

MAINE STATE LEGISLATURE

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LP 1938

JOSEPH E. BRENNAN
ATTORNEY GENERAL



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DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 9, 1978

Honorable Bonnie Post
House of Representatives
State House
Augusta, Maine

Re: L.D. 1938, AN ACT to Repeal Mandatory Eye Tests
for the Renewal of Drivers Licenses for all Persons
Under 40, and Senate Amendment "B" to that Bill.

Dear Representative Post:

This responds to your request for advice as to whether
the provisions of law and proposed amendment to those laws
which require eye tests of persons over 40 years of age as
a pre-condition for a driver's license violate any state human
rights or civil rights statutes.

We reviewed the human rights and civil rights statutes.
Based on that review, we would advise that both the current
law relating to eye tests and the legislation proposed are
not inconsistent with the human rights or civil rights statutes.
Human rights or civil rights statutes generally permit reason-
able classifications of persons when directly related to a
particular legitimate purpose. Here the special classifications
of persons established for eye tests appear reasonable in light
of the importance of vision in driving and evidence which
apparently indicates that vision tends to decline with age.

I hope this information is helpful.

Very truly yours,

DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec
cc: Representative Anne Boudreau
Representative Robert A. MacEachern