

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2202

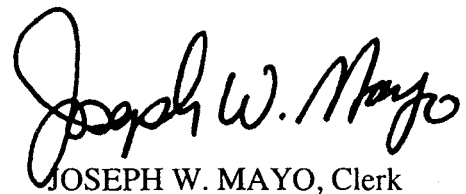
H.P. 1546

House of Representatives, April 15, 1999

**An Act to Improve the Effectiveness of the Driver Education and
Evaluation Programs.**

Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse
Services pursuant to Joint Rule 204.

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.
Cosponsored by Senator DAGGETT of Kennebec and
Representative BRAGDON of Bangor, Senator: HARRIMAN of Cumberland.

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

2
3 **Sec. 1. 5 MRSA §20071, sub-§1**, as amended by PL 1995, c. 65,
4 Pt. A, §11 and affected by §153 and Pt. C, §15, is further
5 amended to read:

6
7 **1. Alcohol-related or other drug-related motor vehicle**
8 **incident.** "Alcohol-related or other drug-related motor vehicle
9 incident" means a conviction or administrative action resulting
10 in the suspension of a motor vehicle operator's license for a
11 violation under former Title 29, section 1311-A; Title 29,
12 section 1312, subsection 10-A; Title 29, section 1312-C; Title
13 29, section 1312-B; Title 29, section 1313-B; Title 29, section
14 2241, subsection 1, paragraph N; Title 29, section 2241-G,
15 subsection 2, paragraph B, subparagraph (2); Title 29, section
16 2241-J; Title 29-A, section 1253; Title 29-A, sections section
17 2411,; Title 29-A, section 2453,; Title 29-A, section 2454,
18 subsection 2; Title 29-A, section 2456 and; Title 29-A, section
19 2457; Title 29-A, section 2472, subsection 3, paragraph B and
20 subsection 4; or Title 29-A, section--247, section 2503; Title
21 29-A, sections 2521 to 2523; or Title 29-A, section 2525 or the
22 rules adopted by the Department of the Secretary of State for the
23 suspension of commercial drivers' licenses.

24
25 **Sec. 2. 5 MRSA §20071, sub-§4-A**, as enacted by PL 1991, c.
26 622, Pt. Y, §2, is amended to read:

27 **4-A. First offender.** "First offender" means a client who
28 has no previous alcohol-related or drug-related motor vehicle
29 incident within a ~~6-year~~ 10-year period.

30
31 **Sec. 3. 5 MRSA §20071, sub-§5**, as enacted by PL 1991, c. 601,
32 §28, is amended to read:

33
34 **5. Multiple offender.** "Multiple offender" means a client
35 who has more than one alcohol-related or drug-related motor
36 vehicle incident within a ~~6-year~~ 10-year period or has a previous
37 incident prior to the 10-year period for which the client has not
38 completed a Driver Education and Evaluation Program as
39 established in section 20072.

40
41 **Sec. 4. 5 MRSA §20072, sub-§§1 and 2**, as amended by PL 1991, c.
42 850, §6, are further amended to read:

43 **1. Completion of Driver Education and Evaluation Programs.**
44 Those individuals who have satisfactorily completed a program
45 ~~prescribed by~~ pursuant to section 20073-A 20073-B; and

46
47 **2. Completion of treatment other than Driver Education and**
48 **Evaluation Programs.** Those individuals who have satisfied the
49

2 requirement for completion of treatment as defined in section
20071 by means other than a program ~~prescribed by~~ pursuant to
4 section 20073-A 20073-B. ~~The Office of Substance Abuse may~~
~~charge an administrative fee, not to exceed \$50, to clients under~~
6 ~~this subsection. This fee must be transferred to the General~~
Fund.

8 Sec. 5. 5 MRSA §20073-A, as amended by PL 1993, c. 631, §§5
and 6, is repealed.

10 Sec. 6. 5 MRSA §20073-B is enacted to read:

12 **§20073-B. Programs and components; rules**

14 The office shall design programs and components that are
16 age-appropriate and therapeutically appropriate. The office
18 shall adopt rules regarding requirements for these programs and
20 components and any other rules necessary to implement this
subchapter. Rules adopted pursuant to this section are routine
technical rules as defined in chapter 375, subchapter II-A.

22 Sec. 7. 5 MRSA §20075, as amended by PL 1991, c. 850, §10, is
24 further amended to read:

26 **§20075. Certification; recertification**

28 All providers of the evaluation, intervention and treatment
components of the Driver Education and Evaluation Programs must
30 be certified by the office pursuant to section 20005, section
20024 and this subchapter. The certification period for
32 individual providers and agencies is 2 years. The office shall
adopt rules requiring continuing education for recertification.

34 Sec. 8. 5 MRSA §20076-A, as enacted by PL 1991, c. 622, Pt.
Y, §8, is repealed.

36 Sec. 9. 5 MRSA §20076-B is enacted to read:

38 **§20076-B. Fees**

40 The office shall set fees in accordance with the cost of
42 each program. All fees must be transferred to the General Fund.
44 The office may waive all or part of any fee for a client who
provides sufficient evidence of inability to pay.

46 Sec. 10. 5 MRSA §20078-A, sub-§6, ¶B, as enacted by PL 1993,
48 c. 631, §7, is amended to read:

50 B. The client may appeal an evaluation decision referring
the client to treatment or a completion of treatment

2 decision pursuant to section 20073-A. A client may appeal
under this paragraph only after the client has sought a 2nd
4 opinion of the need for treatment or of satisfactory
completion of treatment.

6 **Sec. 11. 29-A MRSA §2502, sub-§1**, as amended by PL 1995, c.
65, Pt. A, §123 and affected by §153 and Pt. C, §15, is further
8 amended to read:

10 **1. Issuance of special license.** Following the expiration
of the total period of suspension imposed on a first-time
12 offender pursuant to Title 15, section 3314 or sections 2411,
2453, 2472 and 2521, the Secretary of State shall issue a special
14 license or permit to the person if the Secretary of State
receives written notice that the person has completed the
16 assessment components of the alcohol and other drug program as
set out in Title 5, section 20073-A 20073-B. First offenders
18 with an aggravated offense as defined in Title 5, section 20071,
subsection 4-B are entitled to receive a special license after
20 completion of the evaluation provided by the Office of Substance
Abuse. First offenders who have registered for the completion of
22 treatment programs as described in Title 5, section 20072,
subsection 2 are entitled to receive a special license after
24 completion of a minimum of 3 treatment sessions provided by a
counselor or agency approved by the Office of Substance Abuse. A
26 special license or permit may not be issued under this section to
2nd and subsequent offenders.

28 **Sec. 12. 29-A MRSA §2502, sub-§2**, as enacted by PL 1993, c.
30 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

32 **2. Suspension of special license.** If the person refuses or
fails to complete the alcohol and other drug program set out in
34 Title 5, section 20073-A 20073-B, within 6 months after receiving
a special license, the Secretary of State, following notice of
36 that refusal or failure shall suspend the special license until
the person completes the program. The suspension must continue
38 until the Secretary of State receives written notification from
the Office of Substance Abuse that the person has satisfactorily
40 completed all required components of that program. The Secretary
of State shall provide notice of suspension and opportunity for
42 hearing pursuant to Title 5, chapter 375, subchapter IV. The
sole issue at the hearing is whether the person has written
44 notification from the Office of Substance Abuse establishing that
the person has satisfactorily completed all components of that
46 program as set out in Title 5, section 20073-A 20073-B.

48 **Sec. 13. 29-A MRSA §2504**, as enacted by PL 1993, c. 683, Pt.
A, §2 and affected by Pt. B, §5, is amended to read:

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