

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

a licensed master social worker. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years.

**Sec. 2. 32 MRSA §7060, sub-§1**, as enacted by PL 2003, c. 429, §6 and affected by §7 and amended by c. 689, Pt. B, §6, is further amended to read:

**1. Not employee of Department of Health and Human Services.** If not employed by the Department of Health and Human Services, provide documentation of 96 hours of consultation as determined by the board during the first 3,200 hours of social work employment in a period of not less than 2 years but not more than 4 years. For purposes of fulfilling the requirement of 96 hours of consultation during the first 3,200 hours of social work employment, a licensed social worker who practiced social work and obtained social work consultation hours in a long-term care setting and who held a valid license as of September 13, 2003 may count consultation hours that were obtained prior to August 3, 2004, whether the consultation hours were obtained in individual or group settings, if the consultation was provided by a licensed social worker, regardless of the group size and the eligibility requirements of the consulting licensed social worker; or

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

Effective May 20, 2005.

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**CHAPTER 174**

**H.P. 410 - L.D. 555**

**An Act To Enhance Driver Education and Safety**

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

**Whereas**, advanced driver education provides instruction to improve drivers' knowledge and skills; and

**Whereas**, enhancing driver education increases public safety by reducing traffic accidents and fatalities; and

**Whereas**, it is necessary that this Act take effect immediately to ensure the safety of the State's drivers; 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. 29-A MRSA §1357** is enacted to read:

**§1357. Advanced driver education**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advanced driver education" means any type of classroom instruction in the driving of an automobile, excluding a motorcycle, given for remuneration or course credit to an individual who possesses or who previously possessed a valid driver's license.

B. "Instructor" means a person engaged in teaching advanced driver education.

**2. Advanced driver education course authorized.** Notwithstanding sections 1351, 1352, 1353 and 1354, a person may provide advanced driver education in accordance with the following provisions.

A. A person may not provide advanced driver education unless licensed by the Secretary of State. An instructor license is valid for 3 years from the date of issuance. An applicant for an instructor license must meet the following requirements.

- (1) The person is at least 21 years of age and has a high school diploma or its equivalent.
- (2) The person has at least 4 years of driving experience as a licensed operator and possesses a valid driver's license.
- (3) The person has not been convicted for a moving criminal traffic offense within the last 3 years, except for operating without a driver's license if the license was expired less than 5 years and operating with an expired registration.
- (4) The person has not been designated as an accident-prone driver pursuant to section 1308 within the last year.
- (5) The person has not had a driver's license suspended or revoked within the last 6 years pursuant to sections 2411, 2453.

2454, 2456, 2457, 2472, 2521, 2525, 2554, 2555 or 2557.

(6) The person has not been convicted within the last 10 years for any crimes for which more than one year of incarceration may be ordered.

(7) The person must have at least one year of training, education or experience in driver education, driver evaluation, assessment or testing or teaching defensive driving.

B. An advanced driver education course must include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely. An instructor is responsible for the facilities, operation and curriculum of an advanced driver education course. The curriculum must be filed with the Secretary of State annually.

C. A student record sheet must be kept for each student and maintained for a period of at least 3 years from the date advanced driver education was provided. The student record sheet must contain the following information:

(1) The name and address of the student; and

(2) The name of the instructor who provided the instruction and the location where the instruction was provided.

D. An instructor must, prior to the start of the course, advise students in writing of the following:

(1) The refund policy of the instructor;

(2) That completion of the course will not entitle students to an insurance discount; and

(3) That completion of the course will not provide point credits on driver's licenses.

E. An instructor shall allow the Secretary of State access to records to ensure compliance with statutory requirements.

F. An instructor may not make any false, misleading or deceitful claims, statements or representations in any advertisement or solicitation.

G. The fee for issuance and renewal of an instructor license under subsection 2, paragraph A is \$40.

3. Penalties. A person who conducts advanced driver education without a valid instructor license commits a Class E crime.

4. Suspension or revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew an instructor license for noncompliance with statutory requirements. A person refused a license or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 2, article 3.

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

Effective May 20, 2005.

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## CHAPTER 175

H.P. 117 - L.D. 166

### An Act To Prohibit Firearms in a Courthouse

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

**Whereas,** current law does not proscribe possession of firearms in courthouses; and

**Whereas,** potentially inflammatory and controversial matters are resolved in courthouses; and

**Whereas,** it is necessary to provide for the safety of citizens who come to Maine's courthouses seeking justice and those who work therein; 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. 17-A MRSA §1058** is enacted to read:

**§1058. Possession of firearm in courthouse**

**1.** A person may not possess a firearm in a courthouse.

**2.** This section does not apply to: