



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1507

H.P. 1030

House of Representatives, December 23, 2015

**An Act To Authorize a Person Whose Operator's License Is
Suspended Due to Failure To Pay Child Support To Drive to and
from a Place of Employment**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2015. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Senator EDGECOMB of Aroostook and
Representatives: HANLEY of Pittston, HARRINGTON of Sanford, HEAD of Bethel,
ORDWAY of Standish, PICKETT of Dixfield, SEAVEY of Kennebunkport, TUELL of East
Machias, VACHON of Scarborough.

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

2 **Sec. 1. 29-A MRSA §2459, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §7, is further amended to
4 read:

5 **4. Temporary license.** Upon being presented with a conditional release issued by
6 the Commissioner of Health and Human Services and at the request of an individual
7 whose operator's license, permit or privilege to operate has been suspended under this
8 section, the Secretary of State may issue the individual a temporary license valid for a
9 period not to exceed 120 days. This subsection does not apply to a work-restricted
10 license issued pursuant to subsection 4-A.

11 **Sec. 2. 29-A MRSA §2459, sub-§4-A** is enacted to read:

12 **4-A. Work-restricted license.** The Commissioner of Health and Human Services,
13 at the request of an individual whose operator's license, permit or privilege to operate has
14 been suspended under this section, may issue a conditional release to the individual for a
15 work-restricted license and the Secretary of State may stay a suspension during the
16 statutory suspension period and issue a work-restricted license if the individual shows by
17 clear and convincing evidence, as determined by the commissioner, that:

18 A. The individual needs a license to operate a motor vehicle between the residence
19 and a place of employment or in the scope of employment, or both;

20 B. The individual has no alternative means of transportation between the residence
21 and a place of employment; and

22 C. The individual's operating license has not, within 10 years, been under suspension
23 for an OUI offense or pursuant to section 2453 or 2453-A.

24 The Secretary of State shall suspend, without preliminary hearing, the work-restricted
25 license of a person who is adjudicated or convicted of any violation of the provisions of
26 this Title committed during the period when a work-restricted license has been issued or
27 who violates any restriction or condition of the license.

28 **SUMMARY**

29 Current law requires the Secretary of State to suspend the driver's license of a person
30 who violates a court order of financial support upon certification of that violation by the
31 Commissioner of Health and Human Services. A person may request the commissioner
32 issue a conditional release to the Secretary of State, who may provide the person with a
33 temporary license valid for a period not to exceed 120 days.

34 This bill allows a person to request a work-restricted license, similar to that issued
35 when a person has been convicted of operating under the influence, to allow the person to
36 operate a motor vehicle between the person's residence and a place of employment or in
37 the scope of employment, or both. The work-restricted license may be issued only if
38 there is no other means of transportation available to the person and the person's license

1 to operate has not been suspended for operating under the influence within the prior 10-
2 year period.