| 1 | L.D. 1647 |

2 Date: (Filing No. S-   )

3 Reproduced and distributed under the direction of the Secretary of the Senate.

4 **STATE OF MAINE**

5 **SENATE**

6 **127TH LEGISLATURE**

7 **SECOND REGULAR SESSION**

8 SENATE AMENDMENT "   " to S.P. 672, L.D. 1647, Bill, "An Act Relating to
9 Penalties for Drug Offenses"

10 Amend the bill by adding after section 3 the following:

11 '**Sec. 4. 29-A MRSA §2503-A** is enacted to read:

12 **§2503-A. Restricted license for transportation to and from child care**

13 **1. Definitions.** As used in this section, unless the context indicates otherwise, the
14 following terms have the following meanings.

15 A. "Child care facility" has the same meaning as in Title 22, section 8301-A.

16 B. "Dependent child" means a person younger than 13 years of age for whom the
17 petitioner has responsibility, including a natural child, stepchild, adopted child or
18 child placed for adoption with the petitioner.

19 **2. Administrative suspension; restricted license for transportation to and from**
20 **child care.** On receipt of a petition for a restricted license for transportation of a
21 dependent child to and from a child care facility from a person under suspension pursuant
22 to Title 17-A, section 1125 or section 2453, section 2453-A or section 2472, subsection 3,
23 paragraph B or C for a first offense, the Secretary of State may stay a suspension during
24 the statutory suspension period and issue a restricted license for transportation of a
25 dependent child to and from a child care facility, if the petitioner shows by clear and
26 convincing evidence that:

27 A. As determined by the Secretary of State, a license is necessary to operate a motor
28 vehicle between the residence and the child care facility for that petitioner's
29 dependent child;

30 B. No alternative means of transportation is available; and

31 C. The petitioner has not, within 10 years, been under suspension for an OUI offense
32 or pursuant to Title 17-A, section 1125 or section 2453 or 2453-A.

33 **3. Suspension.** The Secretary of State shall suspend, without preliminary hearing, a
34 restricted license issued pursuant to this section of a person who:

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1   A. Is adjudicated or convicted of any violation of the provisions of Title 17-A,
2   chapter 45, except for section 1116 or this Title committed during the period when a
3   restricted license for transportation to and from child care has been issued;

4   B. Violates any restriction or condition of the license; or

5   C. Has not completed the alcohol and drug program under section 2504 by the end of
6   the statutory suspension period.'

7 **SUMMARY**

8   This amendment allows a person whose license has been suspended for conviction of
9 a drug crime, as proposed in the bill, or for operating under the influence of alcohol or
10 drugs to get a restricted license to allow that person to transport a child to and from a
11 child care facility. The restricted license is similar to a work-restricted license, with
12 similar requirements and penalties for violating the restrictions.

13   The amendment defines "child care facility" as a child care center, small child care
14 facility or nursery school but does not include in the definition a facility operated by a
15 family child care provider, a youth camp, programs offering instruction to children for the
16 purpose of teaching a skill such as karate, dance or basketball, a formal public or private
17 school in the nature of a kindergarten or elementary or secondary school or a private
18 school recognized by the Department of Education as meeting certain criteria.

19 **SPONSORED BY: _____**

20   **(Senator VOLK)**

21   **COUNTY: Cumberland**

SENATE AMENDMENT