

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1555

H.P. 1097

House of Representatives, December 21, 2009

**An Act To Require the Bureau of Motor Vehicles To Accept
Certification of Disability from the United States Department of
Veterans Affairs**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator DAMON of Hancock and
Representatives: HASKELL of Portland, THIBODEAU of Winterport, Senators: GOODALL
of Sagadahoc, JACKSON of Aroostook, NUTTING of Androscoggin.

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

2 **Sec. 1. 29-A MRSA §521, sub-§1**, as amended by PL 2007, c. 703, §12, is
3 further amended to read:

4 **1. Definition.** "Person with a disability" means a person whose disability limits or
5 impairs the ability to walk, as determined and certified by a licensed physician, physician
6 assistant, nurse practitioner or registered nurse or by the United States Department of
7 Veterans Affairs, to the extent that the person:

- 8 A. Can not walk 200 feet without stopping to rest;
- 9 B. Can not walk without assistance from another person or the use of a brace, cane,
10 crutch, prosthetic device, wheelchair or other assistive device;
- 11 C. Is restricted by lung disease to such an extent that the person's forced expiratory
12 volume for one second when measured by spirometry is less than 1 liter or when the
13 arterial oxygen tension is less than 60mm/hg on room air at rest;
- 14 D. Uses portable oxygen;
- 15 E. Has a cardiac condition to the extent that the person's functional limitations are
16 classified in severity as Class 3 or Class 4 according to standards set by the American
17 Heart Association;
- 18 F. Is severely limited in the ability to walk due to an arthritic, neurological or
19 orthopedic condition; or
- 20 G. Is recovering from childbirth.

21 **Sec. 2. 29-A MRSA §521, sub-§5**, as amended by PL 2009, c. 143, §1, is further
22 amended to read:

23 **5. Application; issuance.** An application for a disability plate or placard must be
24 accompanied by the certificate of a physician, physician assistant, nurse practitioner or
25 registered nurse or the United States Department of Veterans Affairs attesting to that
26 person's physical disability as defined in subsection 1. The Secretary of State shall issue
27 to an eligible applicant disability plates and windshield placards upon request. Proof of a
28 disability must be submitted every 4 years on a form prescribed by the Secretary of State
29 except when an eligible applicant requests that the disability plate or placard expire upon
30 the expiration date of that person's driver's license or nondriver identification card issued
31 by this State, whichever is applicable. When the Secretary of State determines the
32 disability to be permanent, the time may be extended. When the applicant's need for the
33 disability placard terminates or the applicant dies, the plate or placard must be
34 immediately returned to the Secretary of State.

35 **Sec. 3. 29-A MRSA §521, sub-§6, ¶A**, as amended by PL 2007, c. 703, §14, is
36 further amended to read:

- 37 A. An application for a temporary placard must be accompanied by the certificate
38 of a physician, physician assistant, nurse practitioner or registered nurse or the United
39 States Department of Veterans Affairs attesting to the applicant's physical disability

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as defined in subsection 1 and the period of time that the physician, physician assistant, nurse practitioner or registered nurse or the United States Department of Veterans Affairs determines the applicant will have the disability. A temporary placard is not valid for a period of more than 6 months. The Secretary of State shall give priority consideration to requests for temporary placards.

A temporary placard issued pursuant to subsection 1, paragraph G is valid, after the birth of a child, for a period of not more than:

- (1) One week after cesarean section delivery; or
- (2) A time to be determined by the patient's physician after the birth of a preterm infant.

SUMMARY

This bill requires the Department of the Secretary of State, Bureau of Motor Vehicles to accept certification of a person's disability from the United States Department of Veterans Affairs for the purpose of obtaining a disability registration plate or disability placard.