

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 1070 - L.D. 1616

An Act to Eliminate Requirements for Drivers to Surrender Their Physical Driver's Licenses During a Temporary Suspension

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

Sec. 1. 15 MRSA §3314, sub-§3, as amended by PL 1995, c. 65, Pt. A, §48 and affected by §153 and Pt. C, §15, is further amended to read:

3. Disposition for violation of section 3103, subsection 1, paragraph E or F. When a juvenile has been adjudicated as having committed the juvenile crime under section 3103, subsection 1, paragraph E or F, the court may impose any of the dispositional alternatives contained in subsection 1. Any incarceration that is imposed may be part of a disposition pursuant to subsection 1, paragraph F or H. Any incarceration in a detention facility must be in a facility designated in subsection 1, paragraph H.

A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license must be suspended by the court for a period of 180 days. The period of suspension may not be suspended by the court. The court shall give notice of the suspension ~~and take physical custody of an operator's license or permit~~ as provided in Title 29-A, section 2434. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State. A further suspension may be imposed by the Secretary of State pursuant to Title 29-A, section 2451, subsection 3.

Sec. 2. 15 MRSA §3314, sub-§3-A, as corrected by RR 2009, c. 2, §36 and amended by PL 2021, c. 669, §5, is further amended by amending the first blocked paragraph to read:

The court shall give notice of suspension ~~and take physical custody of an operator's license or permit~~ as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State.

Sec. 3. 15 MRSA §3314, sub-§3-B, as enacted by PL 2005, c. 328, §13, is amended to read:

3-B. Operator's license suspension for drug trafficking. If a juvenile uses a motor vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other

authorized penalties, suspend the juvenile's operator's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed one year. A suspension may not begin until after any period of incarceration is served. If the court suspends a juvenile's operator's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the juvenile's operator's license~~. The Secretary of State may not reinstate the juvenile's operator's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the juvenile demonstrates that after having been released and discharged from any period of incarceration that may have been ordered, the juvenile has served the period of suspension ordered by the court.

Sec. 4. 17-A MRSA §1103, sub-§6, as enacted by PL 1993, c. 674, §2, is amended to read:

6. If a person uses a motor vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license~~. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 5. 17-A MRSA §1104, sub-§3, as enacted by PL 1993, c. 674, §4, is amended to read:

3. If a person uses a motor vehicle to facilitate the trafficking or furnishing of a counterfeit drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license~~. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 6. 17-A MRSA §1105-A, sub-§2, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

2. If a person uses a motor vehicle to facilitate the aggravated trafficking in a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license

or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 7. 17-A MRSA §1105-B, sub-§3, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

3. If a person uses a motor vehicle to facilitate the aggravated trafficking in or furnishing of a counterfeit drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 8. 17-A MRSA §1105-C, sub-§2, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

2. If a person uses a motor vehicle to facilitate the aggravated furnishing of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 9. 17-A MRSA §1105-D, sub-§2, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

2. If a person uses a motor vehicle to facilitate the aggravated cultivating of marijuana, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's license or

permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 10. 17-A MRSA §1106, sub-§5, as enacted by PL 1993, c. 674, §6, is amended to read:

5. If a person uses a motor vehicle to facilitate the unlawful furnishing of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license.~~ The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 11. 17-A MRSA §1118-A, sub-§2, as enacted by PL 2015, c. 485, §3, is amended to read:

2. If a person uses a motor vehicle to facilitate the aggravated illegal importation of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 12. 17-A MRSA §1124, sub-§3, as enacted by PL 2015, c. 346, §7, is amended to read:

3. If a person uses a motor vehicle to facilitate the unlawful operation of a methamphetamine laboratory, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension ~~and the court shall take physical custody of the person's license or permit.~~ The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been

released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 13. 28-A MRSA §2053, sub-§1, as amended by PL 1995, c. 65, Pt. A, §80 and affected by §153 and Pt. C, §15, is further amended by amending the first blocked paragraph to read:

The court shall immediately forward ~~the license~~ to the Secretary of State ~~together with~~ the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.

Sec. 14. 28-A MRSA §2053, sub-§1-A, as enacted by PL 2001, c. 160, §2, is amended by amending the first blocked paragraph to read:

The court shall immediately forward ~~the operator's license~~ to the Secretary of State ~~together with~~ the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.

Sec. 15. 29-A MRSA §2102, sub-§1-B, as enacted by PL 2009, c. 493, §2, is repealed.

Sec. 16. 29-A MRSA §2102, sub-§1-C, as enacted by PL 2009, c. 493, §2, is repealed.

Sec. 17. 29-A MRSA §2102, sub-§1-D, as enacted by PL 2009, c. 493, §2, is repealed.

Sec. 18. 29-A MRSA §2102, sub-§1-E, as enacted by PL 2009, c. 493, §2, is repealed.

Sec. 19. 29-A MRSA §2102, last ¶, as amended by PL 2009, c. 493, §2, is further amended to read:

Violation of subsection 1, 1-A, ~~1-B~~, ~~1-D~~ or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 20. 29-A MRSA §2411, sub-§5-A, as amended by PL 2017, c. 99, §1, is further amended to read:

5-A. Notice and custody. The court shall give notice of a license suspension ~~and shall take physical custody of the driver's license, except when the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 or 2453-A for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension.~~

Sec. 21. 29-A MRSA §2412-A, sub-§4, ¶A, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

A. The court shall give notice of the suspension ~~and shall take physical custody of an operator's license or permit~~ as provided in section 2434.

Sec. 22. 29-A MRSA §2413, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Notice. The court shall give notice of the suspension ~~and take physical custody of a driver's license~~ as provided in section 2434.

Sec. 23. 29-A MRSA §2434, sub-§3, as amended by PL 2015, c. 158, §3, is further amended to read:

3. Physical custody of license. ~~Unless the defendant appeals and a stay of execution of the suspension is granted, the court shall take physical custody of a license issued by this State or another state, foreign country or province if that person is residing or employed in this State.~~ The court may take physical custody of a license issued by another state, foreign country or province if the person is not residing or employed in this State. ~~If the court is unable to take physical custody of the license at the time of sentencing, either because the suspension has been stayed pursuant to subsection 4 or for any other reason, the license is void at such time as is specified in the court order.~~

Sec. 24. 29-A MRSA §2434, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Forward documents to Secretary of State. The court shall forward ~~the license~~, a copy of the sentence and the acknowledgement of notice to the Secretary of State.

Sec. 25. 29-A MRSA §2434, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 26. 29-A MRSA §2434, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. Commencement of suspension. Notwithstanding section 2482, subsection 4, the period of suspension commences immediately on announcement of sentence. ~~Two additional days of suspension must be added for each day after the license surrender day that a person fails to surrender the license to the court.~~

Sec. 27. 29-A MRSA §2434, sub-§10, as amended by PL 2003, c. 452, Pt. Q, §88 and affected by Pt. X, §2, is further amended to read:

10. Failure to sign acknowledgment of notice ~~or surrender license.~~ A person commits a Class E crime if that person:

A. Refuses to sign the acknowledgment of notice; ~~or,~~

~~B. Without good cause, fails to surrender a license within the period of suspension.~~

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 28. 29-A MRSA §2485, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 29. 29-A MRSA §2606, as amended by PL 2005, c. 606, Pt. A, §13, is further amended to read:

§2606. Enforcement of suspension

1. Confiscation of license, certificate or plates. If a law enforcement officer, in the course of stopping or detaining a motor vehicle, obtains a suspended ~~license or certificate of registration, or a license issued by another state, foreign country or province when that person's license or certificate of registration is under suspension,~~ the officer shall confiscate that license, the certificate or plates and transmit the confiscated items together with a report of the circumstances to the Secretary of State.

2. Investigation. On request of the Secretary of State, notification of the suspension must be served, and the certificate, ~~license~~ or plates must be confiscated. If the ~~license~~, certificate or plates can not be confiscated, an investigation must be undertaken by the sheriff of the county in which that person resides, by a state or local law enforcement officer or by an employee of the Secretary of State.

3. ~~Confiscation of suspended licenses.~~ ~~The Secretary of State shall take reasonable actions to confiscate suspended licenses.~~