

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

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

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Augusta, Maine
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PUBLIC LAWS

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2. Literature; clearinghouse. The bureau shall recommend to employers, for use in education and training programs, occupational safety literature that provides appropriate, current and pertinent data on terminal use. The bureau shall also serve as a clearinghouse for information regarding workplace safety and health relative to the use of terminals.

3. Training schedule. Employers shall provide current operators with this education and training program within 6 months after the effective date of this section and annually thereafter. Beginning 6 months after the effective date of this section, employers shall provide all new operators with the education and training program within the first month of employment as operators.

See title page for effective date.

CHAPTER 513

S.P. 311 - L.D. 816

An Act to Increase Safety on Maine Roads and Protect the General Welfare

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

Sec. 1. 29 MRSA §532, first ¶, as amended by PL 1983, c. 553, §46, is further amended to read:

Any person who is at least 15 years of age and has completed a course in driver education as provided in section 583 may apply to the Secretary of State for an instruction permit. The Secretary of State may, in ~~his~~ the Secretary of State's discretion, after an applicant has successfully passed all parts of an examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having ~~such~~ the permit in ~~his~~ the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of ~~one year~~ 18 months when accompanied by a licensed operator who has at least one year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle or motor driven cycle. If any such licensed operator, while accompanying an applicant and occupying a seat beside the driver while the vehicle is being operated on a public way, has ~~his mental or physical functioning substantially impaired~~ mental or physical functioning as a result of the use of intoxicating liquor or drugs, ~~such~~ that licensed operator is guilty of a ~~misdemeanor~~ Class E crime. The Secretary of State may, in ~~his~~ the Secretary of State's discretion, issue a restricted instruction permit effective for a school year or for a restricted period to an applicant who is enrolled in a driver education program which includes practice driving. ~~Such~~ That instruction permit shall only be valid when the applicant is accompanied by an instructor approved by the Commissioner of Educational and Cultural Services or ~~eligible~~ a commercial driver education ~~instructors~~ instructor licensed by the Department of ~~Business, Occupational and Professional and Financial Regulation, Board of Commercial Driver Education.~~ Any person who has not held

a Maine operator's license during one of the 3 preceding years may apply for an instruction permit.

Sec. 2. 29 MRSA §532, as amended by PL 1983, c. 553, §46, is further amended by adding after the first paragraph a new paragraph to read:

A person under the age of 17 years may not apply for an operator's license until 3 months after the date of issue of an instruction permit to that person.

Sec. 3. 29 MRSA §538 is amended to read:

§538. Age limit

No operator's license ~~shall~~ may be issued to any person under ~~15~~ 16 years of age, except a special restricted license as provided in section 538-A.

Sec. 4. 29 MRSA §538-A is enacted to read:

§538-A. Special restricted license

A person who has reached the age of 15 years and who has successfully completed a driver education course as provided in section 583 may apply to the Secretary of State for a special restricted license based on educational or employment need. The Secretary of State shall supply the application form. If the applicant qualifies under subsection 1 or 2, after passing an examination for operation of a motor vehicle as provided in section 581, a special restricted license shall be issued to the applicant.

1. Educational need. A person qualifies for a special restricted license based on educational need by filing a notarized signed application including: a statement from the applicant and the applicant's parent or guardian that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary for transportation to and from 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 the applicant is attending; a verification of school attendance; and the lack of a readily available alternative means of transportation by the principal of the school.

Notwithstanding the first paragraph of this section, a person between the ages of 16 and 17 is not required to complete a driver education course in order to qualify for a restricted license based on educational need.

A special restricted license issued under this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school.

2. Employment need. A person qualifies for a special restricted license based on employment need by filing a notarized signed application including: a statement from the applicant and the applicant's parent or guardian that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary for transporta-

tion to, from or in connection with employment of the applicant; and a verification of employment by the employer.

A special restricted license issued under this subsection only authorizes the holder to operate a motor vehicle between the holder's residence, school, and place of employment and in other places if necessary in direct connection with that employment.

3. Provisional license. A special restricted license is a provisional license, but the provisions of subsection 4 shall apply in place of section 2241-G, subsection 2, paragraph A.

4. Cancellation. In addition to the provisions of section 586, the Secretary of State shall cancel a special restricted license issued under this section when:

A. The holder is convicted of or adjudicated to have committed any violation of the license restriction or of any motor vehicle moving violation during the time when the special restricted license is in force. In this case, the person shall not be entitled to any further special restricted license under this section; or

B. The Secretary of State receives written notice from the holder, parent, guardian, principal, or employer that the holder no longer qualifies for a special restricted license.

In case of cancellation under paragraph A or B, a hearing may be requested of the Secretary of State, and the Secretary of State shall afford the provisional licensee opportunity for hearing as soon as practicable after receipt of the request. Upon the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the cancellation. This paragraph shall not apply when a person is convicted of or adjudicated to have committed an offense which carries a suspension or revocation period greater than that prescribed in this paragraph.

Sec. 5. 29 MRSA §581, as amended by PL 1965, c. 369, §3-A, is further amended to read:

§581. Examination required; reexamination

Before the operator's license is granted, an applicant shall be required to pass such physical examination and such examination by actual demonstration or otherwise as to his the applicant's qualifications to operate a motor vehicle as the ~~said~~ Secretary of State shall require. Failure to complete the driving test within ~~one year~~ 18 months of issue date of permit will require reexamination for the permit. ~~No such application for reexamination shall be accepted until 6 months after the expiration of said permit, except that the Secretary of State, in his discretion, may waive such 6-month "waiting period."~~

Sec. 6. 29 MRSA §583, as amended by PL 1987, c. 415, §20, is repealed and the following enacted in its place:

§583. Driver education required for minors

No operator's license, except to operate a moped only, may be issued to any person under 17 years of age unless that person presents a certificate of successful completion of a driver education course and examination given by 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; or a certificate of successful completion of a driver education course and examination given by a person or persons licensed by the Department of Professional and Financial Regulation, Board of Commercial Driver Education.

A successful course completion certificate may be issued to any person permitted by law to have an operator's license or a special restricted license provided the course meets the standards adopted by the Commissioner of Educational and Cultural Services, or, if applicable, the commercial driver education school licensing requirements under Title 32, chapter 95. A successful course completion certificate 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. 7. 32 MRSA §9601, sub-§3 is enacted to read:

3. Exclusion. No license under this chapter may be required of a certified teacher conducting a driver education course in 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.

See title page for effective date.

CHAPTER 514

S.P. 460 - L.D. 1245

An Act to Amend Commercial Driver License Laws

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

Sec. 1. 29 MRSA §1, sub-§1-E, as amended by PL 1987, c. 415, §1, is further amended to read:

1-E. Bus. "Bus" means every motor vehicle designed for carrying more than 15 passengers, including the operator, and used for the transportation of passengers driver.

Sec. 2. 29 MRSA §1, sub-§§1-J and 1-K are enacted to read: