

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

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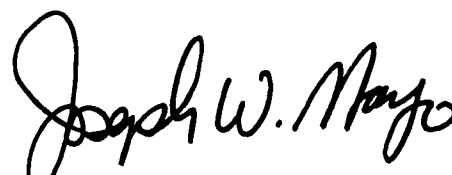
H.P. 367

House of Representatives, February 9, 1995

**An Act to Implement the Recommendations of the Task Force to Study
the Safe Mobility of Maine's Aging Population.**

Reported by Representative LOOK for the Task Force to Study the Safe Mobility of
Maine's Aging Population pursuant to Public Law 1993, chapter 297, Part C.

Reference to the Joint Standing Committee on Transportation suggested and printing
ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

2
4 **Sec. 1. 29-A MRSA §1258, sub-§1, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 A. The board must include licensed physicians representing
8 the specialties of cardiology, gerontology, internal
10 medicine, neurology or neurological surgery, ophthalmology,
12 psychiatry, family practice and rehabilitative medicine.

14 **Sec. 2. 29-A MRSA §1259** is enacted to read:

16 **§1259. Persons mandated to report uncorrected visual impairments**

18 **1. Reasonable cause to suspect.** When, while acting in a
20 professional capacity, a medical or osteopathic physician, a
22 physician's assistant, an ophthalmologist or an optometrist knows
24 or has reasonable cause to suspect that a person who operates a
26 motor vehicle is suffering from an uncorrected visual impairment
28 resulting in peripheral vision field loss, double vision or
30 diminished visual acuity, the medical professional shall
32 immediately report or cause a report to be made to the Secretary
34 of State.

36 **2. Contents of report.** The report required under
38 subsection 1 must contain the names and mailing addresses of both
40 the individual suspected of having an uncorrected visual
42 impairment and the medical professional making the report. The
44 report must also include the professional's credentials and the
46 type of visual impairment observed or suspected.

48 **3. Immunity.** A medical professional making a report in
accordance with this section is immune from criminal or civil
liability for making that report.

48 **4. Confidentiality.** A report made to the Secretary of
State in accordance with this section is confidential and not
subject to disclosure under the freedom of access laws.

48 Unless the person about whom the report is made gives written
permission, the Secretary of State may not divulge the contents
of a report made in accordance with this section except to
members of the Medical Advisory Board, staff assisting the
Medical Advisory Board and the person about whom the report is
made.

48 **Sec. 3. 29-A MRSA §1303, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2 **1. Test requirement.** A person must pass the vision portion
of a license examination; at every license renewal after
attaining 40 years of age.

4
6 ~~A. At the time of the first license renewal after attaining~~
~~40 years of age;~~

8 ~~B. At every 3rd license renewal after the renewal in~~
~~paragraph A until attaining 65 years of age; and~~

10 ~~C. At every license renewal after attaining 65 years of age.~~

12 **Sec. 4. 29-A MRSA §1354** is enacted to read:

14 **§1354. Driver improvement course for problem operators**

16 **1. Definition.** For the purposes of this section, a "problem
operator" means an operator whose driving record indicates 3
18 occurrences of one or any combination of the following:

20 A. Involvement in a motor vehicle accident;

22 B. Conviction or adjudication of a moving violation; or

24 C. Having been reported to the Secretary of State for
26 unsafe driving behavior.

28 **2. Development of course.** The Secretary of State shall
develop a driver improvement course for problem operators. The
30 course must include behind-the-wheel training.

32 **Sec. 5. 29-A MRSA §1406, sub-§2,** as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **2. Expiration of license; persons 65 years of age or older**
and under 75 years of age. Effective July 1, 1993, a license to
36 operate a motor vehicle issued to a person 65 years of age or
38 older and under 75 years of age at the date of issuance expires
at midnight on that license holder's 4th birthday following the
40 date of issuance.

42 **Sec. 6. 29-A MRSA §1406, sub-§§2-A and 7** are enacted to read:

44 **2-A. Expiration of license; persons 75 years of age and**
older. Effective January 1, 1996, a license to operate a motor
46 vehicle issued to a person 75 years of age or older at the date
of issuance expires at midnight on that license holder's 2nd
48 birthday following the date of issuance.

2 **7. Fee; 2-year license.** The fee for the 2-year license is
3 \$9. The fee for the 2-year commercial driver's license is \$12.50.

4 **Sec. 7. 30-A MRSA §4404, sub-§5,** as enacted by PL 1989, c.
5 104, Pt. A, §45 and Pt. C, §10, is amended to read:

6 **5. Traffic.** The proposed subdivision will not cause
7 unreasonable highway or public road congestion or unsafe
8 conditions with respect to the use of the highways ~~or~~ public
9 roads or pedestrian ways existing or proposed;

10 **Sec. 8. 38 MRSA §484, sub-§2,** as affected by PL 1989, c. 890,
11 Pt. A, §40 and amended by Pt. B, §90, is further amended to read:

12 **2. Traffic movement.** The developer has made adequate
13 provision for traffic movement of all types, including pedestrian
14 traffic, into, out of or within the development area. The
15 department shall consider traffic movement both on-site and
16 off-site. Before issuing a permit, the department shall
17 determine that any traffic increase attributable to the proposed
18 development will not result in unreasonable congestion or unsafe
19 conditions on a road or a pedestrian way in the vicinity of the
20 proposed development. The Department of Transportation shall
21 provide the department with an analysis of traffic movement of
22 all types into, out of or within the development area. In making
23 its determination under this subsection, the department shall
24 consider the analysis provided by the Department of
25 Transportation;

26 **Sec. 9. 38 MRSA §484, sub-§6,** as amended by PL 1993, c. 383,
27 §22 and affected by §42, is further amended to read:

28 **6. Infrastructure.** The developer has made adequate
29 provision of utilities, including water supplies, sewerage
30 facilities, solid waste disposal and roadways and pedestrian
31 ways required for the development and the development will not
32 have an unreasonable adverse effect on the existing or proposed
33 utilities and roadways and pedestrian ways in the municipality
34 or area served by those services.

35 **Sec. 10. Study of transportation needs and transportation services**
36 **provided to the State's senior citizens.** The Department of
37 Transportation, in cooperation with the public transportation
38 providers of the State, shall design and implement a data
39 collection system to quantify and evaluate the amount of service
40 provided to the State's population over 64 years of age of all
41 income levels. The department shall design and conduct a survey
42 of citizens over 64 years of age to ascertain their
43 transportation needs and to

gather information to assist in the development of consumer-oriented transportation services. The department shall analyze the survey results and the data collected to measure unmet transportation needs of the State's senior population, including the members of that population who are eligible for Medicaid and those who are not, and to evaluate the effectiveness of existing transportation services.

Sec. 11. Volunteer driver program and statewide transportation information center. The Department of Transportation, in consultation with the area agencies on aging and with designated regional providers, shall develop and implement a centrally coordinated transportation information center and a volunteer driver program. The purpose of the information center and volunteer driver program is to increase the use of existing public and private transportation services through the coordination of consumer information and the development of new volunteer driver services.

The goal of the information center is to bring together in one easily accessible resource all available information on alternative transportation, publicly and privately funded, fixed-route and demand-responsive. The center must include a toll-free number providing schedule, route and fare information on all transportation services in the State. The goal of the volunteer driver program is to develop and integrate volunteer driver services into traditional transportation services.

Sec. 12. Program to educate the State's citizens about alternative transportation. The Department of Transportation shall develop a systematic program to educate the State's citizens, especially the elderly, about alternative transportation. The department shall consider the use of various media, including lectures, slide shows, videos, promotional brochures, radio and television. The department shall consider presentations to the following groups as part of its outreach effort: senior centers, housing projects, meal sites, AARP chapters, Maine Retired Teachers' Association units, nursing homes and other groups of elderly citizens. The department shall offer information to health care providers, Bureau of Motor Vehicles' personnel, law enforcement officers, religious organizations, service clubs and the general public as part of this program. The department shall regularly update and improve the program.

Sec. 13. Study committee on volunteer driver liability. The Superintendent of Insurance shall convene a study committee to address volunteer drivers' concerns regarding liability. The Secretary of State shall appoint a representative to serve on the committee. The Superintendent of Insurance shall invite other persons to serve

2 on the committee as needed. The study committee shall report to
3 the joint standing committee of the Legislature having
4 jurisdiction over transportation matters on or before January 1,
5 1996. The report must include recommendations and any
6 legislation necessary to implement the recommendations of the
7 study committee. It may include a proposal to provide liability
8 insurance to volunteers.

10 **Sec. 14. Reporting of dementia.** The Secretary of State shall
11 work with the Maine Medical Association and other organizations
12 whose members are primarily medical professionals to inform the
13 medical community of the immunity provisions found in the Maine
14 Revised Statutes, Title 29-A, section 1258, subsection 6. On or
15 before January 30, 1997, the Secretary of State shall present to
16 the joint standing committee of the Legislature having
17 jurisdiction over transportation matters a summary of the number
18 of cases of dementia reported. The summary should include a
19 comparison of the number of cases reported before and after
20 efforts to inform the medical community of immunity provisions.
21 If the number of cases of reported dementia has not increased
22 substantially by December 31, 1996, the Secretary of State shall
23 recommend mandatory reporting of dementia.

26 STATEMENT OF FACT

28 This bill presents the recommendations of the Task Force to
29 Study the Safe Mobility of Maine's Aging Population. It provides
30 that one member of the Medical Advisory Board be a
31 gerontologist. It requires a medical professional to report an
32 individual to the Secretary of State if the medical professional
33 knows or suspects the individual has an uncorrected visual
34 impairment and that individual operates a motor vehicle. It
35 requires a person to pass a vision exam at every license renewal
36 after age 40. It directs the Secretary of State to develop a
37 driver improvement course for drivers meeting the definition of
38 "problem operator." It provides for a 2-year license to be
39 issued to persons 75 years of age and older. It requires
40 pedestrian ways to be considered when projects are reviewed under
41 site law and subdivisions are reviewed by a municipal authority.

42 The bill directs the Department of Transportation to design
43 and implement a data collection system and design and conduct a
44 survey of Maine's population 65 years of age and older to measure
45 unmet transportation needs and evaluate effectiveness of existing
46 transportation services; develop and implement a centrally
47 coordinated transportation information center and a volunteer
48 driver program; and educate Maine citizens about alternative
49 transportation.
50

2 The bill directs the Superintendent of Insurance to study
methods to free volunteer drivers from fear of liability.

4
6 The bill also directs the Secretary of State to inform
medical professionals of existing immunity provisions for
8 reporting an individual with a condition that may impair that
individual's ability to operate a motor vehicle. It requires the
Secretary of State to monitor reports of dementia and present a
10 summary of reports of dementia to the 118th Legislature.