

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 518

H.P. 383

House of Representatives, February 14, 1995

**An Act to Require a Second Doctor's Opinion before the Secretary of State May Suspend a Driver's License.**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative RICE of South Bristol. (By Request)

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

4 **Sec. 1. 29-A MRSA §1258, sub-§3-A** is enacted to read:

6 **3-A. Driver's right to a 2nd opinion.** Notwithstanding  
8 subsections 3 and 4, an individual who faces the loss of a  
10 driver's license as a result of an allegation that the individual  
12 is not qualified to drive by virtue of physical or mental  
14 impairment may request a 2nd opinion. The opinion may be  
16 rendered by an independent physician or the board. The Secretary  
18 of State may not refuse a request made under this subsection.

20 **Sec. 2. 29-A MRSA §1309, sub-§1,** as enacted by PL 1993, c.  
22 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

24 **1. Reexamination may be required.** The Secretary of State,  
26 having good cause to believe that a licensed operator is  
28 incompetent or otherwise not qualified to be licensed, may  
30 require, on at least 5 days days' prior written notice, that  
operator to submit to an examination. If the licensed operator  
has requested a 2nd opinion under section 1258, subsection 3-A,  
the examination may not be held until the 2nd opinion has been  
rendered.

## 26 STATEMENT OF FACT

28 This bill establishes an individual's right to a 2nd opinion  
30 when faced with the allegation that the individual is not  
competent to drive and the loss of a driver's license.