## MAINE STATE LEGISLATURE

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	FIRST REGULAR SESSIO	N
ONE H	HUNDRED AND ELEVENTH LEG	ISLATURE
Legislative Document		No. 59
H.P. 367	House of Represe	ntatives, February 1, 198
On February 7	ne Joint Standing Committee on Tr 7, 1983, House receded from refere d concurred with the Senate referent iciary.	nce to the Committee on the to the Joint Standing
		EDWIN H. PERT, Cler
	esentative Carroll of Limerick. epresentative Strout of Corinth.	
	STATE OF MAINE	
	TAL MILE WEAD OF OUR LO	nn.
NIN	IN THE YEAR OF OUR LO NETEEN HUNDRED AND EIGHT	
Physicia Report	T Relating to the Nonlia ans or Other Persons who Physical or Mental Impa nsees to the Secretary o	Voluntarily irments of
Be it enacted	d by the People of the S	tate of Maine as
follows:		
follows:  29 MRSA	§547, as amended by PL and the following enacte	
follows:  29 MRSA is repealed a		
follows:  29 MRSA is repealed a §547. Medica  1. Board Board, servin appointed by include, but	and the following enacteral Advisory Board  I. There shall be any without pay, consist the Secretary of State.  In not be limited to, phenother the State representing the state repres	Medical Advisor ting of member The board shal ysicians license g the specialtie

- family practice and rehabilitative medicine. The Secretary of State shall designate the chairman of the board. The board shall meet at least annually and may hold as many meetings as it deems necessary to fulfill its responsibilities.
  - Duties. The duties of the board shall be as follows.

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- A. The board shall advise the Secretary of State on written medical and vision standards relating to the licensing of drivers under this Title. Standards shall be adopted pursuant to Title 5, chapter 375, subchapter II.
- The Secretary of State, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the board, any of its individual members or other medical or paramedical professionals licensed or certified in their medical specialties. The board may formulate its advice from records and reports or may cause an examination and report to be made by one or more members of the board or any other qualified person it may designate. The licensed driver or applicant under review may cause a written report to be forwarded to the board by a person of his choice and it shall be given due The Secretary of consideration by the board. State may request the board to interview in person any licensed driver or applicant whose ability to operate a motor vehicle safely cannot be ascertained through written reports records. Any person under review who refuses to submit to an examination or consent to provide information, or both, as requested by the Secretary of State may be considered incompetent to drive a motor vehicle until such time as the individual complies with the requests and the board has made its recommendations to the Secretary of State.
- C. The board shall coordinate efforts to orient the general physician population as well as the public, in the medical aspects of driver licensure.

- 1 D. The Secretary of State shall have the responsibility to request written medical reports and 2 3 who shall receive records, testimony, recommenda-4 tions and reports of the board and to determine 5 the competency of any person to operate a motor 6 vehicle.
  - 3. Nonliability. Any physician or other person who becomes aware of a physical, mental or emotional impairment which appears to present an imminent threat to driving safety and reports this information to the office of the Secretary of State through its agents in good faith shall have immunity for any damages claimed as a result of so doing.
- 14 4. Confidentiality. Reports received or made by 15 the board, or its members, for the purposes of assisting the Secretary of State in determining 16 whether a person is qualified to be licensed, are for 17 18 the confidential use of the board or the Secretary of 19 State.
- These reports may not be divulged to any agency, institution or person except to the applicant or li-20 21 22 censed driver under review, unless the individual 2.3 gives written permission.

## 24 STATEMENT OF FACT

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This bill is intended to assure the nonliability 26 physicians and other persons who voluntarily report to the Secretary of State physical and mental impairments of those licensees who present a threat to driving safety.

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