

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 816

S.P. 311

In Senate, March 20, 1989

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative WALKER of Norway, Representative ROLDE of York and Representative McPHERSON of Eliot.

STATE OF MAINE

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

An Act to Increase Safety on Maine Roads and Protect the General Welfare.



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

3 **Sec. 1. 29 MRSA §532, first ¶,** as amended by PL 1983, c. 553,
5 §46, is further amended to read:

7 Any person who is at least 15 years of age and has completed
9 a course in driver education as provided in section 583 may apply
11 to the Secretary of State for an instruction permit. The
13 Secretary of State may, in his the Secretary of State's
15 discretion, after an applicant has successfully passed all parts
17 of an examination other than the driving test, issue to the
19 applicant an instruction permit which shall entitle the
21 applicant, while having such the permit in his the applicant's
23 immediate possession, to drive a motor vehicle upon the public
25 highways for a period of ~~one-year~~ 18 months when accompanied by a
27 licensed operator who has at least one year of driving experience
29 and is at least 18 years of age and who is occupying a seat
31 beside the driver, except in the event the permittee is operating
33 a motorcycle or motor driven cycle. If any such licensed
35 operator, while accompanying an applicant and occupying a seat
37 beside the driver while the vehicle is being operated on a public
 way, has ~~his--mental--or--physical--functioning~~ substantially
 impaired mental or physical functioning as a result of the use of
 intoxicating liquor or drugs, such licensed operator is guilty of
 a misdemeanor. The Secretary of State may, in his the Secretary
 of State's discretion, issue a restricted instruction permit
 effective for a school year or for a restricted period to an
 applicant who is enrolled in a driver education program which
 includes practice driving. Such instruction permit shall only be
 valid when the applicant is accompanied by an instructor approved
 by the Commissioner of Educational and Cultural Services or an
 eligible commercial driver education ~~instructors~~ instructor
 licensed by the Department of Business, ~~---Occupational---and~~
 Professional and Financial Regulation, Board of Commercial Driver
 Education. Any person who has not held a Maine operator's
 license during one of the 3 preceding years may apply for an
 instruction permit.

39 **Sec. 2. 29 MRSA §532,** as amended by PL 1983, c. 553, §46, is
41 further amended to read by adding after the first paragraph a new
43 paragraph to read:

45 A person shall not become eligible to apply for an
47 operator's license until 6 months after the date of issue of the
49 person's instructional permit.

51 **Sec. 3. 29 MRSA §538,** is amended to read:

53 **§538. Age limit**

55 No operator's license shall be issued to any person under 15
57 16 years of age, except as provided in section 583.

1 **Sec. 4. 29 MRSA §583**, as amended by PL 1987, c. 415, §20, is
3 further amended to read:

5 **§583. Driver education required for minors**

7 No operator's license, except to operate a moped only, may
9 be issued to any person under 17 18 years of age unless such that
11 person shall present a certificate of successful completion of a
13 driver education course and examination given by a public
15 secondary school or an approved private secondary school; or
17 certificate of successful completion of a driver education course
19 and examination given by some person or persons licensed by the
Department of ~~Business,---Occupational---and~~ Professional and
Financial Regulation, Board of Commercial Driver Education. No
license may be required of certified teachers conducting a driver
education course in a public secondary school or an approved
private secondary school. All licenses expire on December 31st of
the year of issue.

21 Successful course completion certificates may be issued to
23 any person permitted by law to have a license provided such that
25 course, given by a public secondary school or an approved private
27 secondary school meets teacher qualification, course content and
standards adopted by the Department 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.

29 Any person between the ages of 15 and 17 18, who satisfies
31 the Secretary of State that no readily available means of
33 transportation exists to and from a public or approved private
secondary school which he that person is attending, may be
35 issued, upon passing the regular driver's examination as provided
in section 581, a special permit authorizing such that person to
drive to and from such school.

37
39 **STATEMENT OF FACT**

41 Sections 1 and 2 of the bill require the holder of an
43 instructional permit to drive under supervision for 6 months
under the permit before becoming eligible to apply for an
operator's license. In addition, the validity of the permit has
45 been extended from one year to 18 months to not only encourage
47 parents to provide increased instruction and experience to their
children, but to also provide the Bureau of Motor Vehicles
additional time to process and schedule road test examinations.
49 Finally, section 1 corrects a reference to the Department of
Professional and Financial Regulation.

1 Section 3 raises the minimum operator's licensure age from
2 15 to 16. Thus, a person must have held the instructional permit
3 for 6 months and be at least 16 years of age before becoming
4 eligible to apply for and obtain an operator's license.

5
6 Section 4 raises from 17 to 18 the age at which any person
7 may apply for an operator's license without successfully
8 completing a driver education course.