



State:

Maine

Statute/Law:

Title 29-A Section 2401: *Operating Under the influence.*

Per Se Law?:

No

Statute/Law Language:

A person commits OUI (operating under the influence) if that person operates a motor vehicle:

(1). While under the influence of intoxicants...

or

(2) While having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath

Penalties Following Conviction:

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

(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 90 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;

B. For a person having one previous OUI offense within a 10-year period (second offense):

(1) A fine of not less than \$700, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$900;

(2) A period of incarceration of not less than 7 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 12 days;

(3) A court-ordered suspension of a driver's license for a period of 3 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

C. For a person having 2 previous OUI offenses within a 10-year period, which is a Class C crime (third offense):

(1) A fine of not less than \$1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$1,400;

(2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;

(3) A court-ordered suspension of a driver's license for a period of 6 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime (fourth offense):

(1) A fine of not less than \$2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$2,500;

(2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;

(3) A court-ordered suspension of a driver's license for a period of 6 years;





(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; and

(5) In accordance with section 2508, installation of an ignition interlock device in the motor vehicle the person operates for a period of 4 years after the period of suspension has run;

Discretionary Court-Ordered Penalties:

The court may order community service as a condition of probation, and restitution either directly to the victim or to a victims' compensation fund.

For more information:

<http://legislature.maine.gov/statutes/29-A/title29-Asec2411.html>

Current as of August 2016