

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
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**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

established to support  
specific programs  
administered by the  
department.

See title page for effective date.

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## CHAPTER 448

H.P. 1546 - L.D. 2202

### An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

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

**Sec. 1. 5 MRSA §20071, sub-§1**, as amended by PL 1995, c. 65, Pt. A, §11 and affected by §153 and Pt. C, §15, is further amended to read:

**1. Alcohol-related or other drug-related motor vehicle incident.** "Alcohol-related or other drug-related motor vehicle incident" means a conviction or administrative action resulting in the suspension of a motor vehicle operator's license for a violation under former Title 29, section 1311-A; Title 29, section 1312, subsection 10-A; Title 29, section 1312-C; Title 29, section 1312-B; Title 29, section 1313-B; Title 29, section 2241, subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2); Title 29, section 2241-J; Title 29-A, section 1253; Title 29-A, sections section 2411; Title 29-A, section 2453; Title 29-A, section 2454, subsection 2; Title 29-A, section 2456 and; Title 29-A, section 2457; Title 29-A, section 2472, subsection 3, paragraph B and subsection 4; or Title 29-A, section 247; section 2503; Title 29-A, sections 2521 to 2523; or Title 29-A, section 2525 or the rules adopted by the Department of the Secretary of State for the suspension of commercial drivers' licenses.

**Sec. 2. 5 MRSA §20071, sub-§4-A**, as enacted by PL 1991, c. 622, Pt. Y, §2, is amended to read:

**4-A. First offender.** "First offender" means a client who has no previous alcohol-related or drug-related motor vehicle incident within a ~~6-year~~ 10-year period.

**Sec. 3. 5 MRSA §20071, sub-§5**, as enacted by PL 1991, c. 601, §28, is amended to read:

**5. Multiple offender.** "Multiple offender" means a client who has more than one alcohol-related or drug-related motor vehicle incident within a ~~6-year~~ 10-year period or has a previous incident prior to the 10-year period for which the client has not completed

a Driver Education and Evaluation Program as established in section 20072.

**Sec. 4. 5 MRSA §20072, sub-§§1 and 2**, as amended by PL 1991, c. 850, §6, are further amended to read:

**1. Completion of Driver Education and Evaluation Programs.** Those individuals who have satisfactorily completed a program ~~prescribed by~~ pursuant to section ~~20073-A~~ 20073-B; and

**2. Completion of treatment other than Driver Education and Evaluation Programs.** Those individuals who have satisfied the requirement for completion of treatment as defined in section 20071 by means other than a program ~~prescribed by~~ pursuant to section ~~20073-A~~ 20073-B. ~~The Office of Substance Abuse may charge an administrative fee, not to exceed \$50, to clients under this subsection. This fee must be transferred to the General Fund.~~

**Sec. 5. 5 MRSA §20073-A**, as amended by PL 1993, c. 631, §§5 and 6, is repealed.

**Sec. 6. 5 MRSA §20073-B** is enacted to read:

#### §20073-B. Programs and components; rules

The office shall design programs and components that are age-appropriate and therapeutically appropriate. The office shall adopt rules regarding requirements for these programs and components and any other rules necessary to implement this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter II-A.

**Sec. 7. 5 MRSA §20075**, as amended by PL 1991, c. 850, §10, is further amended to read:

#### §20075. Certification; recertification

All providers of the evaluation, intervention and treatment components of the Driver Education and Evaluation Programs must be certified by the office pursuant to section 20005, section 20024 and this subchapter. The certification period for individual providers and agencies is 2 years. The office shall adopt rules requiring continuing education for recertification.

**Sec. 8. 5 MRSA §20076-A**, as enacted by PL 1991, c. 622, Pt. Y, §8, is repealed.

**Sec. 9. 5 MRSA §20076-B** is enacted to read:

#### §20076-B. Fees

The office shall set fees in accordance with the cost of each program. All fees must be transferred to the General Fund. The office may waive all or part of

any fee for a client who provides sufficient evidence of inability to pay.

**Sec. 10. 5 MRSA §20078-A, sub-§6, ¶B,** as enacted by PL 1993, c. 631, §7, is amended to read:

B. The client may appeal an evaluation decision referring the client to treatment or a completion of treatment decision ~~pursuant to section 20073-A~~. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.

**Sec. 11. 29-A MRSA §2502, sub-§1,** as amended by PL 1995, c. 65, Pt. A, §123 and affected by §153 and Pt. C, §15, is further amended to read:

**1. Issuance of special license.** Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program as set out in Title 5, section ~~20073-A~~ 20073-B. First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to receive a special license after completion of the evaluation provided by the Office of Substance Abuse. First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of a minimum of 3 treatment sessions provided by a counselor or agency approved by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

**Sec. 12. 29-A MRSA §2502, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Suspension of special license.** If the person refuses or fails to complete the alcohol and other drug program set out in Title 5, section ~~20073-A~~ 20073-B, within 6 months after receiving a special license, the Secretary of State, following notice of that refusal or failure shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the Office of Substance Abuse that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the Office of Substance Abuse establishing that the person has satisfactorily

completed all components of that program as set out in Title 5, section ~~20073-A~~ 20073-B.

**Sec. 13. 29-A MRSA §2504,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§2504. Conditional or restricted license upon completion of alcohol and drug program**

Following the expiration of the total period of suspension and on receipt of written notice that the person has satisfactorily completed the alcohol and drug program required by Title 5, section ~~20073-A~~ 20073-B, the Secretary of State may issue a license subject to the conditions, restrictions or terms that the Secretary of State considers advisable for the safety of the public and the welfare of the operator.

See title page for effective date.

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**CHAPTER 449**

**H.P. 1077 - L.D. 1524**

**An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 36 MRSA §1102, sub-§4,** as amended by PL 1987, c. 728, §1, is further amended to read:

**4. Farmland.** "Farmland" means any tract or tracts of land, including woodland and wasteland, of at least 5 contiguous acres on which farming or agricultural activities, either by the owner or a lessee, have produced a gross income of at least \$2,000 per year in one of the 2<sub>1</sub> or 3 of the 5<sub>1</sub> calendar years preceding the date of application for classification.

Gross income as used in this section includes the value of commodities produced for consumption by the farm household. Any applicant for assessment under this