

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1359

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S.P. 445

In Senate, April 7, 2021

**An Act To Change Driver's License Requirements Regarding Sleep  
Apnea**

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Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

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

2 **Sec. 1. 29-A MRSA §1261** is enacted to read:

3 **§1261. Obstructive sleep apnea**

4 The Secretary of State may not refuse to issue, refuse to renew or suspend a Class C  
5 license for the medical reason of obstructive sleep apnea, including because the applicant  
6 or holder is nonresponsive or nonadherent to sleep apnea therapy, if the applicant or holder  
7 does not have:

8 **1. History.** A history of falling asleep while driving;

9 **2. Recorded accident.** A recorded accident or near miss caused by excessive  
10 drowsiness; or

11 **3. Traffic violation.** A traffic violation caused by excessive drowsiness.

12 **SUMMARY**

13 This bill prohibits the Secretary of State from refusing to issue, refusing to renew or  
14 suspending a Class C driver's license for the medical reason of obstructive sleep apnea,  
15 including because the applicant or holder is nonresponsive or nonadherent to sleep apnea  
16 therapy, if the applicant or holder does not have a history of falling asleep while driving, a  
17 recorded accident or a near miss caused by excessive drowsiness or a traffic violation  
18 caused by excessive drowsiness.