

MAINE STATE LEGISLATURE

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L.D. 1605

(Filing No. H- 554)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1151, L.D. 1605, Bill, "An Act to Require Counselors of Operating under the Influence Offenders to Approve Restoration of Drivers' Licenses"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Provide for Appeal of Certain Decisions of Counselors Employed by the Driver Education Evaluation Program'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 22 MRSA §7207, sub-§7, ¶B, as amended by PL 1987, c. 773, §§11 and 12, is further amended to read:

~~B. The client may appeal an evaluation decision referring a client to treatment or a completion of treatment decision pursuant to section 7203. A client may only appeal under this paragraph after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.~~

Sec. 2. 22 MRSA §7207, sub-§7, ¶C is enacted to read:

C. The client may appeal a completion of treatment decision pursuant to section 7203, or the treating counselor's decision not to recommend to the Secretary of State that the client be issued a work-restricted license pursuant to Title 29, section 1312-D, subsection 10, if the client has:

- (1) Completed or been exempted from the education component of the applicable program described in section 7203;

(2) Not been convicted or cited for any other alcohol or drug-related motor vehicle violation subsequent to the violation in relation to which treatment was required; and

(3) Obtained a 2nd counselor's opinion concerning a completion of treatment decision made pursuant to section 7203 or a decision not to recommend to the Secretary of State that the client be issued a work-restricted license pursuant to Title 29, section 1312-D, subsection 10. The client may appeal under this paragraph without having obtained a 2nd opinion if the client has actively participated in any recommended treatment program for 6 months or more within the immediately preceding 12 months.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
HUMAN SERVICES, DEPARTMENT OF		
Division of Driver Education Evaluation Programs		
All Other	\$10,300	\$10,300
Provides funds to reimburse private service providers in selected locations for transportation costs.'		

STATEMENT OF FACT

The amendment makes several changes in the bill to facilitate appeal of Driver Education Evaluation Program, or DEEP, counselors' decisions when certain criteria are met, including a 2nd counselor's opinion. The DEEP treatment program is designed to educate and treat those convicted of operating a motor vehicle under the influence of intoxicants.

The amendment also allows a DEEP client, who satisfies the criteria listed in the amendment, to appeal a counselor's decision not to certify that the client has completed treatment or not to recommend that the client be issued a work-restricted license without first obtaining a 2nd counselor's opinion if the

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1 client has actively participated in a recommended treatment
program for 6 months within the prior 12 months.

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5 The amendment also includes an appropriation of \$10,300 in
fiscal year 1989-90 and \$10,300 in fiscal year 1990-91. The
7 purpose of the appropriation is to provide funds to DEEP to
enable the agency to reimburse counselors for travel expenses
9 incurred in driving to meet with DEEP clients in Maine's more
remote rural areas. These funds will allow DEEP clients in rural
11 areas to have a choice of counselors comparable to that available
to clients in more populated areas. The objective is to reduce
13 the likelihood of personality conflicts between patients and
treating counselors, thereby providing better service to DEEP
clients and reducing the number of appeals filed with the board.

Reported by the Committee on Legal Affairs
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