

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

For the purposes of this paragraph, "affiliate" has the same meaning as defined in Title 9-B, section 131, subsection 1-A.

See title page for effective date.

CHAPTER 510

H.P. 1476 - L.D. 1977

An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules

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

Sec. 1. 20-A MRSA §7727, sub-§3, as enacted by PL 1991, c. 843, §3, is amended to read:

3. Rule-making authority. The commissioner may adopt rules necessary to implement this chapter in accordance with the Maine Administrative Procedure Act. Rules adopted pursuant to this chapter that establish and maintain a statewide network that ensures the provisions of Childfind for families and children from birth to 5 years of age and rules governing the eligibility for and delivery of free appropriate public education to children with disabilities from birth to 5 years of age and their families are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 511

S.P. 714 - L.D. 1916

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

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

Sec. 1. 5 MRSA §20071, sub-§4-B, as amended by PL 1995, c. 65, Pt. A, §12 and affected by §153 and Pt. C, §15, is repealed.

Sec. 2. 5 MRSA §20075, as amended by PL 1999, c. 448, §7, is further amended to read:

§20075. Certification; recertification

All providers of the evaluation, intervention and treatment components of the Driver Education and Evaluation Programs must be certified by the office pursuant to section 20005, section 20024, section

20073-B and this subchapter. The certification period for individual providers and agencies is 2 years. The office shall adopt rules requiring continuing education for recertification.

Sec. 3. 29-A MRSA §2411, sub-§5, ¶F, as amended by PL 1997, c. 737, §10, is further amended to read:

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program ~~for multiple offenders of the Department of Behavioral and Developmental Services, Office of Substance Abuse.~~ The court may waive the ~~multiple offender intervention program under pursuant to Title 5, section 20073 20073-B, subsections 4 and 5;~~ if the court finds that the defendant has completed ~~a residential an~~ alcohol or other drug treatment program, ~~or its equivalent,~~ subsequent to the date of the offense; and

Sec. 4. 29-A MRSA §2455, sub-§3, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the ~~Office of Substance Abuse~~ Department of Behavioral and Developmental Services; and

C. When required, attendance ~~for 2 years~~ at an after-care program arranged by the approved ~~by the Office of Substance Abuse~~ treatment or rehabilitation program.

Sec. 5. 29-A MRSA §2457, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Restoration of license. Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State ~~deems~~ determines advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the ~~alcohol educational program of the Department of Human Services~~ Driver Education and Evaluation Program established in Title 5, section 20072 and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the ~~Department of Human Services~~ Department of Behavioral and Developmental Services.

Sec. 6. 29-A MRSA §2472, sub-§6, as amended by PL 1997, c. 737, §20, is further amended to read:

6. Restoration of license. If a person's license has been suspended under subsection 3 for a first offense, the Secretary of State may issue a license if:

- A. One half of the suspension period has expired; and
- B. The Secretary of State has received notice that the person has completed the alcohol and other drug program of the Office of Substance Abuse ~~as provided in Title 5, section 20071, subsection 4-B.~~

A 2nd or subsequent offender may be issued a license following the completion of the period of suspension provided the Secretary of State has received notice that the person has completed the alcohol and other drug program of the Office of Substance Abuse ~~as provided in Title 5, section 20071, subsection 4-B.~~

Sec. 7. 29-A MRSA §2502, as amended by PL 1999, c. 448, §§11 and 12, is further amended to read:

§2502. Special licenses for driver education evaluation program; suspension

1. Issuance of special license. Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program ~~as set out in pursuant to~~ Title 5, section 20073-B. ~~First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to receive a special license after completion of the evaluation provided by the Office of Substance Abuse.~~ First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of a ~~minimum~~ of 3 treatment sessions provided by a counselor or agency approved by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

2. Suspension of special license. If the person refuses or fails to complete the alcohol and other drug program ~~set out in pursuant to~~ Title 5, section 20073-B, within 6 months after receiving a special license, the Secretary of State, following notice of that refusal or failure, shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives

written notification from the Office of Substance Abuse that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the Office of Substance Abuse establishing that the person has satisfactorily completed all components of that program ~~as set out in pursuant to~~ Title 5, section 20073-B.

See title page for effective date.

CHAPTER 512

S.P. 713 - L.D. 1915

An Act to Amend the Civil Service Law with Respect to Veterans' Preference

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

Sec. 1. 5 MRSA §7054, sub-§1, ¶D, as amended by PL 1999, c. 462, §1, is repealed.

Sec. 2. 5 MRSA §7054, sub-§2, ¶A, as amended by PL 1993, c. 427, §2, is further amended to read:

A. A veteran who served on active duty in any of the Armed Forces for at least 90 days consecutively ~~during a war, campaign or expedition~~ and who was honorably separated must be accorded a 5-point preference.

~~A 5 point preference must also be accorded a veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days and who, during that time:-~~

~~(1) Served in the expedition to Grenada at any time from October 25, 1983 to November 2, 1983;~~

~~(2) Served in the mission in Lebanon at any time from August 25, 1983 to February 24, 1984; or~~

~~(3) Served in Panama at any time from December 20, 1989 to January 31, 1990.~~

Sec. 3. 5 MRSA §7054, sub-§2, ¶¶E and F, as enacted by PL 1985, c. 785, Pt. B, §38, are amended to read:

E. The widow or widower, who has never remarried, of a veteran who lost his or her life under honorable conditions while serving on active