

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

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

J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS
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employer who, following a request pursuant to this section, without good cause fails to provide an opportunity for review of a personnel file, within 10 days of receipt of that request, shall be subject to a civil ~~penalty~~ forfeiture of \$25 for each day that such a failure continues. The total ~~penalty~~ forfeiture may not exceed \$500. For the purposes of this section, the term "nonprivileged medical records or nurses' station notes" means all such materials that have not been found to be protected from discovery or disclosure in the course of civil litigation under the Maine Rules of Civil Procedure, Rule 26, the Maine Rules of Evidence, Article V or similar rules adopted by the Workers' Compensation Commission or other administrative tribunals.

See title page for effective date.

CHAPTER 179

S.P. 214 - L.D. 530

An Act Relating to Driver Education Courses

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Educational and Cultural Services does not have the approval authority for all driver education courses; and

Whereas, it is appropriate and desirable for the Department of Educational and Cultural Services to have this authority; and

Whereas, Maine vocational-technical institutes may not be able to continue to offer courses in truck driving and heavy equipment operation if the instructors of these courses are required to be licensed by the Board of Commercial Driver Education; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §8701, as enacted by PL 1985, c. 797, §45, is repealed and the following enacted in its place:

§8701. Driver education

Public secondary schools, approved private secondary schools, vocational centers, vocational regions and adult education programs conducted pursuant to chapter 315 may offer courses in driver education.

Sec. 2. 20-A MRSA §§8702 and 8703, as enacted by PL 1985, c. 797, §45, are amended to read:

§8702. Curriculum

A driver education course offered to meet the requirements of Title 29, section 583, in accordance with section 8701 shall meet the curriculum requirements prescribed by the commissioner, include both classroom instruction and practice driving and be approved by the commissioner. The requirements prescribed by the commissioner shall be no less rigorous than any similar requirements prescribed by the Board of Commercial Driver Education. No state subsidy, state reimbursement for expenditures on adult education programs or state reimbursement for adult vocational education programs may be paid with respect to any driver education course that has not been approved by the commissioner. At the request of the commissioner, the Board of Commercial Driver Education may assist the commissioner in performing the commissioner's duties under this chapter.

§8703. Instructors

Instructors shall hold certification to teach driver education.

1. Regular certification. Only persons certified by the commissioner as a driver education teacher may be employed by a ~~school unit or private school~~ public secondary school, approved private secondary school, vocational center, vocational region or adult education program, conducted pursuant to chapter 315, to teach driver education. The commissioner shall establish instructor qualification requirements for a person to obtain certification to teach courses in preparation for a Class 1 or Class 2 license. Those requirements shall be no less rigorous than any similar requirements prescribed by the Board of Commercial Driver Education.

2. Temporary certification. If a certified instructor is not available to teach driver education and the school board, cooperative board or private school ~~so~~ requests, the commissioner shall grant a temporary certificate to any person who holds a Class A license issued by the Board of Commercial Driver Education pursuant to Title 32, section 9601, subsection 2 and section 9603.

3. Contracts. A ~~school unit or private school~~ public secondary school, approved private secondary school, vocational center, vocational region or adult education program conducted pursuant to chapter 315 may contract with a commercial driver education school to provide driver education as part of the secondary school curriculum provided that any instructor ~~must be~~ is properly certified.

Sec. 3. 20-A MRSA §12719 is enacted to read:

§12719. Driver education

Not later than December 31, 1989, the board of trustees shall establish curriculum and instructor qualification requirements for driver education, truck driver education and heavy equipment operation courses offered in accordance with section 12706, subsection 15. Those requirements shall be no less rigorous than any similar require-

ments prescribed by the Board of Commercial Driver Education.

Sec. 4. 29 MRSA §583, first ¶, as amended by PL 1985, c. 797, §64, are further amended to read:

No operator's license, except to operate a moped only, may be issued to any person under 17 years of age unless ~~such that person shall present~~ presents a certificate of successful completion of a driver education course and examination given by a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Department of Business, Occupational and Professional and Financial Regulation, Board of Commercial Driver Education. No license may be required of certified teachers conducting a driver education course in a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region. All licenses expire on December 31st of the year of issue.

Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region, meets teacher qualification, course content and standards adopted by the ~~Department~~ Commissioner of Educational and Cultural Services. Successful course completion certificates shall not be issued to any person who was not at least 15 years of age at the commencement of the driver education course.

Sec. 5. 29 MRSA §583-A, 2nd ¶, as amended by PL 1987, c. 415, §21, is further amended to read:

Any person between the ages of 16 and 21 years, who satisfies the Secretary of State that no readily available means of transportation exists to and from ~~an approved secondary school or academy~~ a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region which ~~he~~ that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

Sec. 6. 29 MRSA §583-B, 2nd ¶, as enacted by PL 1987, c. 415, §22, is amended to read:

An approved motorcycle driver education program may be offered by a public secondary school ~~or adult education program or an approved private school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a voca-

tional center or a vocational region and adult education program conducted pursuant to Title 20-A, chapter 315, as a component of a driver education course approved pursuant to Title 20-A, chapter 316. Any motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

Sec. 7. 32 MRSA §9502, sub-§2, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

2. Commercial driver education. "Commercial driver education" means any type of instruction or tutoring given any person in the driving of a motor vehicle or in the preparing of any person for a driver examination in exchange for remuneration, except instruction or tutoring in a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a vocational-technical institute.

Sec. 8. 32 MRSA §9502, sub-§3, as amended by PL 1985, c. 797, §68, is further amended to read:

3. Commercial driver education school. "Commercial driver education school" means any person or persons engaged in teaching driver education for remuneration, except a public ~~or private school~~ secondary school, a private secondary school approved for attendance purposes approved by the Commissioner of Educational and Cultural Services, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a vocational-technical institute.

Sec. 9. 32 MRSA §9602, sub-§5 is enacted to read:

5. School contracts. Commercial driver education schools shall remain subject to the requirements of this chapter while providing driver education services pursuant to Title 20-A, chapter 316, on a contract basis to a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a vocational-technical institute.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 26, 1989.

CHAPTER 180

H.P. 353 - L.D. 472

An Act Concerning Service of Civil Process by Full-time Law Enforcement Officers