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Public Law
124th Legislature
First Regular Session

Chapter 54
S.P. 66 - L.D. 180

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is in the best interest of the public safety and drivers to make motor vehicle license suspension provisions in the ignition interlock laws consistent with all other administrative suspensions by the Secretary of State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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 AAA, §17, is repealed.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 §2508, sub-§1, as enacted by PL 2007, c. 531, §6 and affected by §10, is amended to read:

1. Installation of ignition interlock device. Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person convicted of more than one violation of section 2411 or whose license is suspended by the Secretary of State pursuant to section 2453 if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.

A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has run if the person has installed for a period of 2 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

C. The license of a person with 4 or more OUI offenses may be reinstated after the expiration of the period of suspension if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

Sec. 5. 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. 6. 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.

Sec. 7. Retroactivity. This Act applies retroactively to September 1, 2008.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 22, 2009.