

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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The following vehicles are exempt from this subsection, provided that they are equipped with dual controls as stated in this section and comply with any other requirements of this chapter:

A. Any vehicle, specially equipped for use by a handicapped person, which is being used to instruct a handicapped person; and

B. Any vehicle which is being used to instruct a person in possession of a valid Maine driver's license or instruction permit not provided by the driving school.

Effective July 16, 1986.

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## CHAPTER 688

H.P. 1571 - L.D. 2221

### AN ACT to Amend the Annual Operating-under-the-influence Report.

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

22 MRSA §7106, sub-§2, as amended by PL 1983, c. 464, §8, is further amended to read:

2. Information system. Develop and maintain an up-to-date information system related to drugs, drug abuse and drug abuse prevention. The information shall be available for use by the people of Maine, the political subdivisions, public and private non-profit agencies and the State. Educational materials shall be prepared, published and disseminated. Objective devices and research methodologies shall be continuously developed. Uniform methods of keeping statistical information shall be specified for use by public and private agencies, organizations and individuals. Existing sources of information shall be used to the fullest extent possible, while maintaining confidentiality safeguards of state and federal law. Information may be requested and shall be received from any state government or public or private agency. To the extent feasible, information shall maintain compatibility with federal information sharing standards.

Functions of the drug information system may include, but not be limited to:

A. Conducting research on the causes and nature of drugs, drug abuse or people who are dependent on drugs, especially alcoholics and intoxicated persons;

B. Collecting, maintaining and disseminating such knowledge, data and statistics related to drugs, drug abuse and drug abuse prevention as will enable the office to fulfill its responsibilities;

C. Determining through a detailed survey the extent of the drug abuse problem, and the needs and priorities for the prevention of drug abuse and drug dependence in the State and political subdivisions. Included may be a survey of health facilities needed to provide services for drug abuse and drug dependence, especially alcoholics and intoxicated persons;

D. Maintaining an inventory of the types and quantity of drug abuse prevention facilities, programs and services available or provided under public or private auspices to drug addicts, drug abusers and drug dependent persons, especially alcoholics and intoxicated persons. This function shall include the unduplicated count, location and characteristics of people receiving treatment, as well as their frequency of admission and readmission, and frequency and duration of treatment. The inventory shall include the amount, type and source of resources for drug abuse prevention; and

E. Conducting a continuous evaluation of the impact, quality and value of drug abuse prevention facilities, programs and services; including their administrative adequacy and capacity. Activities operated by or with the assistance of the State and Federal Governments shall be evaluated. Included shall be alcohol and drug abuse prevention and treatment services as authorized by this and so much of the several Acts and amendments to them enacted by the People of the State of Maine, and those authorized by the United States Acts and amendments to them as relate to drug abuse prevention:

(1) The United States Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255);

(2) The United States Community Mental Health Centers Act (42 USC 2688);

- (3) The United States Public Health Service Act (42 USC);
- (4) The United States Vocational Rehabilitation Act;
- (5) The United States Social Security Act; and
- (6) The United States Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, Public Law 91-616, and similar Acts; and

F. Making a separate written report to the Chief Justice, the Governor and the Legislature not later than March 1st of each year, commencing with 1982, on the enforcement of laws relating to drinking and driving during the preceding calendar year. The report shall contain at least the following information:

- (1) The number, by county, of arrests for operating under the influence or operating with an excessive blood-alcohol level;
- (2) The number, by county, of criminal complaints filed for operating under the influence;
- (3) The number, by county, of criminal complaints filed for operating with an excessive blood-alcohol level;
- (4) The number, by county, of complaints filed for the traffic infraction of operating under the influence;
- (5) The number, by county, of complaints filed for the traffic infraction of operating with an excessive blood-alcohol level;
- (6) The number, by county, of revocations of implied consent;
- (7) The number, by county, of operating after suspension and habitual offender arrests;
- (8) Rates of conviction, guilty pleas to lesser charges and dismissals by county for these offenses;

(9) The rates of successful completion of the Driver Education Evaluation Program and rates of recidivism for individuals completing the Driver Education Evaluation Program;

(10) The number, by county, of persons whose licenses were suspended; and

(11) The average fine, jail sentence and period of license suspension, by county, for each category of offense.

G. Making a separate written report to the Chief Justice, the Governor and the Legislature not later than May 1st of each year, commencing with 1982, on the enforcement of laws relating to drinking and driving during the preceding calendar year. The report shall contain at least the following information:

(1) The number, by county, of arrests for attempting to or operating under the influence;

(2) The number, by county, of revocations of implied consent for each category of offense;

(3) The number and percentage, by court, of convictions; guilty pleas to lesser charges; dismissals; and not guilty for these offenses, for each category of offense;

(4) The number and percentages of successful completion of the Driver Education Evaluation Program;

(5) The number and percentages, by court, of persons whose licenses were suspended; who were fined; and who spent time in jail, for each category of offense;

(6) The average, minimum and maximum, fine, jail sentence and period of license suspension, by court, for each category of operating under the influence offense;

(7) The number and percentages, by court, of convictions for operating after suspension and for being a habitual offender; guilty pleas to a lesser charge; dismissals; and not guilty findings;

(8) The average, minimum and maximum, fine, jail sentence and period of license suspension for operating after suspension and for being a habitual offender, by court; and

(9) Other items that are considered important to the review of the enforcement of the laws relating to drinking and driving.

The office may call upon the assistance of the Department of Public Safety, the State Court Administrator, the office of the Secretary of State and the district attorneys in preparing these reports.

The Office of Alcoholism and Drug Abuse Prevention may revise the contents of the report by including new information or excluding previously reported information in response to changes in the law or other circumstances. The office may request assistance of the Department of Public Safety, the State Court Administrator, the office of the Secretary of State, and the district attorneys in preparing these reports.

Effective July 16, 1986.

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## CHAPTER 689

H.P. 1469 - L.D. 2071

### AN ACT Concerning State Contribution to Pollution Abatement.

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

Sec. 1. 38 MRSA §411, first ¶, as repealed and replaced by PL 1985, c. 479, §3, is amended to read:

The department may pay an amount at least 15%, but not to exceed 45%, of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The department may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the