

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

For the purposes of this paragraph, "affiliate" has the same meaning as defined in Title 9-B, section 131, subsection 1-A.

See title page for effective date.

**CHAPTER 510**

**H.P. 1476 - L.D. 1977**

**An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules**

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

**Sec. 1. 20-A MRSA §7727, sub-§3**, as enacted by PL 1991, c. 843, §3, is amended to read:

**3. Rule-making authority.** The commissioner may adopt rules necessary to implement this chapter in accordance with the Maine Administrative Procedure Act. Rules adopted pursuant to this chapter that establish and maintain a statewide network that ensures the provisions of Childfind for families and children from birth to 5 years of age and rules governing the eligibility for and delivery of free appropriate public education to children with disabilities from birth to 5 years of age and their families are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

**CHAPTER 511**

**S.P. 714 - L.D. 1916**

**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-§4-B**, as amended by PL 1995, c. 65, Pt. A, §12 and affected by §153 and Pt. C, §15, is repealed.

**Sec. 2. 5 MRSA §20075**, as amended by PL 1999, c. 448, §7, 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, section

20073-B 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. 3. 29-A MRSA §2411, sub-§5, ¶F**, as amended by PL 1997, c. 737, §10, is further amended to read:

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program ~~for multiple offenders of the Department of Behavioral and Developmental Services, Office of Substance Abuse.~~ The court may waive the ~~multiple offender intervention program under pursuant to Title 5, section 20073 20073-B, subsections 4 and 5;~~ if the court finds that the defendant has completed ~~a residential an~~ alcohol or other drug treatment program, ~~or its equivalent,~~ subsequent to the date of the offense; and

**Sec. 4. 29-A MRSA §2455, sub-§3, ¶¶B and C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the ~~Office of Substance Abuse~~ Department of Behavioral and Developmental Services; and

C. When required, attendance ~~for 2 years~~ at an after-care program arranged by the approved ~~by the Office of Substance Abuse~~ treatment or rehabilitation program.

**Sec. 5. 29-A MRSA §2457, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**5. Restoration of license.** Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State ~~deems~~ determines advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the ~~alcohol educational program of the Department of Human Services~~ Driver Education and Evaluation Program established in Title 5, section 20072 and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the ~~Department of Human Services~~ Department of Behavioral and Developmental Services.