

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

(Emergency)  
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2298

S.P. 886 In Senate, February 18, 1988  
Submitted by the Department of Human Services pursuant to  
Joint Rule 24.

Reference to the Committee on Appropriations and Financial  
Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator PERKINS of Hancock.

Cosponsored by Representative PINES of Limestone,  
Representative TAYLOR of Camden.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Continue the Driver Education  
Evaluation Program.

1  
2  
3

4 **Emergency preamble.** Whereas, Acts of the  
5 Legislature do not become effective until 90 days  
6 after adjournment unless enacted as emergencies; and

7 Whereas, the Maine Revised Statutes, Title 5,  
8 section 12004, subsection 8, paragraph A, subparagraph

1 13-A, and Title 22, chapter 1602, are repealed on July  
2 1, 1988; and

3       Whereas, because of this repeal, the Driver  
4 Education Evaluation Program which educates, evaluates  
5 and treats those who lose their licenses for operating  
6 under the influence of alcohol and other drugs will be  
7 terminated; and

8       Whereas, termination of the Driver Education  
9 Evaluation Program will eliminate state-administered  
10 client services designed especially for the first,  
11 multiple and youthful offender; and

12       Whereas, in the judgment of the Legislature, these  
13 facts create an emergency within the meaning of the  
14 Constitution of Maine and require the following  
15 legislation as immediately necessary for the  
16 preservation of the public peace, health and safety;  
17 now, therefore,

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

20       Sec. 1.       22 MRSA §7201, sub-§§1 and 4, as  
21 enacted by PL 1987, c. 536, §§2, 11, are amended to  
22 read:

23       1.       Alcohol or drug related motor vehicle  
24 incident.       "Alcohol or drug related motor vehicle  
25 offense incident" means a conviction or  
26 administrative action resulting in the suspension of a  
27 motor vehicle operator's license for a violation under  
28 Title 29, section 1311-A; 1312-B; former section 1312,  
29 subsection 10-A; former section 1312-B; former section  
30 1312-C; or section 2241-G, subsection 2, paragraph B,  
31 subparagraph (2).

32       4.       Multiple offender.       "Multiple offender" means  
33 a client who has more than one alcohol or drug related  
34 motor vehicle offense incident within a 6-year  
35 period.

36       Sec. 2.       22 MRSA §7203, sub-§1, ¶B, as enacted

1 by PL 1987, c. 536, §§2, 11, is amended to read:

2 B. The assessment component, utilizing an  
3 assessment instrument, the client's a 6-year  
4 driving record for the past 6 years, and up to  
5 one hour interview with the instructor and  
6 designed to make a preliminary assessment  
7 regarding the extent of a client's alcohol or  
8 other drug use or abuse or potential for abuse. A  
9 client may be referred for further evaluation  
10 based on the results of his preliminary assessment;

11 Sec. 3. 22 MRSA §7204, as enacted by PL 1987,  
12 c. 536, §§2, 11, is repealed.

13 Sec. 4. 22 MRSA §7204-A is enacted to read:

14 §7204-A. Separation of evaluation and treatment  
15 functions

16 1. Prohibition. A Driver Education Evaluation  
17 Program private practitioner or a counselor employed  
18 by a substance abuse facility approved or licensed by  
19 the department providing services under this chapter  
20 may not provide both treatment services and evaluation  
21 services for the same individual participating in  
22 programs under this chapter.

23 2. Applicability. This section applies to  
24 clients who are participating in any component or who  
25 commence by registering for the alcohol and other drug  
26 education, evaluation and treatment program  
27 established by this chapter on or after July 2, 1987.

28 Sec. 5. 22 MRSA §7206, sub-§1, as enacted by PL  
29 1987, c. 536, §§2, 11, is amended to read:

30 1. First offense program. The department may  
31 charge a registration fee, not to exceed \$105, to  
32 clients for the education and assessment components of  
33 the program. This fee shall be used to defray the  
34 cost of the program transferred to the General Fund.  
35 The client is responsible for the costs of the

1 evaluation and treatment components. The department  
2 may waive all or part of the fee for clients who  
3 provide sufficient evidence of inability to pay.

4 **Sec. 6.** 22 MRSA §7206, sub-§2, ¶A, as enacted  
5 by PL 1987, c. 536, §§2, 11, is amended to read:

6 A. The department may charge a registration fee,  
7 not to exceed \$300, to clients for the expenses of  
8 the intervention program, including the initial  
9 evaluation. This fee shall be used to defray  
10 the cost of the program transferred to the  
11 General Fund.

12 **Sec. 7.** 22 MRSA §7207, sub-§10 is enacted to  
13 read:

14 10. Immunity. Board members shall be immune from  
15 liability for damages resulting from any act or  
16 omission in the performance of their duties.

17 **Sec. 8.** 29 MRSA §1312-B, sub-§2, ¶D-1, as  
18 enacted by PL 1987, c. 536, §§4, 11, is amended to  
19 read:

20 D-1. In addition to the penalties provided under  
21 paragraphs C and D, the court shall may order  
22 the defendant to participate in the alcohol and  
23 other drug education, evaluation and treatment  
24 program for multiple offenders administered by the  
25 Department of Human Services, as defined in Title  
26 22, chapter 1602. The court may waive the  
27 multiple offender intervention program under Title  
28 22, section 7203, subsection 3, paragraph A, if  
29 the court finds that the defendant has completed a  
30 residential treatment program, or its equivalent,  
31 ~~subsequent-to-the-date-of-the-offense.~~

32 **Sec. 9.** PL 1987, c. 536, §11 is repealed.

33 **Sec. 10. Appropriation.** The following funds  
34 are appropriated from the General Fund to carry out  
35 the purposes of this Act.

36 1988-89

