

MAINE STATE LEGISLATURE

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OR
R. of S.

L.D. 274

(Filing No. S-10)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " C " to HOUSE AMENDMENT "D" to H.P. 192, L.D. 274, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law"

Amend the amendment by inserting after the 2nd paragraph after the title the following:

'Further amend the bill by striking out all of Part N and inserting in its place the following:

PART N

Sec. N-1. 22 MRSA c. 1602, sub-c. I, as amended, is repealed.

Sec. N-2. 29 MRSA §1312-B, sub-§2, ¶D-1, as amended by PL 1987, c. 791, §19, is further amended to read:

D-1. In addition to the penalties provided under paragraphs C and D, the court shall order the defendant to participate in the alcohol and other drug education, evaluation and treatment program for multiple offenders administered by the Department Division of Human--Services Motor Vehicles, as defined in Title 22 ~~29~~, chapter ~~1602~~ 17-A. The court may waive the multiple offender intervention program under Title 22 ~~29~~, section ~~7203~~ 2253, subsection ~~3~~ 4, paragraph A, if the court finds that the defendant has completed a residential treatment program, or its equivalent, subsequent to the date of the offense.

Sec. N-3. 29 MRSA §1313-A, sub-§3, ¶¶A to C, as enacted by PL 1985, c. 331, are amended to read:

A. Satisfactory completion of the Driver Education and Evaluation Program of the Department Division of Human Services Motor Vehicles;

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B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the Department Division of Human-Services Motor Vehicles; and

C. When required, attendance for 2 years at an after-care program approved by the Department Division of Human Services Motor Vehicles.

Sec. N-4. 29 MRSA c. 17-A is enacted to read:

CHAPTER 17-A

DRIVER EDUCATION EVALUATION PROGRAMS

§2251. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

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

2. Client. "Client" means a person who is required to complete the alcohol and other drug education, evaluation and treatment program for an alcohol-related or drug-related motor vehicle offense.

3. Community-based service provider. "Community-based service provider" means a provider of either the treatment component or the evaluation component, or both, of the alcohol and other drug education, evaluation and treatment program certified under section 2255 or a program approved by the Division of Driver Education Evaluation.

4. Completion of treatment. "Completion of treatment," for the purpose of recommendation by the office to the Secretary of State concerning restoration of the driver's license to the client, means that the individual has responded to treatment to the extent that there is a substantial probability that the individual will not be operating under the influence. This substantial probability may be shown by:

A. An acknowledgement by the client of the extent of the client's alcohol or drug problem;

2 B. A demonstrated ability to abstain from the use of alcohol and drugs; and

4 C. A willingness to seek continued voluntary treatment or to participate in an appropriate self-help program, or both, as necessary.

8 5. Multiple offender. "Multiple offender" means a client who has more than one alcohol-related or drug-related motor vehicle incident within a 6-year period.

12 §2252. Office of Driver Education Evaluation

14 The Office of Driver Education Evaluation is established and shall administer the alcohol and other drug education, evaluation and treatment program, referred to in this chapter as the Driver Education Evaluation Program, as provided in this chapter. The office shall certify to the Secretary of State:

20 1. Completion of Driver Education Evaluation Program. Those individuals who have satisfactorily completed the program prescribed by section 2253; and

24 2. Completion of non-Driver Education Evaluation Program. Those individuals who have satisfied the requirement for completion of treatment as defined in section 2251 by means other than the program prescribed by section 2253.

28 §2253. Program components

30 1. First offenders; adult. The alcohol and other drug education, evaluation and treatment program required for clients without a previous alcohol-related or drug-related motor vehicle offense consists of education, assessment, evaluation and treatment components. All first offender clients are required to complete the education and assessment components unless otherwise provided by this chapter. The evaluation and treatment components may be required if necessary. The components are as follows:

40 A. The education component, consisting of at least 9 hours of information using films, lectures and discussion and designed to educate the client about the effects of alcohol and other drugs on behavior, especially behavior involving the operation of a motor vehicle;

46 B. The assessment component, using an assessment instrument, the client's driving record for the 6-year period prior to and ending with the most recent alcohol-related or drug-related motor vehicle incident and an interview designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use

2 or abuse or potential for abuse. A client may be referred
3 for further evaluation based on the results of the
4 preliminary assessment;

6 C. The evaluation component, designed to identify abusers
7 of alcohol and other drugs. If the evaluation indicates
8 that treatment for alcohol or other drug abuse is needed,
9 the client must be referred to the appropriate alcohol or
10 other drug treatment service; and

12 D. The treatment component, provided by a community-based
13 service provider, designed to address the client's specific
14 problem with or abuse of alcohol or other drugs.

16 2. Multiple offender program offered to first offenders.
17 If the office determines that a first offender must have an
18 evaluation as described in subsection 1, paragraph C, the first
19 offender may choose a private evaluation or participation in the
20 multiple offender residential intervention program described in
21 subsection 4, paragraph A.

22 3. First offenders under 21 years of age. First offenders
23 under 21 years of age shall attend the Driver Education
24 Evaluation Program - Teen program as established by this
25 subsection. The Driver Education Evaluation Program - Teen
26 program consists of the following elements.

28 A. The education component is a program of at least 10
29 hours during which clients receive education, especially
30 designed for the age group, on substance use, abuse and
31 addiction. Education is provided through a group discussion
32 process which includes segments on values clarification,
33 peer pressure and decision making.

34 B. The assessment component is designed to make a
35 preliminary assessment regarding the extent of a client's
36 alcohol or other drug use or abuse or potential for abuse.
37 A client may be referred for further evaluation based on the
38 results of the client's preliminary assessment.

40 C. The evaluation component is designed to identify abusers
41 of alcohol and other drugs. If the evaluation indicates
42 that treatment for alcohol or other drug abuse is needed,
43 the client must be referred to the appropriate alcohol or
44 other drug treatment service.

46 D. The treatment component is designed to address the
47 client's specific problem with or abuse of alcohol or other
48 drugs.

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2 4. Multiple offenders; adult. The education, evaluation
and treatment program required for adult multiple offenders
4 consists of the following components:

6 A. A rigorous, highly structured, residential intervention
program, consisting of at least 22 hours, using films,
8 lectures, group discussion and individual sessions, designed
to educate the client on the effects of substance use, abuse
10 and addiction and an evaluation using assessment
instruments, data collection and self-assessment, designed
12 to create an acceptance and commitment by the client for
treatment; and

14 B. A treatment program provided by a community-based
service provider, if indicated, designed to address the
16 client's specific alcohol or other drug problem and abuse,
using a treatment plan based on the completion of treatment
18 guidelines adopted by the division.

20 The division may require completion of the first offender program
to satisfy the requirements of the multiple offender program if
22 an approved multiple offender program is unavailable for the
client. In such cases, the fee schedule for the first offender
24 program applies.

26 5. Multiple offenders under 21 years of age. Multiple
offenders under 21 years of age shall attend the alcohol and
28 other drug education, evaluation and treatment program for adult
multiple offenders under subsection 4.

30 **§2254. Separation of evaluation and treatment functions**

32 A Driver Education Evaluation Program private practitioner
or a counselor employed by a substance abuse facility approved or
34 licensed by the Department of Human Services providing services
under this chapter may not provide both treatment services and
36 evaluation services for the same individual participating in
programs under this chapter. The practitioner or counselor
38 providing evaluation services shall give a client the name of 3
40 practitioners or counselors who can provide treatment services,
at least one of whom may not be employed by the same agency as
42 the practitioner or counselor conducting the evaluation.

44 **§2255. Certification; recertification**

46 All providers of the evaluation, intervention and treatment
components of the program must be certified by the division. The
48 certification period for individual providers is 3 years and 2
years for agencies. The division shall adopt rules requiring
50 continuing education for recertification.

52 **§2256. Fees**

2 1. First offender program. The division may charge a
4 registration fee, not to exceed \$105, to clients for the
6 education and assessment components of the program. This fee
8 must be transferred to the General Fund. The client is
 responsible for the costs of the evaluation and treatment
 components. The division may waive all or part of the fee for
 clients who provide sufficient evidence of inability to pay.

10 2. Multiple offender program. The fees and costs for the
12 multiple offender program are as follows.

14 A. The division may charge a registration fee, not to
16 exceed \$350, to clients for the expenses of the intervention
 program, including the initial evaluation. This fee must be
 transferred to the General Fund.

18 B. The client is responsible for any costs associated with
20 2nd and subsequent evaluations or treatments that are not a
 part of the cost in paragraph A.

22 C. The division may waive all or part of the fee for
24 clients who provide sufficient evidence of inability to pay.

26 D. This subsection applies to multiple offenders and first
28 offenders who choose to participate in the multiple offender
 residential intervention program in accordance with section
 2253.

30 **§2257. Report**

32 Beginning in 1992, the Secretary of State shall report
34 annually by February 1st to the joint standing committee of the
36 Legislature having jurisdiction over human resources matters
 regarding the division's activities under this chapter. A copy
 of the report must be sent to the Executive Director of the
 Legislative Council.

38 **Sec. N-5. Transition provisions.**

40 1. All existing contracts, agreements and compacts
42 currently in effect in the Division of Driver Education
44 Evaluation continue in effect.

46 2. All positions not eliminated by this Part in the
48 Department of Human Services, Division of Driver Education
 Evaluation are transferred to the Division of Motor Vehicles,
 Office of Driver Education Evaluation.

50 3. All records, property and equipment previously belonging
 to the Department of Human Services, Division of Driver Education

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2 Evaluation are the property of the Division of Motor Vehicles,
Office of Driver Education Evaluation.

4 4. All existing forms, licenses, contracts, letterheads and
6 similar items bearing the name "Division of Driver Education
8 Evaluation" or which make reference to the name may be used by
the Division of Motor Vehicles, Office of Driver Education
Evaluation until existing supplies of those items are exhausted.

10 5. All rules and procedures adopted by the Division of
12 Driver Education Evaluation remain in effect until rescinded,
revised or amended.

14 6. All unexpended balances in all accounts of the
16 Department of Human Services, Division of Driver Education
Evaluation are transferred to the Division of Motor Vehicles,
18 Office of Driver Education Evaluation.

20 7. By January 1, 1992, the Secretary of State shall
22 identify any conflicts or problems arising from the transition of
the Division of Driver Education Evaluation to the Division of
24 Motor Vehicles and shall submit any necessary corrective
legislation to the Second Regular Session of the 115th
Legislature.

26 Sec. N-6. Effective date. This Part takes effect April 1,
1991.' '

28 Further amend the amendment on page 2 by striking out all of
30 the last paragraph (lines 49 and 51 in amendment).

32 Further amend the amendment by striking out all of Part Y.

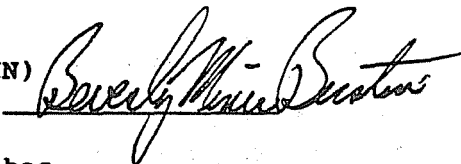
34 Further amend the amendment in the fiscal note by striking
36 out all of the 2nd paragraph (page 7, lines 4 and 5 in L.D.)

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STATEMENT OF FACT

This amendment strikes all of Part N of the bill that would have placed the driver education evaluation programs under the Department of Corrections. This amendment places those programs under the jurisdiction of the Division of Motor Vehicles. This amendment also strikes that portion of House Amendment "D" that replaces Part Y of the bill and repeals the Office of Alcohol and Drug Abuse Prevention to conform with Part Y of the bill.

(Senator BUSTIN)
SPONSORED BY: 
COUNTY: Kennebec

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