

# 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)

R. of S.

L.D. 274

(Filing No. S-23 )

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A " to SENATE AMENDMENT "I" 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 in PART N by inserting before Sec. N-1. (page 8, line 28 in amendment) the following:

'Sec. N-1. 5 MRSA §12004-G, sub-§15-A, as enacted by PL 1989, c. 503, Pt. A, §16, is repealed.

Sec. N-2. 5 MRSA §12004-G, sub-§31-C is enacted to read:

<u>31-C.</u>	<u>Driver Educa-</u>	<u>\$75/Day</u>	<u>29 MRSA</u>
<u>Secretary</u>	<u>tion Evaluation</u>		<u>§2258'</u>
<u>of State</u>	<u>Program Appeals</u>		
	<u>Board</u>		

Further amend the amendment in PART N in Sec. N-4. by inserting after the last line of §2257. (page 13, line 37 in amendment) a new section to read:

'§2258. Board of appeals

1. Driver Education Evaluation Program Appeals Board. The Driver Education Evaluation Program Appeals Board, established by Title 5, section 12004-G, subsection 31-C is referred to as the "board" in this chapter.

2. Qualifications. Each member of the board must have training, education, experience and demonstrated ability in successfully treating clients with substance abuse problems. Board members may not hold a current certificate to provide driver education, evaluation and treatment services during their terms of appointment.

R. of S.

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

3. Appointment; term; removal. The board consists of 3 members appointed by the Governor for 2-year terms, except that, initially, 2 members are appointed for 2-year terms and one member for a one-year term. A vacancy occurring prior to the expiration of a term must be filled by an appointment for the unexpired term. Members may be removed by the Governor for cause.

4. Facilities; staff. The Secretary of State shall provide adequate facilities for the board and shall provide staff support.

5. Chair; rules. The board shall elect annually a chair from its members. The Secretary of State shall adopt rules to carry out this section.

6. Compensation. Each member of the board is entitled to compensation in accordance with Title 5, chapter 379.

7. Appeal from decision. A driver education evaluation program client may appeal to the board as follows.

A. The client may appeal a failure to certify completion of treatment pursuant to section 2252, subsection 2.

B. The client may appeal an evaluation decision referring the client to treatment or a completion-of-treatment decision pursuant to section 2253. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.

8. Appeal procedure and action. An appeal is heard and decided by one board member. The board may affirm or reverse the decision of the treatment provider or agency, require further evaluation, make a finding of completion of treatment or make an alternate recommendation. The board, after due consideration, shall make a written decision and transmit that decision to the Division of Driver Education Evaluation Program and the client who appealed the case. The decision of the board is final agency action for purposes of judicial review pursuant to Title 5, chapter 375, subchapter VII.'

Further amend the amendment in PART N by renumbering the sections to read consecutively.

STATEMENT OF FACT

This amendment reinstates the Driver Education Evaluation Program Appeals Board, which was inadvertently repealed effective

R. of S.

SENATE AMENDMENT "A " to SENATE AMENDMENT "I" to H.P. 192, L.D.  
274

2 August 1, 1990. Legislation enacted during the Second Regular  
3 Session of the 114th Legislature contained a wording correction  
4 in reference to the Driver Education Evaluation Program Appeals  
5 Board. In order to be consistent with another bill affecting the  
6 Driver Education Evaluation Program, the legislation contained a  
7 sunset clause. The sunset affecting the Driver Education  
8 Evaluation Program Appeals Board was not repealed.

10  
12  
14  
16

(Senator BUSTIN)  
SPONSORED BY: 

COUNTY: Kennebec

Reproduced and Distributed Pursuant to Senate Rule 12.  
(2/22/91) (Filing No. S-23)