

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

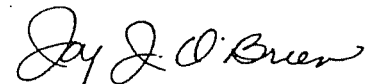
No. 530

S.P. 214

In Senate, March 3, 1989

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Reference to the Committee on Education suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERKINS of Hancock.

Cosponsored by Representative PARADIS of Frenchville, Representative NORTON of Winthrop and Senator ESTES of York.

STATE OF MAINE

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

An Act Relating to Driver Education Courses.

(EMERGENCY)



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

4 Whereas, the Department of Educational and Cultural Services
5 does not have the approval authority for all driver education
6 courses; and

7 Whereas, it is appropriate and desirable for the Department
8 of Educational and Cultural Services to have this authority; and

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

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

15 **Sec. 1. 20-A MRSA §8701**, as enacted by PL 1985, c. 797, §45,
16 is repealed and the following enacted in its place:

17 §8701. Driver education

18 Public secondary schools, approved private secondary
19 schools, vocational centers, vocational regions and adult
20 education programs conducted pursuant to chapter 315 may offer
21 courses in driver education.

22 **Sec. 2. 20-A MRSA §§8702 and 8703**, as enacted by PL 1985, c.
23 797, §45, are amended to read:

24 §8702. Curriculum

25 A driver education course offered ~~to meet the requirements~~
26 ~~of Title 29, section 583, in accordance with section 8701~~ shall
27 meet the curriculum requirements prescribed by the commissioner,
28 include both classroom instruction and practice driving and be
29 approved by the commissioner. The requirements prescribed by the
30 commissioner shall be no less rigorous than any similar
31 requirements prescribed by the Board of Commercial Driver
32 Education. No state subsidy, state reimbursement for
33 expenditures on adult education programs or state reimbursement
34 for adult vocational education programs may be paid with respect
35 to any driver education course that has not been approved by the
36 commissioner. At the request of the commissioner, the Board of
37 Commercial Driver Education may assist the commissioner in
38 performing the commissioner's duties under this chapter.

1 §8703. Instructors

3 Instructors shall hold certification to teach driver
5 education.

7 1. Regular certification. Only persons certified by the
9 commissioner as a driver education teacher may be employed by a
11 ~~school-unit-or-private-school~~ public secondary school, approved
private secondary school, vocational center, vocational region or
adult education program, conducted pursuant to chapter 315, to
13 teach driver education.

15 2. Temporary certification. If a certified instructor is
17 not available to teach driver education and the school board,
19 cooperative board or private school so requests, the commissioner
shall grant a temporary certificate to any person who holds a
Class A license issued by the Board of Commercial Driver
Education pursuant to Title 32, section 9601, subsection 2 and
section 9603.

21 3. Contracts. A ~~school-unit-or-private-school~~ public
23 secondary school, approved private secondary school, vocational
center, vocational region or adult education program conducted
25 pursuant to chapter 315 may contract with a commercial driver
27 education school to provide driver education as part of the
secondary school curriculum provided that any instructor ~~must-be~~
is properly certified.

29 Sec. 3. 29 MRSA §583, as amended by PL 1987, c. 415, §20, is
31 further amended to read:

33 §583. Driver education required for minors

35 No operator's license, except to operate a moped only, may
37 be issued to any person under 17 years of age unless such ~~that~~
person ~~shall--present~~ presents a certificate of successful
39 completion of a driver education course and examination given by
a public secondary school ~~or--an--approved--private--secondary~~
41 ~~school,~~ a private secondary school approved for attendance
purposes by the Commissioner of Educational and Cultural
43 Services, a vocational center or a vocational region; or
certificate of successful completion of a driver education course
and examination given by some person or persons licensed by the
45 Department of Business, ~~Occupational--and~~ Professional and
Financial Regulation, Board of Commercial Driver Education. No
47 license may be required of certified teachers conducting a driver
education course in a public secondary school ~~or--an--approved~~
49 ~~private-secondary-school,~~ a private secondary school approved for
attendance purposes by the Commissioner of Educational and
51 Cultural Services, a vocational center or a vocational region.
All licenses expire on December 31st of the year of issue.

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Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region, meets teacher qualification, course content and standards adopted by the Department Commissioner of Educational and Cultural Services. Successful course completion certificates shall not be issued to any person who was not at least 15 years of age at the commencement of the driver education course.

Sec. 4. 29 MRSA §583-A, 2nd ¶, as amended by PL 1987, c. 415, §21, is further amended to read:

Any person between the ages of 16 and 21 years, who satisfies the Secretary of State that no readily available means of transportation exists to and from ~~an approved secondary school or academy~~ a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region which ~~he~~ that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

Sec. 5. 29 MRSA §583-B, 2nd ¶, as enacted by PL 1987, c. 415, §22, is amended to read:

An approved motorcycle driver education program may be offered by a public secondary school ~~or adult education program or an approved private school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region and adult education program conducted pursuant to Title 20-A, chapter 315, as a component of a driver education course approved pursuant to Title 20-A, chapter 316. Any motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

