

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

## **An Act Relating to Penalties for Drug Offenses**

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

**Sec. 1. 17-A MRSA §1125** is enacted to read:

### **§ 1125. Mandatory driver's license suspension; mandatory delay in license issuance or reinstatement**

**1.** The court shall order the driver's license of a person convicted of a crime under this chapter, except for section 1116, to be suspended for at least 6 months.

**2.** If a person convicted of violating a provision of this chapter, except for section 1116, does not have a driver's license, or the person's driver's license is suspended at the time of conviction, the court shall order that the issuance or reinstatement of a driver's license to the person be delayed for at least 6 months after the person applies for issuance or reinstatement of a driver's license.

**Sec. 2. 29-A MRSA §2411, sub-§5, ¶A,** as amended by PL 2013, c. 389, §1 and affected by §7, is further amended to read:

A. For a person having no previous OUI offenses within a 10-year period:

(1) A fine of not less than \$500, except that if the person failed to submit to a test, a fine of not less than \$600;

(2) A court-ordered suspension of a driver's license for a period of ~~150~~180 days; and

(3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

(i) Was tested as having an alcohol level of 0.15 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

(ii) Was exceeding the speed limit by 30 miles per hour or more;

(iii) Eluded or attempted to elude an officer; or

(iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;

**Sec. 3. 29-A MRSA §§2451-A and 2451-B** are enacted to read:

**§ 2451-A. Suspension for drug offense**

**1. Recording and notice by Secretary of State.** On receipt of an attested copy of the court record of a suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or of any criminal offense specified in Title 17-A, chapter 45, except for Title 17-A, section 1116, the Secretary of State shall immediately record the suspension and send written notice of the suspension to the person whose driver's license has been suspended.

**2. Suspension period.** The period of the driver's license suspension recorded pursuant to subsection 1 is that ordered by the court.

**§ 2451-B. Delayed issuance or reinstatement of driver's license for drug offense**

On receipt of an attested copy of the court record of a delay in the issuance or reinstatement of a driver's license of a person convicted of violating the federal Controlled Substances Act or of any criminal offense specified in Title 17-A, chapter 45, except for Title 17-A, section 1116, the Secretary of State shall immediately record the court-ordered delay and send written notice to the person whose driver's license is the subject of the court-ordered delay that the issuance or reinstatement of the person's driver's license will be delayed for at least 6 months after the person applies for the issuance or reinstatement of that person's driver's license.

**SUMMARY**

The purpose of this bill is to ensure that Maine is in compliance with 23 United States Code, Section 159(a)(3)(A), a federal law that requires the withholding of federal funds unless a state provides for a mandatory 6-month revocation or suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or a drug offense.

This bill:

1. Requires a court to suspend for a minimum of 6 months the driver's license of a person convicted of a crime specified in the Maine Revised Statutes, Title 17-A, chapter 45, except for section 1116, which prohibits trafficking or furnishing imitation scheduled drugs;

2. If a person who is convicted of a crime specified in Title 17-A, chapter 45, except for section 1116, does not have a driver's license, or the person's driver's license is already suspended, requires the court to delay the issuance or reinstatement of the license of that person for at least 6 months after the person applies for issuance or reinstatement of a driver's license;

3. Requires the Secretary of State, on receipt of an attested copy of a court record of a suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or of a crime specified in Title 17-A, chapter 45, except for section 1116, to immediately record the suspension and send written notice of the suspension to the person whose license has been suspended. If that person does not have a driver's license or that person's driver's license is already suspended, the Secretary of State is required to delay the issuance or reinstatement of that person's license for the period specified by the court; and

4. Increases the minimum period of suspension for a person convicted of operating under the influence of intoxicants, including scheduled drugs, who has no prior convictions for operating under the influence within a 10-year period, from 150 days to 180 days.