



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 670

S.P. 232

In Senate, February 28, 2017

An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative CAMPBELL of Orrington and
Senators: CUSHING of Penobscot, DION of Cumberland, ROSEN of Hancock,
Representative: POULIOT of Augusta.

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

2 **Sec. 1. 29-A MRSA §2411, sub-§5-A**, as amended by PL 2011, c. 81, §1, is
3 further amended to read:

4 **5-A. Notice and custody.** The court shall give notice of a license suspension and
5 shall take physical custody of the driver's license, except when the defendant
6 demonstrates that the defendant's license was previously restored by the Secretary of
7 State following an administrative suspension under section 2453 or 2453-A for operating
8 under the influence based on the same facts and circumstances giving rise to the
9 court-ordered suspension.

10 **Sec. 2. 29-A MRSA §2434, sub-§4**, as amended by PL 2011, c. 81, §2, is further
11 amended to read:

12 **4. Stay of suspension.** The court, on reasonable cause shown, may stay a
13 suspension for a period not to exceed 4 hours from the time of sentencing and issue
14 evidence of that stay, unless the defendant demonstrates that the defendant's license was
15 previously restored by the Secretary of State following an administrative suspension
16 under section 2453 or 2453-A for operating under the influence based on the same facts
17 and circumstances giving rise to the court-ordered suspension, in which case the court
18 may stay a suspension for up to 7 days.

19 **SUMMARY**

20 Current law allows a defendant to receive credit for an OUI alcohol administrative
21 suspension already served from the Secretary of State upon receipt of a court suspension.
22 Because there is a lag between the time the court orders the suspension and the Secretary
23 of State applies the credit for the administrative suspension, current law provides an
24 exception that allows the court to stay the license suspension for up to 7 days. This bill
25 provides the same exception for OUI drug suspensions that is currently in effect for OUI
26 alcohol suspensions.