



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Matthew W. Moonen

165 Neal St. Apt 1F

Portland, ME 04102

Cell Phone: (207) 332-7823

Matthew.Moonen@legislature.maine.gov

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**Testimony of Rep. Matthew Moonen
Before the Joint Standing Committee on Judiciary
In Support of LD 1190**

An Act Regarding Driver's License Suspensions for Nondriving-related Violations

Good morning, Senator Keim and fellow members of the Joint Standing Committee on Judiciary. I am here today to present **LD 1190, "An Act Regarding Driver's License Suspensions for Nondriving-related Violations."**

This bill amends the statute to remove automatic driver's license suspensions for failure to pay a fine for most offenses unrelated to driving.

Maine's tangled system of fines for criminal offenses has come at a great cost to low-income Mainers, trapping them in an unending cycle of arrests, incarceration and growing fees. It has also come at a great cost to Maine taxpayers, who foot the bill for locking someone up – often at a cost far higher than the fines they owed in the first place.

With that in mind, in 2015 Chief Justice Saufley, with the support of Gov. LePage and bipartisan leadership in the legislature, convened the Intergovernmental Pretrial Justice Reform Task Force to study Maine's pretrial system. The task force had a goal of making recommendations to lessen the human and financial cost of keeping so many people in jail who don't need to be there. Among other things, the Task Force found that "[t]he proliferation of mandatory minimum fines has caused courts to impose fines that offenders have little or no hope of ever paying."¹

The task force recommended that the legislature restore judicial discretion to consider individual circumstances when assigning fines. In 2016, the legislature implemented the recommendations of the task force in the form of LD 1639, which was signed into law on April 7, 2016.

LD 1190 is a continuation of that important work. Like LD 1639, this bill recognizes that making it harder for people to pay their fines, and punishing them disproportionately for the inability to do so, is of no benefit to the state.

In fact, suspending someone's driver's license for failure to pay a fine will only make it harder for that person to pay off his or her fines. For many Mainers, no driver's license means no way to get to work. And no work means no income to pay off a fine. There are other unintended consequences of driver's license suspensions as well. For instance, without a valid license,

parents may be unable to get their children to daycare, doctor's visits, and other crucial appointments.

In that way, our current policy of suspending a driver's license for the inability to pay a fine punishes people doubly because they are poor – creating different systems for those who can pay and those who cannot. I am sponsoring this bill because I believe that possessing a driver's license should be a matter of safety and of active participation in society, not an issue of poverty.

Further, driver's license suspensions do not serve as a deterrent and may do more harm than good. According to the American Association of Motor Vehicle Administrators, "Some studies have shown that suspending driving privileges for non-highway safety related reasons is not effective. The cost of arresting, processing, administering, and enforcing [these suspensions] creates a significant strain on budgets and other resources and detract from highway and public safety priorities."

That report goes on to note, "When licenses are suspended for [non-driving related offenses], the suspension is 'watered down' in value; it becomes less serious in the minds of law enforcement, the courts and the public."

Finally, the Association notes that "as many as three-fourths of suspended or revoked drivers continue to drive, [indicating] that driver license suspension is no longer the solution to force compliance."²

The current system disproportionately hurts rural Mainers, people with low incomes, and single parents. It does not serve as a deterrent. And it traps people in the criminal justice system, rather than helping them make a successful return to society. This bill will help put people back on track to becoming productive members of society, and help us direct our corrections resources toward policies that actually keep us safe.

Please join me in voting "ought to pass" on LD 1190.

¹ Report of the Intergovernmental Pretrial Justice Reform Task Force, December 2015.
http://www.courts.maine.gov/reports_pubs/reports/pdf/PTJRTF_report.pdf

² AAMVA, "Best Practices Guide to Reducing Suspended Drivers," February 2013.
<http://www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/>