

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1712

H.P. 1101

House of Representatives, April 18, 2023

An Act Regarding Driver's Licenses for Individuals in Foster Care

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROEDER of Bangor.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: COLLINGS of Portland, FAY of Raymond, O'CONNELL of Brewer, RANA
of Bangor, RUSSELL of Verona Island, Senator: TIPPING of Penobscot.

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

2 **Sec. 1. 22 MRSA §4010-E** is enacted to read:

3 **§4010-E. Annual survey on drivers and licensure; report**

4 The Office of Child and Family Services shall conduct an annual survey of how many
5 persons 15 years of age or older and under 26 years of age who are in foster care or were
6 formerly in foster care under this chapter are eligible to obtain a driver's license under Title
7 29-A, chapter 11, have obtained a driver's license, have completed a driver education
8 course, have obtained a learner's permit or have obtained a state identification card. The
9 survey must include questions designed to obtain information on the number of persons 15
10 years of age or older and under 26 years of age who are in foster care or were formerly in
11 foster care under this chapter who have completed required hours of driving under a
12 learner's permit, have access to a motor vehicle and have motor vehicle insurance. The
13 Office of Child and Family Services shall submit a report annually by January 15th to the
14 joint standing committee of the Legislature having jurisdiction over health and human
15 services matters. The report must include the findings from the annual survey and an
16 evaluation of the budgetary requirements of funding associated with these findings and
17 must provide an evaluation of the performance and outcomes of the programs established
18 under section 4061, subsections 4 and 5.

19 **Sec. 2. 22 MRSA §4061, sub-§4** is enacted to read:

20 **4. Driver's license fee coverage.** The Office of Child and Family Services shall
21 establish a program to pay for the following fees and costs incurred by a person who meets
22 the requirements of Title 29-A, section 1251, subsection 8:

23 A. All fees waived by the Secretary of State under Title 29-A, section 1251, subsection
24 8;

25 B. The cost of motor vehicle insurance obtained in accordance with Title 29-A, section
26 1354, subsection 9; and

27 C. Any additional costs related to obtaining a driver's license under Title 29-A, chapter
28 11.

29 The department may adopt rules to carry out the purposes of this subsection. Rules adopted
30 pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375,
31 subchapter 2-A.

32 **Sec. 3. 22 MRSA §4061, sub-§5** is enacted to read:

33 **5. Motor vehicle education program.** The department shall establish a program to
34 ensure that any minor in state custody under this chapter who is 15 years of age or older is
35 provided the opportunity to obtain:

36 A. Assistance in obtaining a driver's license or learner's permit or enrolling in a driver
37 education course under Title 29-A, chapter 11;

38 B. Skills training for safe driving;

39 C. Supervised driving practice hours, including required hours of driving under a
40 learner's permit; and

41 D. Information on how to obtain motor vehicle insurance.

1 The department may adopt rules to carry out the purposes of this subsection. Rules adopted
2 pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375,
3 subchapter 2-A.

4 **Sec. 4. 29-A MRSA §951, sub-§7** is enacted to read:

5 7. Purchase by minors. A dealer shall allow a minor who is at least 15 years and 6
6 months of age, meets the requirements of section 1251, subsection 8 and has a valid driver's
7 license under chapter 11 to contract for the purchase of a motor vehicle.

8 **Sec. 5. 29-A MRSA §1251, sub-§8** is enacted to read:

9 8. Fee waived. The Secretary of State shall waive all fees assessed by the bureau
10 related to obtaining a license under this chapter for a person:

11 A. Who has not attained 27 years of age and who, pursuant to Title 22, chapter 1071,
12 is or has been placed in the care of someone other than the person's parents by the
13 Department of Health and Human Services; or

14 B. Who is a minor living separately and independently from the minor's parents or a
15 legal guardian. A minor may prove that the minor meets the requirements of this
16 paragraph by providing documentation determined satisfactory by the Secretary of
17 State, including, but not limited to:

18 (1) A written statement affirming that the minor meets the requirements of this
19 paragraph, signed by:

20 (a) A director or designee of a governmental or nonprofit agency that receives
21 public or private funding to provide services to homeless persons;

22 (b) A local educational agency liaison for homeless children and youth
23 designated pursuant to 42 United States Code, Section 11432(g)(1)(J)(ii)
24 (2019) or a school social worker or counselor; or

25 (c) An attorney representing the minor;

26 (2) A copy of a protection from abuse complaint or a temporary order or final
27 order of protection against the minor's parent or legal guardian; or

28 (3) An order of a court that the person has been emancipated pursuant to Title 15,
29 section 3506-A.

30 **Sec. 6. 29-A MRSA §1302, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2
31 and affected by Pt. B, §5, is amended to read:

32 C. When the minor has no parent, guardian or spouse who has attained ~~the age of~~ 18
33 years of age, signed by ~~the employer of the minor if that employer is 18 years of age~~
34 ~~or older; or:~~

35 (1) A person who is 19 years of age or older who is the minor's employer,
36 grandparent, sibling, sibling of the person's parent or that sibling's spouse or foster
37 parent as defined in Title 22, section 4002, subsection 5-A;

38 (2) A lay caregiver of the minor designated under Title 22, section 1711-G who is
39 22 years of age or older;

40 (3) An employee designated by the Office of Child and Family Services; or

1 4. It provides that a licensed dealer is required to allow a minor who is at least 15 years
2 and 6 months of age who had been placed in the care of someone other than the minor's
3 biological parents or a minor who is living independently of the minor's biological parents
4 who has a valid driver's license to contract for the purchase of a motor vehicle;

5 5. It directs the Secretary of State to waive all fees assessed by the Department of the
6 Secretary of State, Bureau of Motor Vehicles related to obtaining a license for a person
7 who has not attained 27 years of age and who is or has been placed in the care of someone
8 other than the person's parents by the department;

9 6. It allows a minor who has no parent, guardian or spouse to have the minor's driver's
10 license application signed by a lay caregiver of the minor who is 22 years of age or older,
11 an employee designated by the office or the minor applicant if approved by the office;

12 7. It limits the liability of a person who lawfully signs an application for a minor who
13 has no parent or guardian or spouse who has attained 18 years of age; and

14 8. It requires rating bureaus or independent insurers as recognized by the
15 Superintendent of Insurance to allow certain minors who are driver education school
16 graduates to obtain vehicle liability insurance with rights, privileges and benefits equal to
17 those of an individual policy holder who is 19 years of age or older.