

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1916

S.P. 714

In Senate, December 17, 2001

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

Submitted by the Department of Behavioral and Developmental Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee on Health and Human Services and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in black ink that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative NUTTING of Oakland and
Senator TURNER of Cumberland, Representatives: BROOKS of Winterport, DUDLEY of
Portland, DUGAY of Cherryfield, FULLER of Manchester, LAVERRIERE-BOUCHER of
Biddeford.

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

Sec. 1. 5 MRSA §20071, sub-§4-B, as amended by PL 1995, c. 65, Pt. A, §12 and affected by §153 and Pt. C, §15, is repealed.

Sec. 2. 5 MRSA §20075, as amended by PL 1999, c. 448, §7, is further amended to read:

§20075. Certification; recertification

All providers of the evaluation, intervention and treatment components of the Driver Education and Evaluation Programs must be certified by the office pursuant to section 20005, section 20024, section 20073-B and this subchapter. The certification period for individual providers and agencies is 2 years. The office shall adopt rules requiring continuing education for recertification.

Sec. 3. 29-A MRSA §2411, sub-§5, ¶F, as amended by PL 1997, c. 737, §10, is further amended to read:

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program ~~for multiple offenders of the Department of Behavioral and Developmental Services, Office of Substance Abuse.~~ The court may waive the ~~multiple offender--intervention~~ program under pursuant to Title 5, section 20073 20073-B, subsections 4 and 5, if the court finds that the defendant has completed a ~~residential an~~ alcohol or other drug treatment program, ~~or its equivalent,~~ subsequent to the date of the offense; and

Sec. 4. 29-A MRSA §2455, sub-§3, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the ~~Office of Substance Abuse~~ Department of Behavioral and Developmental Services; and

C. When required, attendance ~~for 2 years~~ at an after-care program arranged by the approved by the Office of Substance Abuse treatment or rehabilitation program.

Sec. 5. 29-A MRSA §2457, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Restoration of license. Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any

2 court, the Secretary of State may issue a conditional license to
3 the person, subject to the conditions, restrictions or terms the
4 Secretary of State deems determines advisable, if the Secretary
5 of State has received written notice that the person has
6 satisfactorily completed the ~~alcohol-educational-program-of-the~~
~~Department-of-Human-Services~~ Driver Education and Evaluation
7 Program established in Title 5, section 20072 and, when required,
8 has satisfactorily completed an alcohol treatment or
9 rehabilitation program approved or licensed by the ~~Department-of~~
10 ~~Human-Services~~ Department of Behavioral and Developmental
Services.

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13 **Sec. 6. 29-A MRSA §2472, sub-§6**, as amended by PL 1997, c.
14 737, §20, is further amended to read:

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16 **6. Restoration of license.** If a person's license has been
17 suspended under subsection 3 for a first offense, the Secretary
18 of State may issue a license if:

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20 A. One half of the suspension period has expired; and

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22 B. The Secretary of State has received notice that the
23 person has completed the alcohol and other drug program of
24 the Office of Substance Abuse ~~as--provided--in--Title--5,~~
~~section-20071,-subsection-4-B.~~

25
26 A 2nd or subsequent offender may be issued a license following
27 the completion of the period of suspension provided the Secretary
28 of State has received notice that the person has completed the
29 alcohol and other drug program of the Office of Substance Abuse
30 ~~as--provided--in--Title--5,-section-20071,-subsection-4-B.~~

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32 **Sec. 7. 29-A MRSA §2502**, as amended by PL 1999, c. 448, §§11
33 and 12, is further amended to read:

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35 **§2502. Special licenses for driver education evaluation program;
36 suspension**

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38 **1. Issuance of special license.** Following the expiration
39 of the total period of suspension imposed on a first-time
40 offender pursuant to Title 15, section 3314 or sections 2411,
41 2453, 2472 and 2521, the Secretary of State shall issue a special
42 license or permit to the person if the Secretary of State
43 receives written notice that the person has completed the
44 assessment components of the alcohol and other drug program as
45 ~~set-out-in~~ pursuant to Title 5, section 20073-B. ~~First-offenders~~
46 ~~with-an-aggravated-offense-as-defined-in-Title-5,-section-20071,~~
47 ~~subsection-4-B-are-entitled-to-receive-a-special-license-after~~
48 ~~completion-of-the-evaluation-provided-by-the-Office-of-Substance~~
49 ~~Abuse.~~ First offenders who have registered for the completion of
50

2 treatment programs as described in Title 5, section 20072,
3 subsection 2 are entitled to receive a special license after
4 completion of a ~~minimum~~ of 3 treatment sessions provided by a
5 counselor or agency approved by the Office of Substance Abuse. A
6 special license or permit may not be issued under this section to
7 2nd and subsequent offenders.

8 **2. Suspension of special license.** If the person refuses or
9 fails to complete the alcohol and other drug program ~~set-out-in~~
10 pursuant to Title 5, section 20073-B, within 6 months after
11 receiving a special license, the Secretary of State, following
12 notice of that refusal or failure, shall suspend the special
13 license until the person completes the program. The suspension
14 must continue until the Secretary of State receives written
15 notification from the Office of Substance Abuse that the person
16 has satisfactorily completed all required components of that
17 program. The Secretary of State shall provide notice of
18 suspension and opportunity for hearing pursuant to Title 5,
19 chapter 375, subchapter IV. The sole issue at the hearing is
20 whether the person has written notification from the Office of
21 Substance Abuse establishing that the person has satisfactorily
22 completed all components of that program ~~as-set-out-in~~ pursuant
23 to Title 5, section 20073-B.

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SUMMARY

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This bill repeals and amends laws regarding the Driver Education and Evaluation Programs.

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31 It repeals the definition of "first offender with an
32 aggravated operating-under-the-influence offense." Program
33 changes eliminate the need for the definition.

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35 It amends 2 affected motor vehicle laws to bring them into
36 compliance with program changes. It corrects one law by
37 identifying the Office of Substance Abuse as the location of the
38 Driver Education and Evaluation Programs.

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41 It corrects 2 laws by identifying the Department of
42 Behavioral and Developmental Services as responsible for
43 certification and licensing of alcohol and other drug treatment
44 programs.

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45 It amends a requirement for after care, when required,
46 because of changes in treatment practices.