

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 272

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S.P. 131

In Senate, January 27, 2023

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### **An Act Regarding the Issuance of Driver's Licenses to Persons with Obstructive Sleep Apnea**

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Reference to the Committee on Transportation suggested 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 POULIOT of Kennebec.  
Cosponsored by Representative PARRY of Arundel and  
Senators: BENNETT of Oxford, FARRIN of Somerset, STEWART of Aroostook.

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 require a holder of a Class C license described under  
5 section 1252, subsection 2 who has been diagnosed with obstructive sleep apnea to submit  
6 to a driving evaluation related to obstructive sleep apnea more frequently than every 2  
7 years.

8 **Sec. 2. Obstructive sleep apnea working group.** The Secretary of State shall  
9 convene a working group to review the process used by the Office of the Secretary of State  
10 for issuing and renewing a driver's license to a person diagnosed with obstructive sleep  
11 apnea. The working group must include members of the public diagnosed with obstructive  
12 sleep apnea, physicians and other health care providers who treat patients diagnosed with  
13 obstructive sleep apnea and representatives of the Department of the Secretary of State,  
14 Bureau of Motor Vehicles. The Secretary of State shall provide a mechanism for relevant  
15 stakeholders to provide input and recommendations to the working group. By December  
16 6, 2023, the Secretary of State shall submit findings and recommendations regarding the  
17 working group's review to the Joint Standing Committee on Transportation. The joint  
18 standing committee may report out a bill relating to the findings and recommendations to  
19 the Second Regular Session of the 131st Legislature.

20 **SUMMARY**

21 This bill prohibits the Secretary of State from requiring a holder of a Class C driver's  
22 license who has been diagnosed with obstructive sleep apnea to submit to a driving  
23 evaluation related to obstructive sleep apnea more frequently than every 2 years. The bill  
24 also requires the Secretary of State to convene a working group to review and make  
25 recommendations regarding the process for issuing and renewing a driver's license to a  
26 person diagnosed with obstructive sleep apnea.