 29-A MRSA §2451, sub-§3, ¶D**, as enacted by PL 1995, c. 368, Pt. AAA, §17, is repealed.

**Sec. 4. 29-A MRSA §2557-A, sub-§2**, as enacted by PL 2005, c. 606, Pt. A, §11, is amended to read:

**2. Penalties.** The following penalties apply.

A. A person is guilty of a Class D crime if the person violates subsection 1 and:

(1) The person has not been convicted for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has not ~~been convicted for violating section 2411 or former Title 29, section 1312-B~~received an OUI conviction within the previous 10 years.

The minimum fine for a Class D crime under this paragraph is \$500 and the minimum term of imprisonment is 30 days, neither of which may be suspended by the court.

B. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has one conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one OUI conviction ~~for violating section 2411 or former Title 29, section 1312-B~~ within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 6 months, neither of which may be suspended by the court.

C. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has 2 convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has 2 OUI convictions for ~~violating section 2411 or former Title 29, section 1312-B~~ within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 9 months plus a day, neither of which may be suspended by the court.

D. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has 3 or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has 3 or more OUI convictions for ~~violating section 2411 or former Title 29, section 1312-B~~ within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 2 years, neither of which may be suspended by the court.

**Sec. 5. 29-A MRSA §2558, sub-§2, ¶B**, as enacted by PL 2005, c. 606, Pt. A, §12, is amended to read:

B. A person who violates subsection 1 and at the time has one OUI conviction ~~for violating this section, section 2411, or one conviction for violating~~ former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$1,000 and a minimum term of imprisonment of one year must be imposed, neither of which may be suspended by the court.

## SUMMARY

This bill corrects the inconsistency in the minimum periods of license suspension for repeat OUI offenders resulting from Public Law 2007, chapter 531.

The bill amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for the purpose of increasing the class of crime for operating after habitual offender revocation.

This bill amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for purposes of the imposition of penalties for aggravated operating after habitual offender revocation.